

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

QComm,	)	
	)	
Petitioner,	)	
	)	
and	)	Case No. S-SI-20-001
	)	
American Federation of State, County, and	)	
Municipal Employees, Council 31,	)	
	)	
Labor Organization.	)	

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

On July 5, 2019, QComm (Petitioner) filed a Petition for Strike Investigation with the State Panel of the Illinois Labor Relations Board (Board), pursuant to Section 18 of the Illinois Public Labor Relations Act, 5 ILCS 315 (2014), as amended (Act), and Section 1230.190 of the Board's Rules and Regulations, 80 Ill. Admin. Code Sections 1200 through 1240 (Rules). The Petitioner claims that a strike threatened by the American Federation of State, County, and Municipal Employees, Council 31, (Union), the exclusive representative of a bargaining unit composed of employees performing telecommunications duties, constitutes a clear and present danger to the health and safety of the public.

Pursuant to the Act and the Rules, the Board investigated the petition and on July 9, 2019, held an expedited hearing before Administrative Law Judge Anna Hamburg-Gal. Both parties were present at the hearing and were given an opportunity to proffer any and all material evidence, and to argue orally. Having considered all of the information provided by the parties, we make the following findings:

1. The Petitioner is a public employer within the meaning of Section 3(o) of the Act and a unit of local government within the meaning of Section 5(a) and Section 20(b) of the Act.
2. In 2017, the municipalities of the City of Moline, the City of East Moline, the City of Silvis, and the Village of Milan consolidated services for the provision of emergency

dispatch services through an intergovernmental agreement. That agreement created a separate governmental organization entitled QComm 911.

3. The QComm Emergency Dispatch Center began operation on January 1, 2019.
4. AFSCME Council 31 is a labor organization within the meaning of Section 3(i) of the Act.
5. AFSCME Council 31 represents the employees covered by the Board's certification of voluntarily recognized representative in Case No. S-VR-18-002, which includes all full-time QComm 911 employees who perform telecommunications duties.
6. The full-time QComm 911 employees who perform telecommunications duties hold the titles dispatcher and lead dispatcher (collectively, "dispatchers").
7. There are 25 employees in the bargaining unit.
8. There is no collective bargaining agreement in effect between AFSCME Council 31 and QComm covering unit employees. The parties are negotiating their initial contract. They requested a mediator pursuant to Section 12 of the Act for purposes of mediation or conciliation of a dispute between the parties and mediation has in fact been used. The parties have not mutually agreed to submit their dispute to interest arbitration and have instead scheduled such a proceeding pursuant to Section 7 of the Act, to resolve the terms of their initial contract. The arbitration hearing has not yet been convened.
9. On July 2, 2019, the Union gave the Petitioner notice of its intent to strike beginning on July 12, 2019.
10. Work of QComm and its employees:
  - a. QComm provides 9-1-1 call answering and public safety dispatch services for the City of Moline, the City of East Moline, the Village of Milan, and the City of Silvis, which are located in Rock Island County. QComm dispatches all police, fire, and EMS units for these four communities.
  - b. QComm serves an area of 85,000 residents. It handles 60% of Rock Island County's emergency calls. It is one of four public safety answering points ("PSAPs") in Rock Island County.
  - c. The 9-1-1 call volume for the QComm Dispatch Center from January 1, 2019 to the present is approximately 20,500 calls. It receives approximately 111 calls a day.

