



## **MANAGER'S MEMORANDUM**

Prepared for: **Naperville City Council**

By: **City Manager's office**

**10/18/2018**

### **A. MANAGER'S MEMORANDUM**

**Source:**  
1. **Legal**

**Subject:**  
Union Certification Revocation re: Public  
Works Field Supervisors

**Action:**  
FYI

**CITY OF NAPERVILLE  
MEMORANDUM**

**DATE:** October 18, 2018

**TO:** Mayor and City Council  
Douglas Krieger, City Manager

**THROUGH:** Richard Dublinski, Director of Department of Public Works  
James Sheehan, Director of Human Resources  
Michael DiSanto, City Attorney

**FROM:** Dwight Pancottine, Labor and Employment Attorney

**SUBJECT:** Union Certification Revocation re: Public Works Field Supervisors

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**PURPOSE:** The purpose of this memorandum is to provide information to the City Council regarding the revocation of a union's certification as the bargaining representative of the City's Public Works Field Supervisors.

**BACKGROUND/DISCUSSION:**

On October 10, 2018, Local 150 of the International Union of Operating Engineers filed a "Declaration of Disinterest Petition" with the Illinois Labor Relations Board in which it waived and disclaimed its right to represent the City's Public Works Field Supervisors.

Local 150 has represented that group since 2010. On October 11, the Labor Board issued a revocation of Local 150's certification as the bargaining representative of the Field Supervisor group. A copy of the Labor Board filing is attached.

Local 150 filed the disinterest petition after Public Works Field Supervisor employees exercised their right under the recent Supreme Court ruling in the Janus case to cease paying a fee to the union for its collective bargaining services.

The collective bargaining agreement covering the Field Supervisors is still in effect and expires on December 31, 2020. Local 150 however no longer has any representation or enforcement rights under that agreement.

**RECOMMENDATION:** Distribute this memorandum to the City Council through the Manager's Memorandum.



## Illinois Labor Relations Board

Lori Novak  
ILRB Springfield Office  
(217) 785-4017  
[lori.novak@illinois.gov](mailto:lori.novak@illinois.gov)

October 11, 2018

Doug A. Krieger  
Naperville City Manager  
400 S. Eagle St.  
Naperville, IL 60566

RE: International Union of Operating Engineers, Local 150 and City of Naperville  
Case No. S-DD-19-003

Dear Mr. Krieger:

Please be advised that the Illinois Labor Relations Board has received the attached Declaration of Disinterest Petition, filed pursuant to the Illinois Public Labor Relations Act (Act), 5 ILCS 315 (2014). At this time, our declaration of disinterest procedures are governed by the Illinois Labor Relations Board's Rules, Section 1210.65. Upon receipt of this letter and the attached Declaration of Disinterest Petition you are considered to have been officially served in accordance with Section 1200.20(d) of the Illinois Labor Relations Board's Rules.

The Board has determined that 12 months have passed since the certification of the labor organization, and that the petition is otherwise appropriate. Enclosed please find the Revocation of Prior Certification. Upon receipt of this certification, the duties and responsibilities of the labor organization to that bargaining unit shall cease.

Please post the enclosed "Notice to Employees" in conspicuous places where these employees work so the employees will be advised that this petition has been filed and the certification revoked. Upon posting, please immediately return to the Board Agent the enclosed Proof of Posting.

Thank you in advance for your anticipated cooperation. If you have any questions, please feel free to contact me.

Sincerely,

Lori Novak  
Board Case Manager

Enclosures  
cc: Deanna M. Distasio

Received  
ILLINOIS LABOR  
RELATIONS BOARD  
Springfield  
October 10, 2018

## ILLINOIS LABOR RELATIONS BOARD

- LOCAL PANEL:** e.g., County of Cook, City of Chicago, Chicago Transit Authority, Forest Preserve District of Cook County
- STATE PANEL:** e.g., State of Illinois, county governments, municipal governments, Regional Transportation Authority

DO NOT WRITE IN THIS SPACE

CASE NUMBER

S-DD-19-003

DATE FILED

10/10/2018

### DECLARATION OF DISINTEREST PETITION

**INSTRUCTIONS:** In accordance with the Illinois Public Labor Relations Act, 5 ILCS 315 (2014), *as amended*, and the Rules and Regulations of the Illinois Labor Relations Board, 80 Ill. Adm. Code §1210.65, the following information is required. A copy of the most recently negotiated contract, if there is one, *must* be attached to this petition. 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); Local Panel cases (e.g., City of Chicago and Cook County government). This petition may be filed in either of the Board's offices or at [ILRB.Filing@illinois.gov](mailto:ILRB.Filing@illinois.gov). Facsimiles are no longer accepted.

Illinois Labor Relations Board  
801 South 7<sup>th</sup> Street, Suite 1200A  
Springfield, Illinois 62703  
(217) 785-3155

Illinois Labor Relations Board  
160 North LaSalle Street, Suite S-400  
Chicago, Illinois 60603-3103  
(312) 793-6400

This agency is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under 5 ILCS 315 (2014), *as amended*. Disclosure of this information is REQUIRED. Failure to provide any information will result in this form not being processed.

