



# A Primer on Collective Bargaining @ Illinois

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# Session Objectives

- Provide an overview of collective bargaining and grievance processes.
- Review laws related to collective bargaining.
- Provide background into contract negotiations.
- Discuss how to respond to a variety of labor issues.
- Review current collective bargaining agreements.
- How to respond to information requests.



# Agenda

- History of Collective Bargaining
- Laws Related to Collective Bargaining
- Responding to Labor Issues
- Collective Bargaining Process
- Grievance Processes

# What is Collective Bargaining?



## Collective Bargaining

*noun*

The process by which wages, hours, rules, and working conditions are negotiated and agreed upon by a union with an employer for all the employees collectively whom it represents. (dictionary.com)

[Collective Bargaining Definition](#)





# History of Collective Bargaining

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# History of Collective Bargaining

- Attempts at collective bargaining as early as the early-1800s, but the first formal law related to collective bargaining in the US was the Railway Labor Act of 1926 (RLA).
- The National Labor Relations Act (NLRA) was enacted in 1935.
- The first legislation granting public employees the right to collective bargaining took effect in Wisconsin in 1960.
- The Illinois Educational Labor Relations Act (IELRA) was effective January 1, 1984.
- The Illinois Public Labor Relations Act (IPLRA) was effective July 1, 1984.

<https://ecommons.cornell.edu/handle/1813/75276>

[https://ballotpedia.org/Public-sector\\_union\\_policy\\_in\\_the\\_United\\_States,\\_2018-present](https://ballotpedia.org/Public-sector_union_policy_in_the_United_States,_2018-present)



# Laws Related to Collective Bargaining



# Laws Related to Collective Bargaining

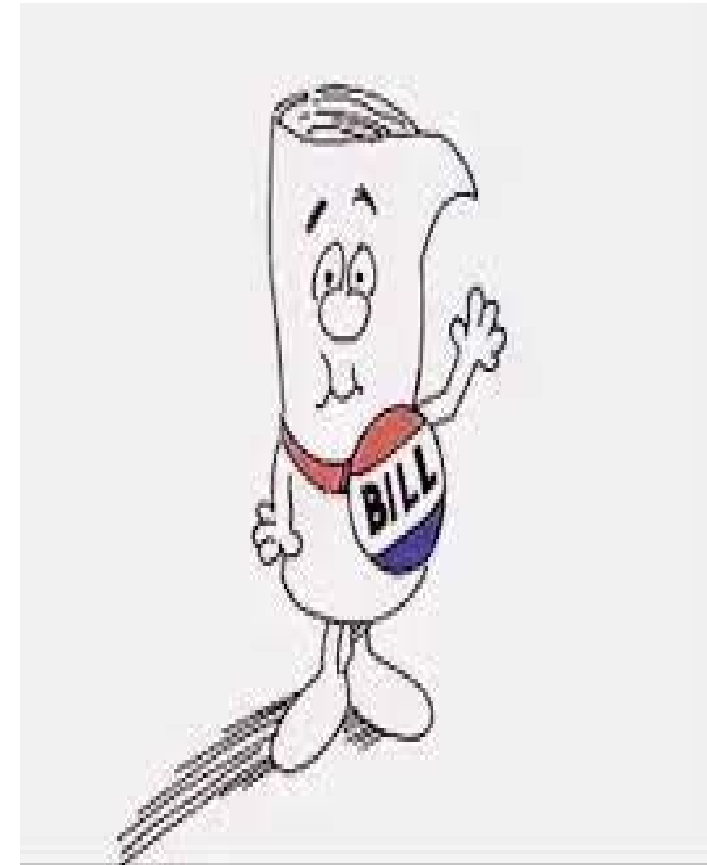


## National Labor Relations Act (NLRA)

- Federal law enacted in 1935
- Applies to most private sector employees
- Does not apply to federal, state, or local government

## Illinois Public Labor Relations Act (IPLRA)

- Effective July 1, 1984
- Applies to most public employers in Illinois





# Laws Related to Collective Bargaining



## Illinois Educational Labor Relations Act

- Effective January 1, 1984
- Covers employees of public school districts, public community college districts, or any State college or university, and any State agency whose major function is providing educational services.
- Purpose: “...to promote orderly and constructive relationships between educational employees and their employers, recognizing that harmonious relationships are required between the educational employees and their employers.”
- Illinois Educational Labor Relations Board (IELRB) administers the Act.

