

CHAPTER 19 – PERSONNEL

Sec. 19-19. Employee Organization; Unfair Labor Practices.

- (a) The Public Employer is prohibited from:
1. Interference with employee rights under this Chapter.
 2. Domination of Employee Organizations.
 3. Discrimination against employees for membership in the Employee Organization or for engaging in concerted activities permitted by this Chapter or by applicable law.
 4. Retaliation against employees for invoking their rights under this Chapter.
 5. Refusing to meet and confer with the Employee Organization or otherwise violating any of the meet and confer requirements contained in Section 19-23 of this Code; provided it shall not be a violation of this subsection for the Public Employer to refuse to meet and confer about economic items after the date set by law for tentative adoption of the annual budget.
- (b) Any Employee Organization is prohibited from:
1. Restraining or coercing employees in the exercise of their rights under this Chapter.
 2. Causing an employer to unlawfully discriminate against any employee.
 3. Refusing to meet and confer with the employer or otherwise violating any of the meet and confer requirements contained in Section 19-23 of this Code.
 4. Threatening, coercing, or restraining any person for the objects of forcing the employer to recognize a union, forcing any person to stop doing business with the employer, forcing the employer to meet and confer with an Employee Organization not authorized as the designated representative of a group, or forcing the employer to assign work to a particular Employee Organization, trade or craft.
 5. Causing the employer to pay for services not to be performed.
 6. Nothing herein shall prohibit an Employee Organization from determining and maintaining its own rules for obtaining or retaining membership rights in said organization so long as said rules do not bear upon any rights to employment with the Public Employer.
 7. Commencing or engaging in the discussion of any matters in the meet and

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confer process with members of the City Council from the time the Employee Organization submits its request for meeting and conferring as provided in Section 19-27 of this code and extending up to the presentation of a Memorandum of Understanding or the Mediator's Report to the Mayor and City Council as provided for in Section 19-28 of this Code.

8. There shall be no lockout by the City unless required to protect and preserve the public peace, health, or safety of the City and its residents or required by the City to enforce any violation of this Code, Ordinances 87-57, 88-13 and 88-14, any Memorandum of Understanding, or any applicable laws.

(c) The expression of any views, arguments, or opinions, or the dissemination thereof whether in written, printed, graphic or visual form, shall not constitute or be evidence of any

violation of any provisions of this code, if such expression contains no threat of reprisal or force or promise of benefit.

(d) Written claims of violations of this section shall be filed with the City Clerk Department as an Unfair Labor Practice and shall be adjudicated in the manner provided in Section 19-25 of this code.

(e) The following additional practices are prohibited.

1. Solicitation of members, dues and other internal Employee Organization business shall be conducted only during non-duty hours and shall not interfere with the work process. This shall not prohibit employees from discussing employee organization business, other than soliciting members or dues when on standby time.
2. It shall be a prohibited practice for any employee organization acting as the designated representative of a group of employees or other eligible representative to make any contribution to Peoria municipal candidates.
3. It shall be a prohibited practice to refuse to render emergency services, such as public safety to the community. For such services to be withheld, interrupted or discontinued would endanger the health, safety and welfare of the citizens of the City of Peoria.

(f) The following additional practices are prohibited as unfair labor practices for any employee organization serving as the designated representative of any sworn employees in the police or Fire-Medical Departments:

1. The Employee Organization or any employee shall not for any reason authorize, institute, aid, condone or engage in a slowdown, work stoppage,

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strike, or any other interference with the work and statutory functions and obligations of the City or the Department.

2. The City nor its agents for any reason shall authorize, institute, aid or promote any lockout of members of an employee organization.
3. Should any member of an employee organization breach the obligations of this section. The City Manager or his or her designee shall immediately notify the Employee Organization that represents the employee that a prohibited action is in progress.
4. After notification by the City Manager pursuant to subsection (f) 3 of this section, for an employee organization to fail or refuse to through its executive officers and other authorized representatives, disavow said strike or other prohibited action, and shall notify in writing all Employee Organization Officers and Employee Organization Members of their obligation and responsibility for maintaining compliance with this section, including their responsibility to remain at work during any interruption which may be caused or initiated by others. Copies of such notification shall be delivered to the office of the City Manager.
5. For an Employee Organization to fail to order all its members violating this section to immediately return to work and cease the strike both orally and in writing to all members violating this section with copies of the written order to be delivered to the office of the City Manager.
6. Penalties or sanctions the City may assess against employees who violate this section shall include, but not be limited to:
 - a. Discipline up to and including discharge.
 - b. Loss of all compensation and benefits, including seniority, during the period of such prohibited activity.
7. Should an employee organization breach its obligations under this section it is agreed that all penalties set forth herein shall be imposed on the employee organization in addition to any other legal and administrative remedies available to the City that in its discretion it may elect to pursue.
8. Nothing contained herein shall preclude the City from obtaining judicial restraint or from seeking damages from the Association in the event of a violation of this Chapter.

(Ord. No. 2010-05, 02/19/2010, Enacted) SUPP 2010-01

(Ord. No. 2014-12, 04/01/2014, Amended) SUPP 2014-2

(Ord. No. 2015-01, 01/20/15, Amended) SUPP 2015-1