11. Staffing of QComm and qualifications of its dispatchers:

- a. QComm operates 24 hours a day, seven days a week.
- b. It has three eight-hour shifts.
- c. There are five dispatchers on the first shift, five dispatchers on the second shift, and four dispatchers on the third shift.
- d. When QComm first began providing services, it operated with a smaller staff, comprised of four dispatchers on the first shift, four dispatchers on the second shift, and three dispatchers on the third shift.
- e. Village Administrator for the Village of Milan Steve Seiver testified that any diminution of the current staffing numbers would result in delayed response times, and in turn, a risk to public safety.
- f. QComm operates under a statutory mandate that its employees maintain Emergency Medical Dispatch certification.
- g. Dispatchers must obtain an Illinois-approved Emergency Medical Dispatch (EMD) certification within six months of hire. They must also obtain an Illinois Law Enforcement Agencies Data System (LEADS) certification within six months of hire.
- h. Dispatchers who obtain EMD certification have training to give callers instructions on the appropriate course of action prior to the arrival of Emergency Medical Services (EMS). For example, they may instruct a caller to clear an airway passage or to perform CPR.
- i. Twenty two of the 25 dispatchers have Emergency Medical Dispatch certifications.
- j. Three new hires have not yet obtained Emergency Medical Dispatch certifications but are expected to do so to retain employment with QComm.

12. Availability of substitutes:

- a. Rock Island County has three other PSAPs in addition to QComm. These include the City of Rock Island (RICOM), Rock Island County Sheriff's Department, and Rock Island Arsenal. Only the Rock Island County Sheriff's Department and RICOM can serve as back up for QComm.

- b. The employees who work at the Rock Island County and Rock Island City PSAPs are presumed to have the same qualifications and certifications as the QComm dispatchers.
- c. The Rock Island County Emergency Telephone System is designed to accommodate a rollover of call taking from one PSAP to another, but no location other than QComm has the physical capacity to handle the volume of calls without impacting services.
- d. If the Union's members were permitted to strike and QComm shut down, the calls QComm received would be diverted to the PSAPs of Rock Island City and Rock Island County. Neither of those two centers could increase their staff sufficiently to accommodate those calls for the anticipated period of a multi-day strike.
- e. Rock Island City and Rock Island County have previously served as back up for QComm, but they have done so only for a few hours at a time. They have never served in a backup capacity for longer than a day.
- f. Neither of the other dispatch centers would be able to handle the emergency calls and dispatch if QComm was unable to operate.
- g. The technology associated with the call answering and computer aided dispatch also makes it difficult for the Rock Island County call center to timely dispatch responders based on calls diverted from QComm. Rock Island County still uses portable radios to contact first responders, which likewise slows the response.
- h. QComm currently employs a Deputy Director. The Deputy Director is not a member of the bargaining unit and is qualified to perform dispatcher duties in the event of a strike. However, current call volume would exceed the ability of the Deputy Director to provide services to cover the work of the employees, if they were permitted to strike.
- i. Police officers from surrounding municipalities are trained in the LEADS system and could take calls, but do not have EMD training.
- j. One former dispatcher could perform some of the work of a QComm dispatcher but does not possess EMD training.

- k. The Village Administrator for the Village of Milan Steve Seiver testified that he believed that there are no more than three employees of other municipalities who are capable of providing emergency medical dispatch instructions.
13. Potential impact of a strike on public health and safety:
- a. The closure of QComm would cause delays in responding to 911 calls and some calls would not be answered at all.
  - b. The closure of QComm would place police officers in unnecessarily increased danger when performing their duties because they might receive inadequate or untimely information from a dispatcher.
  - c. The closure of QComm would increase crime by making it more difficult for police officers to timely respond to calls, obtain accurate descriptions of perpetrators, and apprehend criminals.
  - d. The closure of QComm would impact the ability of the municipalities to direct cellular phone callers to the appropriate agency for dispatching services.

Under Section 18 of the Act, we consider whether the strike by the Petitioner's employees constitutes a clear and present danger to the health and safety of the public.

#### 1. Discussion and Analysis

We find that a clear and present danger to the health and safety of the public would exist if the 911 dispatchers engaged in a strike.

