

Bond Case Briefs

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Village of Bartonville v. Lopez

Supreme Court of Illinois - January 20, 2017 - N.E.3d - 2017 IL 120643 - 2017 WL 243398 - 208 L.R.R.M. (BNA) 3175

Village brought declaratory judgment action seeking stay of arbitration of grievance filed by police officer and police officers' union.

The Circuit Court granted summary judgment to village. Officer and union appealed. The Appellate Court reversed and remanded. Village petitioned for leave to appeal.

After grant of leave, the Supreme Court of Illinois held that:

- Officer and union implicitly waived labor contract right, if any, to arbitrate grievance regarding officer's termination;
- Portion of Municipal Code providing for arbitration as an alternative or supplemental form of due process for a dispute regarding suspension or discharge of civil service employee did not allow officer and union to have proceedings before administrative board and arbitration proceedings operate in conjunction with one another;
- Res judicata barred further litigation, through arbitration, of officer's grievance regarding termination.

Police officer and police officers' union implicitly waived any right under labor contract to arbitrate grievance regarding officer's termination, where officer and union participated in hearing, on complaint for termination, before Board of Fire and Police Commissioners, including cross-examining witnesses and giving a closing argument, and officer and union never questioned Board's jurisdiction to conduct the hearing based upon defendants' right to grievance arbitration under the parties' labor contract.

Portion of Municipal Code providing for arbitration as an alternative or supplemental form of due process for a dispute regarding suspension or discharge of civil service employee did not allow police officer and union to have proceedings before administrative board and arbitration proceedings operate in conjunction with one another. Allowing combination of jurisdictional proceedings and mixed tribunals would have provided opportunity for a higher level court to be overruled by a lower level proceeding.

Board of Fire and Police Commissioners' decision, following hearing on complaint for termination of police officer, was a final judgment on the merits, as would support finding that res judicata barred further litigation, through arbitration, of officer's grievance regarding termination, where there was an adversarial hearing conducted under oath and on the record, officer testified at hearing, and counsel for officer and police officers' union presented evidence, cross-examined witnesses, and made a closing argument.

