

ILLINOIS LABOR RELATIONS BOARD

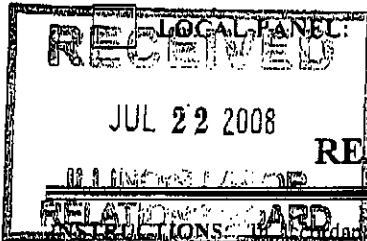


STATE PANEL:

320 West Washington Street, Suite 500
Springfield, Illinois 62701-1135
(217) 785-3155 FAX: (217) 785-4146

WEW

DO NOT WRITE IN THIS SPACE
CASE NUMBER
S-RC-09-008
DATE FILED
7/22/08



160 North LaSalle Street, Suite S-400
Chicago, Illinois 60601-3103
(312) 793-6400 FAX: (312) 793-6989

REPRESENTATION/CERTIFICATION PETITION

This petition is to be processed under the Illinois Public Labor Relations Act, 5 ILCS 315 (2000), and the Rules and Regulations of the Illinois Labor Relations Board, 80 Ill. Adm. Code §1200.20, §1210.40 and §1210.80, the following information is required. Submit an original and one (1) copy of this petition to the Illinois Labor Relations Board. If more space is required for any item, attach additional sheet(s), numbering items accordingly. State Panel cases (e.g., State of Illinois, municipal and county government) must be filed in Springfield; Local Panel cases (e.g., City of Chicago and Cook County government) must be filed in Chicago.

This agency is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under 5 ILCS 315 (2000). Disclosure of this information is REQUIRED. Failure to provide any information will result in this form not being processed.

DO YOU WANT THIS PETITION TO BE PROCESSED THROUGH THE BOARD'S ELECTION PROCEDURES OR ITS MAJORITY INTEREST PETITION PROCEDURES?

ELECTION PETITION -- The Petitioner alleges that at least 30% of the employees in an appropriate unit request a secret ballot election to determine whether Petitioner should be certified as the exclusive collective bargaining agent for the employees in that unit. Petitioner includes evidence of this 30% showing and requests that the Board process this petition under its proper authority.

MAJORITY INTEREST PETITION -- The Petitioner alleges that a majority of the employees in an appropriate unit wish to be represented by Petitioner for the purposes of collective bargaining. Petitioner includes evidence of this majority support and requests that the Board process this petition under its proper authority.

1.	NAME OF EMPLOYER/DEPARTMENT City of Altamont	TELEPHONE NUMBER 618-483-5213
	ADDRESS 202 North Second Altamont, Illinois 62411	FAX NUMBER 618-483-6255
		E-MAIL admin@altamontil.net
2.	EMPLOYER REPRESENTATIVE Mayor Larry Taylor	TELEPHONE NUMBER 618-483-5213
	ADDRESS 202 North Second Altamont, Illinois 62411	FAX NUMBER 618-483-6255
		E-MAIL ltaylor@altamontil.net
3.	NAME OF PETITIONING LABOR ORGANIZATION and Affiliation (if any) Illinois Council of Police	TELEPHONE NUMBER 630-832-6772
	ADDRESS 227 Spangler Avenue Elmhurst, Illinois 60126	FAX NUMBER 630-832-6978
		E-MAIL icops@sbcglobal.net
4.	LABOR ORGANIZATION REPRESENTATIVE Norm Frese, President	TELEPHONE NUMBER 630-832-6772
	ADDRESS 227 Spangler Avenue Elmhurst, Illinois 60126	FAX NUMBER 630-832-6978
		E-MAIL icops@sbcglobal.net

5. ARE ANY OF THE EMPLOYEES IN THE PROPOSED UNIT CURRENTLY REPRESENTED BY A LABOR ORGANIZATION? YES NO

If YES, please provide the following:
 Current Labor Organization: _____
 Labor Organization Representative: _____
 Address: _____
 Telephone Number: _____

6. IS THERE AN EXISTING COLLECTIVE BARGAINING AGREEMENT? YES NO

If YES, date of expiration: _____ (please attach agreement)

RECOGNITION OF EXISTING COLLECTIVE BARGAINING UNIT:
 Historical -or- ILRB Certified ILRB certified case number: _____

7. REASON FOR FILING PETITION: (please check one)

TO REPRESENT UNIT FOR PURPOSE OF COLLECTIVE BARGAINING

TO INCLUDE TITLE/POSITION(S) IN EXISTING BARGAINING UNIT
 Title/position(s) to be included in unit: _____

8. APPROXIMATE NUMBER OF EMPLOYEES IN PROPOSED (OR EXISTING) BARGAINING UNIT: 5

APPROXIMATE NUMBER OF EMPLOYEES IN EACH TITLE/POSITION TO BE INCLUDED IN EXISTING UNIT: _____ (for existing units only)

9. DESCRIPTION OF UNIT claimed to be appropriate for the purpose of collective bargaining:
 (If petition is seeking to include a title/position in existing unit, describe unit as it currently exists.)