<https://elrb.illinois.gov/>

# Laws Related to Collective Bargaining



## Illinois Educational Labor Relations Act

- Educational Employees: “...those individuals, excluding supervisors, managerial, confidential, short term employees, student and part-time academic employees of community colleges, employed full or part-time by an educational employer.”
- Defines specific types of unfair labor practice charges that may be filed with the Agency.

<https://elrb.illinois.gov/>

<https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1177&ChapterID=19>



# Responding to Labor Issues

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# Responding to Labor Issues



## Weingarten Rights

- Right to request union representation during an investigatory interview.

<https://www.nlr.gov/about-nlr/rights-we-protect/your-rights/weingarten-rights>

## Union Dues

- Questions or issues related to union dues must be referred to the union.
- Concerns not addressed by the union may be referred to the IELRB.

<https://www.ilga.gov/legislation/publicacts/101/101-0620.htm>



# Responding to Labor Issues



## Union Organizing

- Reasons employees may consider unionization
- Signs of union organizing
- How to avoid union organizing
- Unionization process

<https://elrb.illinois.gov/faq.html>





# Responding to Labor Issues



## Union Organizing

### Do

- FOE
  - Facts – You may share facts from the IELRA, unionfacts.com, or other reputable sources.
  - Opinions – You may share why you feel a union is not needed.
  - Examples – You may share real examples and stories to highlight why a union might not be the right choice.

### Don't

- TIPS
  - Threats – Don't threaten to retaliate against employees.
  - Interrogation – Don't interrogate employees about their activities or the activities of their co-workers.
  - Promises – Don't promise anything, such as promotions or benefits, in exchange for not supporting the union
  - Surveillance – Don't spy on union activities.

<https://www.shrm.org/resourcesandtools/tools-and-samples/hr-qa/pages/unioncampaigns.aspx>

<https://unionfacts.com/>

# Responding to Labor Issues



## Decertifying a Union

- Refer to IELRB





# Collective Bargaining Process

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# Collective Bargaining Process



## Preparing for Bargaining

- Assemble the Team
- Desired Changes
  - Prioritizing issues
- Union Demands
- Gather Information
- Strike Plan

## Bargaining

## Ratification

## Implementation

# ASSEMBLING YOUR TEAM



## Who is Representing Management at the Table?

Subject Matter Experts (SMEs)

Primary Notetaker(s)