A strike of the QComm dispatchers would create a clear and present danger to the health and safety of the public. Employees who are responsible for 911 dispatch duties perform functions that impact public health and safety. City of Naperville, 13 PERI ¶ 2044 (IL LRB-SP 1997). Dispatchers receive 911 calls from individuals in distress, provide interim emergency medical guidance as necessary to mitigate the harm, and dispatch the appropriate first responder services to the individual's location. They also provide information to police officers and firefighters to permit a safer and more efficacious response. Moreover, the dispatchers' failure to perform their functions would cause delays in response times to emergencies, unanswered emergency calls, and inability to provide emergency medical information to callers. The dispatchers' failure to provide informational aid to police responders would also hinder the ability of police officers to respond to crime and mitigate its effects, and would it place the

officers themselves at increased personal risk. We note that the Union presented no evidence to rebut the finding permitted by the Employer's evidence, that the gap in services resulting from a strike of the dispatchers would present a clear and present danger to the health and safety of the public.

Moreover, we note that there are no individuals who could adequately substitute for dispatchers if we permitted them to strike. In assessing this issue, we consider both the availability and qualifications of the employer's non-bargaining unit members and the availability and qualifications of outside temporary hires in determining whether the strikers' absence would create a clear and present danger to public health and safety. County of Winnebago, 20 PERI ¶ 34 (IL LRB-SP 2004); Clerk of the Circuit Court of Winnebago Cnty., 20 PERI ¶ 16 (IL LRB-SP 2003); City of Edwardsville, 1 PERI ¶ 2015 (IL SLRB 1985). Here, the proposed substitutes must possess both a LEADS certification and an EMD certification because these are required certifications for the QComm dispatchers.<sup>1</sup> However, no employees apart from QComm's Deputy Director and the dispatchers employed at Rock Island County and RICOM possess both these qualifications. And these individuals, even in the aggregate, would not be able to assume the considerable volume of work performed by the QComm dispatchers, which represents 60% of all of the County's 911 calls for the duration of the strike, which could last seven days. While there are some other municipal employees who could perform either LEADs functions or EMD functions, there is no guarantee that the Employer could assemble an adequate dispatch workforce through such a piecemeal approach for the length of the strike. Thus, the QComm dispatchers' absence from the job would be evident almost immediately by the delays in response time, lost calls, and lack of information provided to first responders. City of Naperville, 13 PERI ¶ 2044; City of Edwardsville, 1 PERI ¶ 2015.

Finally, the parties have presented us with no adequate compromise that would permit some dispatchers to strike while requiring other dispatchers to remain on the job. We have historically accepted parties' agreements as to which bargaining unit employees provide essential services. County of Will, 30 PERI ¶ 143 (IL LRB-SP 2013) (telecommunicators); City of Naperville, 7 PERI ¶ 2033 (IL SLRB 1991) (electric utility dispatchers); City of Naperville 13

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<sup>1</sup> Although three newly hired dispatchers do not yet possess EMD certification, the Employer is statutorily mandated to provide its services with dispatchers who possess that qualification, and the dispatcher must obtain that certification within the first six months to retain their positions.

PERI ¶ 2044 (IL SLRB 1997). Here, however, the Employer provided testimony that any diminution of the work force would present delayed response times and concomitant risk to public health and safety. Although the Employer did operate with fewer than the full complement of employees on a shift when it first began providing services, we find it significant that the Union did not provide any evidence to rebut the Employer's claim that any reduction of existing staffing levels would pose a clear and present danger to the health and safety of the public. Under these circumstances, we decline to make our own calculations about whether the Employer could adequately operate with fewer than all of its dispatchers or how many employees would be sufficient to preserve public health and safety.

2. Conclusion

- a. The strike of the dispatchers would present a clear and present danger to the health and safety of the public.

BY THE STATE PANEL OF THE ILLINOIS LABOR RELATIONS BOARD

/s/ Kendra Cunningham  
Kendra Cunningham, Member

/s/ Jose L. Gudino  
Jose L. Gudino, Member

/s/ William E. Lowry  
William E. Lowry, Chairman

/s/ Thomas Willis  
Thomas Willis, Member

Decision made at the State Panel's public meeting in Chicago, Illinois on July 10, 2019, written decision issued in Chicago, Illinois on July 10, 2019.