

MEMORANDUM

TO: Du Page County Patrol and Court Service Deputies
FROM: Joseph M. Andalina
DATE: February 4, 2010
SUBJECT: MAP and you—WIN!



As I'm sure most of you have heard, the Metropolitan Alliance of Police now, for the second time, fought our way to the Illinois Supreme Court. First when we won the emergency card check litigation before the Supreme Court on the issue of the language in the law as regards providing proof of your decision to organize with MAP.

Then MAP won the bizarre “uni-deputy” issue that has haunted the mind of Sheriff John for some time. The 2nd District Appellate Court said no to that fantasy of the Sheriff and the Du Page County Board, when both Robert Shillerstrom, as the lead horse, and Zaruba decided to take this second issue of a uni-deputy to the Illinois Supreme Court.

This issue was based on the principle that a corrections officer, just because he/she might be trained to write a ticket or make an arrest, does not change the “principle work” that they do.

A corrections officer, as the ILRB and the law indicated many years ago and the Appellate Court and Illinois Supreme Court confirms with their denying Zaruba's and the County's appeal that a corrections officer is not a peace officer under the Act. This is not a slap against them. It is the truth. And every step of the way the governing bodies have agreed with MAP.

But the county has deep pockets with the taxpayers footing the bill to lawyers making up to \$340 an hour, so this “monster” of a litigation just went on and on. MAP promised we would not abandon you, and I trust you see that MAP kept its word. I want to thank all of you, too, for the faith and trust you have given us by staying with it for all these years.

We will start bargaining shortly as the sheriff and the county have hit then end of the road with a lot less money they would have had if they just bargained in good faith in the first place. Congratulations—**WE WON!**

Enclosed is our Press Release. To follow is our Opinion Piece that will be posted on our web site and in an upcoming MAP *Rap Sheet*.

Stay safe.



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Press Release

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The Illinois Supreme Court, in Case #109329, denied the petition of Sheriff John Zaruba and the Du Page County Board to appeal their 2nd District Appellate loss to the Metropolitan Alliance of Police (MAP) and the Illinois Labor Relations Board. Therefore, the ruling of the 2nd District Appellate court dismissing the County's claim that the "uni-deputy" position created by Zaruba would have some relevance to the statutory definition of a peace officer was affirmed. The Sheriff and the County have tried for years through litigation and the expenditure of hundreds of thousands of dollars in attorney fees, to prevent MAP from being the patrol and court service deputies' certified collective bargaining agent.

The Illinois Supreme Court denied the County's petition for leave to appeal the finding of the 2nd District Appellate Court that by cross-training a correctional officer that you can make him a peace officer. They found that writing a ticket or two, or making an arrest over a many-year career does not change the "primary function" work theory that a deputy performs. Therefore, correctional officers are not peace officers in the statutory definition that applies to patrol and court services deputies. This fabricated version of a uni-deputy by Zaruba did not hold muster. The Illinois Supreme Court confirms the decision of the 2nd District Appellate Court and denied the County's plea to hear this case in their jurisdiction.

It was a wise and just conclusion to an issue that should have been settled years ago, but the County, with their hands deep in the pockets of their taxpayers, chose to litigate in court rather than just bargain in good faith. Now, after hundreds and hundreds of thousands of dollars paid to their lawyers, they **must now do what MAP respectfully asked them to do over eight years ago—bargain in good faith.**

The Metropolitan Alliance of Police is grateful to our members who believed in us and stuck with us, as well as the Attorney General's office, who fought this case on our behalf. MAP promised the deputies that we would not give up, and we didn't. We told our members that the truth would come out—and it did.

We expect to be bargaining soon.

February 4, 2010