Included: All full-time Altamont Police Officers below the rank of Chief of Police.

Excluded: All other employees of the police department and all City of Altamont Employees covered under the act.

10. DOES THE PROPOSED UNIT:

INCLUDE EMPLOYEES WHO ARE SUPERVISORY? YES NO
 (Employer's approval of supervisory unit is mandatory)

COMBINE PROFESSIONAL/NON-PROFESSIONAL EMPLOYEES? YES NO
 list titles that are professional: _____

COMBINE CRAFT/NON-CRAFT EMPLOYEES? YES NO
 list titles that are craft: _____

This petition must be accompanied by a showing of interest from 30% or more of the employees in the proposed unit for an election petition, or a majority of the employees in the proposed unit for a majority interest petition.

I have read the above petition and all attachments. The statements contained therein are true to the best of my knowledge and belief.

BY: Norm Frese
 Signature of person filing petition

NAME: Norm Frese

TITLE: President

DATE: July 21, 2008

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

CITY OF ALTAMONT,)	
)	
Employer,)	
)	
and)	Case No.: S-RC-09-008
)	
ILLINOIS COUNCIL OF)	
POLICE)	
)	
Petitioner.)	

EMPLOYER’S RESPONSE TO REPRESENTATION PETITION

I. INTRODUCTION

The Illinois Council of Police (“Council”) filed a Representation Petition (“Petition”) on July 22, 2008, seeking to represent all full-time City of Altamont, Illinois Police Officers below the rank of Chief of Police. The bargaining unit description in the Petition includes a supervisory employee (the Police Captain) even though the Council claims in Section 10 of the Petition that no supervisors are included within the proposed unit. Therefore, the City of Altamont (“City”) objects to the appropriateness of the bargaining unit to the extent that it includes supervisors as defined by the Illinois Public Labor Relations Act, 5 ILCS 315, *et seq.* (2006).

II. ARGUMENT

A. The City’s Police Captain is a Supervisor Within the Meaning of the Act.

The City’s police force is comprised of a Chief of Police, the Captain of the Police force, and four (4) Patrol Officers. (Ex. A, Affidavit of Chief Kendal Balding, ¶s 3-6). It is the City’s position that the Captain is a supervisor within the meaning of the Act and, therefore, should not be included within the bargaining unit of non-supervisor Officers. Metropolitan Alliance of

Police, Bellwood Command Chapter No. 339 v. Illinois Labor Relations Board, 820 N.E. 2d 1107, 1111 (Ill. App. 1 Dist. 2004).

The principal work of the Captain is substantially different from that of the other Officers. The Patrol Officers are primarily accountable for handling crime, accidents, disorders, investigations of complaints, and other criminal conditions that come to their attention. (Ex. A, ¶ 11; Ex. B, p. 9-11). On the other hand, the Captain is the highest ranking Command Officer present on the night shift and when the Chief of Police is absent. (Ex. A, ¶ 4-8; Ex. B, p. 5, 8-9). The Captain has attended command staff training with the Chief and is designated as and is visible as a Command Officer. (Ex. A, ¶ 7). For example, the Captain wears a gold Officer's badge versus a silver badge for the non-supervisory Police Officers and wears Captain's bars on his uniform indicating his rank. (Ex. A, ¶ 7). The Captain has administrative responsibilities that non-supervisory Officers do not perform—he prepares and submits unified crime reports to the State of Illinois, he is in charge of the Vehicle Reclamation program and he is responsible for monitoring suspended/revoked licenses and warning citations in the area. (Ex. A, ¶ 10). He also receives a command premium on his wage rate to compensate him for these increased responsibilities. (Ex. A, ¶ 10; Ex. B, p. 9). All of these functions establish that the Captain's work is visibly different from that of the Patrol Officers and is substantially different in nature and essence from their work. See, *Metropolitan Alliance of Police, supra*, 839 N.E.2d at 1080.

In addition to the distinct nature of the work performed by the Captain, the Captain has the authority to direct the Officers on the night shift and when the Chief is absent, and to effectively recommend discipline for employees. (Ex. A, ¶s 8-9, 12). The Captain uses independent judgment in performing both of these functions. (Ex. A, ¶ 14).