Do **NOT** Have Actual Decision-Makers at the Table



# MANAGING YOUR TEAM

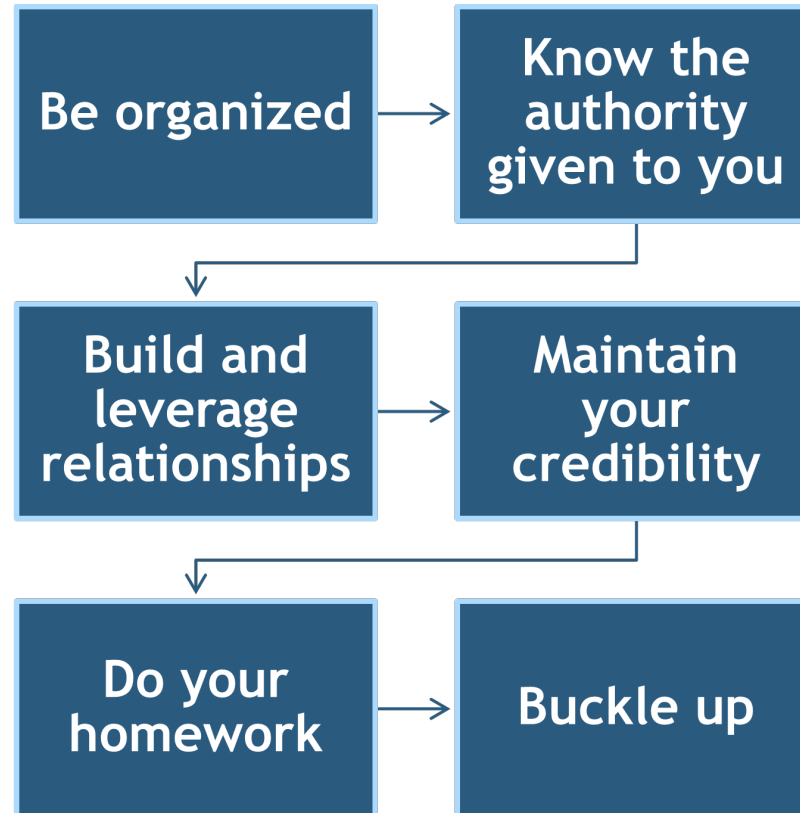


**Often the Toughest Negotiations are with Your Own Team!**

**Have Clear Rules for Your Committee**



# Collective Bargaining Preparation



# Do Your Homework



**Comparables**  
**Prior Negotiations**  
**Grievances**  
**Bargaining Unit Data**  
**Priorities**

**Who and What are Your  
Comparables**  
**Look to the Past to Assist the  
Future**  
**Grievances Determine what is  
Not Working**  
**Current Cost of CBA**  
**What Must you Have**

# Traditional OR Interest Based



## Traditional

- Adversarial
- Proposals and counter-proposals exchanged
- Use of leveraging, positioning, packaging, and commitments ASAP
- Yield to superior pressure

## Interest Based

- Strives for mutual understanding
- Problem solving
- Use persuasion, emphasizing listening, encourages solutions based on mutual interests

# Non-Economic VS Economic

## Non-Economic

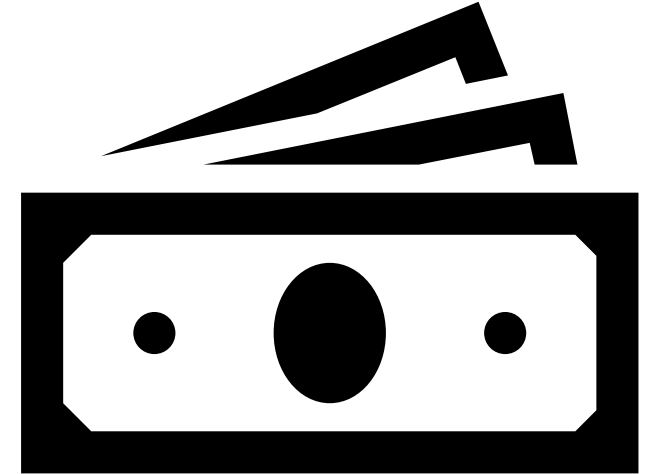
### Everything Else

- Management Rights
  - Hiring/Termination
  - Layoffs
- Work Schedules and hours
- Grievance Procedures
- Remote work policies
- Health and Safety polices

## Economic

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- Wages
- Insurance
- Retirement
- Paid Leave – Vacation, Personal, Sick, Holidays, etc.
- Other monetary items







## Interest Arbitration

- Units prohibited from striking by the IPLRA (police, fire, security)
- Initial contracts
- Mandatory mediation
- Arbitrator selects one parties' final offer on each economic issue
- Arbitrator can craft own solution on non-economic issues
- Statutory factors the Arbitrator must consider (5 ILCS 315/14(h))

# Collective Bargaining Process

## When can employees strike?

- Represented by an exclusive bargaining representative
- Mediation without success and 14 days after offers publicly posted
- 10 days notice
- CBA expired or terminated
- No agreement for arbitration





# Grievance Processes



# Grievance Processes



## Processes

- Union
- Open Range Civil Service
- Academic Professional

[UIUC Labor Agreements](#)

[Policy and Rules for Civil Service Staff - Policy 17: Grievances](#)

[CAP Grievances](#)

# Grievance Processes



## Grievance Steps

Union and Open Range Civil Service

- Informal Resolution
- Department
- College or Department Head (where applicable)
- Chancellor
- System (Open Range Civil Service)
- Arbitration
  - Merit Board for Open Range Civil Service