1.	<b>NAME OF EMPLOYER/DEPARTMENT</b> City of Naperville	<b>TELEPHONE NUMBER</b> 630 420-6111
	<b>ADDRESS</b> 400 S. Eagle Street, Naperville, Illinois 60540	<b>E-MAIL</b>
2.	<b>EMPLOYER REPRESENTATIVE</b> Dwight Pancottine	<b>TELEPHONE NUMBER</b> 630 420-6111
	<b>ADDRESS</b> 400 S. Eagle Street, Naperville, Illinois 60540	<b>E-MAIL</b> pancottined@naperville.il.us
3.	<b>NAME OF LABOR ORGANIZATION and Affiliation (if any)</b> International Union of Operating Engineers, Local 150	<b>TELEPHONE NUMBER</b> 708 482-8800
	<b>ADDRESS</b> 6200 Joliet Road, Countryside, Illinois 60525	<b>E-MAIL</b>
4.	<b>LABOR ORGANIZATION REPRESENTATIVE</b> Deanna M. Distasio	<b>TELEPHONE NUMBER</b> 708 482-8800
	<b>ADDRESS</b> 6200 Joliet Road, Countryside, Illinois 60525	<b>E-MAIL</b> ddistasio@local150.org

5.	<b>DESCRIPTION OF BARGAINING UNIT</b> (include employee classifications or job titles)	
	<p>Included: All persons employed by the City of Naperville in its Department of Public Works in the following job classification: Department of Public Works Field Supervisor.</p> <p>Excluded: All other employees of the City of Naperville. All confidential, supervisory and managerial employees as defined by the Illinois Public Labor Relations Act.</p>	
6.	<b>APPROXIMATE NUMBER OF EMPLOYEES IN UNIT</b>	
	6	
	<b>METHOD OF RECOGNITION</b> (if known)	<b>DATE OF RECOGNITION</b>
	Majority Interest Petition	September 29, 2009
7.	<b>ILRB CASE NUMBER</b>	
	S-RC-10-015	
	<b>IS THERE AN EXISTING COLLECTIVE BARGAINING AGREEMENT?</b>	
	(if yes, attach agreement) YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
7.	<b>IF YES, DATE OF EXPIRATION</b>	
	December 31, 2020	
	<b>IF YES, BRIEF DESCRIPTION OF COLLECTIVE BARGAINING AGREEMENT</b>	
Matters pertaining to wages, hours, working conditions and other conditions of employment.		

**DECLARATION**  
BY SIGNING THIS PETITION, THE LABOR ORGANIZATION WAIVES AND DISCLAIMS ANY RIGHT TO REPRESENT THE BARGAINING UNIT EMPLOYEES.

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

BY: Deanna M. Distasio  
Signature of person filing petition

NAME: Deanna M. Distasio  
TITLE: Attorney  
DATE: October 10, 2018

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

International Union of Operating Engineers,  
Local 150,

Petitioner

and

City of Naperville,

Employer

Case No. S-DD-19-003

**REVOCATION OF PRIOR CERTIFICATION**

A declaration of disinterest petition has been filed in the above matter under the supervision of the Illinois Labor Relations Board in accordance with the Rules and Regulations of the Board, and the petition has been found to be appropriate.

Pursuant to authority vested in the undersigned by the Illinois Labor Relations Board, IT IS HEREBY ORDERED that the certification of International Union of Operating Engineers, Local 150, originally certified by the Board in Case No. S-RC-10-015, is revoked. Further, this revocation removes any question concerning representation and the duties and responsibilities of the labor organization to that bargaining unit shall cease.

**REVOKED UNIT:**

UNIT A

Included: All persons employed by the City of Naperville in its Department of Public Works in the following job classification: Department of Public Works Field Supervisor.

Excluded: All other employees of the City of Naperville. All confidential, supervisory and managerial employees as defined by the Illinois Public Labor Relations Act.

**Issued at Springfield, Illinois, this 11th day of October, 2018.**

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

  
\_\_\_\_\_  
Kimberly Stevens, Executive Director

# NOTICE TO EMPLOYEES

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## FROM THE ILLINOIS LABOR RELATIONS BOARD

Case No. S-DD-19-003

### NOTICE OF DECLARATION OF DISINTEREST PETITION

A PETITION has been filed with this agency by **International Union of Operating Engineers, Local 150** to declare its disinterest in further representation of certain employees of **City of Naperville**.

The Illinois Labor Relations Board has investigated the petition and determined that 12 months have passed since the certification of the labor organization, and that the petition is otherwise appropriate. The Board has notified the labor organization that its petition has been approved, and has issued a revocation of the prior certification of the unit represented by the labor organization. Upon receipt of this revocation of the prior certification, the duties and responsibilities of the labor organization to that bargaining unit shall cease.

Description of the S-RC-10-015 unit revoked is as follows:

#### UNIT A

Included: All persons employed by the City of Naperville in its Department of Public Works in the following job classification: Department of Public Works Field Supervisor.

Excluded: All other employees of the City of Naperville. All confidential, supervisory and managerial employees as defined by the Illinois Public Labor Relations Act.

Inquiries regarding this case may be directed to the Board Agent listed below. Always reference the case number listed at the top of this Notice.

Lori Novak  
801 South 7th Street, Suite 1200A  
Springfield, IL 62703  
(217) 785-4017  
lori.novak@illinois.gov

Date Notice posted: \_\_\_\_\_

## ILLINOIS LABOR RELATIONS BOARD

801 South 7th Street, Suite 1200A  
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(217) 785-3155

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

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**THIS IS AN OFFICIAL GOVERNMENT NOTICE  
AND MUST NOT BE DEFACED.**