On the night shift and when the Chief is absent, the Captain assumes the duties and responsibilities of the Chief. (Ex. A, ¶s 8, 9 and 13). These duties include the supervision of all

members of the Department, the responsibility to inquire into complaints and charges of laxity or misconduct in the performance of duties by members under the Chief's command and to take steps as necessary to maintain the efficiency, ensuring the effectiveness and integrity of the Department, the full power and authority to suspend any member of the Police Department up to thirty (30) days and/or to file charges for dismissal against any member or members of the Police Department with the Commissioner of Public Affairs, the ability to assign functions, powers and duties to members and employees of the Department and to determine the working schedules of employees. (Ex. A, ¶ 9; Ex. B, p. 6-9).

Finally, the Captain (even when the Chief is present) effectively recommends discipline for employees. (Ex. A, ¶ 12). In fact, either the Captain and/or the Chief of Police present disciplinary recommendations to the Mayor who, based on those recommendations, makes disciplinary decisions regarding Patrol Officers. (Ex. A, ¶ 12). The Captain also can unilaterally, without consulting with the Chief of Police or the Mayor, remove an Officer from duty. (Ex. A, ¶ 12). For example, the Captain has the authority to send a Patrol Officer home if he suspects that he is working under the influence of alcohol. (Ex. A, ¶ 12). As a result of the nature of the work performed by the City's Captain, the Captain is a supervisor and should not be included in the bargaining unit of non-supervisor Patrol Officers.

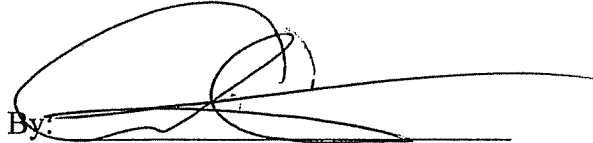
B. The Appropriate Bargaining Unit is Comprised Only of Officers Below the Rank of Captain.

Because the Captain is a supervisor, he should not be included within the bargaining unit of non-supervisor Police Officers. *Metropolitan Alliance of Police, supra*, 820 N.E.2d at 1111.

As a result, the appropriate unit, if any, is only those full-time Officers below the rank of Captain.¹

Respectfully submitted,

BOBROFF, HESSE,
LINDMARK & MARTONE, P.C.


By: _____

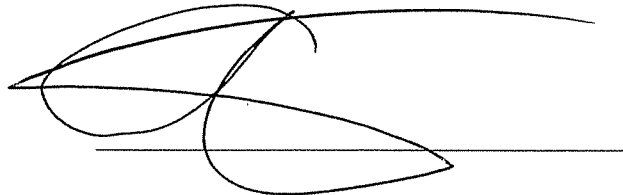
Andrew J. Martone, IL # 06203524
Daniel J. Doetzel, IL #6231494
1650 Des Peres, Suite 200
St. Louis, MO 63131
Phone: (314) 862-0300
Fax: (314) 862-7010
andymartone@bobroffhesse.com

Counsel for Respondent City of Altamont

CERTIFICATE OF SERVICE

This is to certify that on this the 6 day of August, 2008, a true and accurate copy of the foregoing was served via First Class U.S. Mail, Postage Prepaid, to the following parties:

Illinois Council of Police
Norm Frese, President
227 Spangler Avenue
Elmhurst, Illinois 60126



¹ Should the Representation Petition be supported by the Captain's signature, his signature should be disregarded and the determination of whether there is a sufficient number of signatures to warrant certification of the Union should be based only upon the signatures of non-supervisor Officers.

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

MAJORITY INTEREST PETITION

City of Altamont,

Employer

and

Illinois Council of Police,

Petitioner

Case No. S-RC-09-008

CERTIFICATION OF REPRESENTATIVE

A determination of majority support having been conducted in the above matter under the supervision of the Illinois Labor Relations Board in accordance with the Rules and Regulations of the Board; and it appearing from the Tally of Majority Support that a collective bargaining representative has been selected;

Pursuant to authority vested in the undersigned by the Illinois Labor Relations Board, IT IS HEREBY CERTIFIED that a majority of the employees in the petitioned-for unit have indicated support for

Illinois Council of Police

and that, pursuant to Sections 6(c) and 9(d) of the Illinois Public Labor Relations Act, the said labor organization is the exclusive representative of all the employees in the unit set forth below, found to be appropriate for the purposes of collective bargaining with respect to rates of pay, wages, hours of employment, or other conditions of employment.

UNIT:

Included: All peace officers employed by the City of Altamont below the rank of Captain.

Excluded: All other employees of the City of Altamont, the Chief of Police, Captain, all other professional employees, confidential employees, managerial employees and supervisors as defined by the Illinois Public Labor Relations Act.

Issued at Springfield, Illinois, August 11, 2008.

ILLINOIS LABOR RELATIONS BOARD



John Brosnan, Executive Director