# Grievance Processes



## Grievance Steps

### Academic Professionals

- Informal Resolution
- Formal Grievance
  - CAP Accepts or Declines Grievance
  - Attempt to Resolve or Investigate
  - Preliminary Report
  - Final Report

# Grievance Processes



## Preparation and Meetings

- Preparation Time
- Meeting Attendance

## Common Grievances

- Civil Service
  - Discipline
  - Assignment of Work (overtime, bidding)
- Academic Professional
  - NONR
  - Supervisor Conflicts



# Contracts at UIUC



# Contracts at UIUC



## Academic

- GEO – Graduate Employees Organization
- NTFC – Non-tenure Faculty Coalition
- UFO – Uni Faculty Organization
- VAP – Visiting Academic Professionals

# Contracts at UIUC



## Civil Service

- AFSCME, Local 698 – American Federation of State, County, and Municipal Employees
- AFSCME, Local 3700
- FOP – Fraternal Order of Police
  - Officers
  - Corporals and Sergeants
- PPPWU – Printing, Packaging and Production Workers Union (formerly GCIU – Graphic Communicators International Union)
- IAMAW – International Association of Machinists and Aerospace Workers
- IATSE – International Alliance of Theatrical Stage Employees & Moving Picture Machine Operators



# Contracts at UIUC



## Civil Service

- IBEW, Local 51 – International Brotherhood of Electrical Workers
- IBEW, Local 601
- IBOT – International Brotherhood of Teamsters
- IUOE – International Union of Operating Engineers
- LiUNA – Laborers International Union of North America
- UA Local 149 – Plumbers and Pipefitters
- SEIU – Service Employees International Union

# Contracts at UIUC



## Local Area Agreements

- Crafts and Trades
  - Carpenters, Electricians, Painters, Pipefitters, etc.
- University is not signatory to agreements, but follows certain terms of the agreements



# Duty To Provide Information



# DUTY TO PROVIDE INFORMATION

- Employer's duty to bargain in good faith includes the duty to provide information to the exclusive representative.

*Alton Educ. Ass'n, IEA-NEA v. Alton Cmty. Unit Sch. Dist. 11*; 21 PERI 79, Case No. 2002-CA-0051-S (IELRB, Mar. 23, 2005); *Chicago Sch.Reform Bd. of Tr. v. IELRB*, 315 Ill.App.3d 522, 734 N.E.2d 69 (1st Dist. 2000); *Thornton Cmty. Coll.*, 5 PERI 1003, Case No. 88-CA-0008-C (IELRB, Nov. 29, 1988).



# DUTY TO PROVIDE INFORMATION



- The information must be directly relevant to the union's function as exclusive bargaining representative and must appear to be "reasonably necessary" for the performance of this function.

*Alton, 21 PERI 79; Chicago Sch. Reform Bd. of Tr., 734 N.E.2d 69*

# DUTY TO PROVIDE INFORMATION

- The standard for determining whether the requested information is relevant is a liberal one, and it is necessary only to establish "the probability that the desired information is relevant, and that it would be of use to the union in carrying out its statutory duties and responsibilities."

*Allied Mech. Serv., Inc., 332 NLRB 171 (2001), quoting NLRB v. Acme Indus. Co., 385 U.S. 432 (1967).*



## DUTY TO PROVIDE INFORMATION

- Whether information is relevant is decided under a "discovery-type" standard, rather than a "trial-type" standard.

*Dupo Cmty. Unit Sch. Dist. 196, 13 PERI 1044, Case No. 96-CA-0021-S (IELRB, Mar. 5, 1997); Thornton, 5 PERI 1003.*





# DUTY TO PROVIDE INFORMATION



- Great latitude is allowed in the scope of discovery.

*Crnkovich v. Almeida*, 261 Ill.App.3d 997, 634 N.E.2d 1130 (3rd Dist. 1994).

- Discovery includes not only what is admissible at trial, but also that which leads to what is admissible.

*Dufour v. Mobil Oil Corp.*, 301 Ill.App.3d 156, 703 N.E.2d 448 (1st Dist. 1998); *Crnkovich*, 634 N.E.2d 1130.





# Questions?



# Illinois Human Resources

UNIVERSITY OF ILLINOIS URBANA-CHAMPAIGN