

Bond Case Briefs

Municipal Finance Law Since 1971

LABOR & EMPLOYMENT - ILLINOIS

Oak Lawn Professional Firefighters Association v. Village of Oak Lawn

Appellate Court of Illinois, First District, Third Division - July 18, 2018 - N.E.3d - 2018 IL App (1st) 172079 - 2018 WL 3649816 - 2018 L.R.R.M. (BNA) 271, 903

After interest arbitrator issued an award requiring city's firefighters to be residents of Illinois as part of collective bargaining agreement, firefighters' union and union members who were residents of Indiana brought action against city, alleging arbitrator exceeded his authority, and seeking a declaratory judgment that residency requirement was prohibited under Municipal Code.

The Circuit Court granted union's motion for summary judgment, denied city's motion to dismiss, and granted a declaratory judgment that firefighters had a right to maintain residency requirements that were in effect at the time they were hired throughout their duration of employment with city. City appealed.

The Appellate Court held that:

- Union's duty to bargain collectively did not include the obligation to bargain over residency restrictions;
- Legislature intended in provision of Municipal Code governing full time fire departments to deny home rule units the authority to impose residency restrictions on current employees of its fire service that were more restrictive than those in effect at the time the employee began service with municipality;
- Provision of Labor Relations Act governing arbitration of disputes involving peace officers did not control in residency requirement dispute; and
- Interest arbitrator lacked the authority to issue an interest award regarding firefighter residency requirement.