

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

Cicero School District No. 99,

Plaintiff,

v.

Cicero Council, West Suburban
Teachers Union, Local 571,
IFT-AFT, AFL-CIO,

Defendant.

Case No. 2021 CH 0222

Calendar 2

ORDER

RAYMOND W. MITCHELL, Circuit Judge.

Plaintiff Cicero School District No. 99 moves for a temporary restraining order against Defendant Cicero Council, West Suburban Teachers Union, Local 571, IFT-AFT, AFL-CIO. Plaintiff seeks an order requiring Cicero school teachers to return to in-person instruction after having been conducting remote classes since the onset of the COVID-19 pandemic in March 2020.

Plaintiff has worked to re-open schools on a “blended hybrid model” with some students returning to the classroom while others continue to learn from home. For many students in the District schools, Plaintiff alleges that remote learning is a poor substitute. Plaintiff has implemented and followed all public health guidelines, and negotiated at length with Defendant in an effort to bring teachers back to the classroom. Despite this, approximately 500 of 1,100 union employees decline to return to the classroom and wish to continue to teach remotely.

The circuit court’s jurisdiction to hear educational labor disputes is exceedingly narrow. *See, e.g., Board of Education of Community School District No. 1, Coles County v. Compton*, 123 Ill. 2d 216, 221 (1988); *Board of Education of Warren Township High School District 121 v. Warren Township High School Federation of Teachers, Local 504*, 128 Ill. 2d 155 (1989). Indeed, the Illinois Labor Relations Board has exclusive jurisdiction over most disputes under the Illinois Educational Labor Relations Act. Here, however, Plaintiff relies on a provision of the Act that permits an employer to seek injunctive relief against striking employees in the circuit court:

If, however, in the opinion of the employer the strike is or has become a clear and present danger to the health and safety of the public, the employer may initiate in the circuit court of the county in which the danger exists an action for relief which may include, but is not limited to, injunction.

115 ILCS 5/13(b).

Plaintiff thus argues that the teachers' refusal to return to in-person classes constitutes (1) a "strike" that (2) endangers public health and safety because students do not learn as well in remote sessions as in the classroom. I am not persuaded on either point. *First*, Defendant has not called a strike, taken a strike vote or given notice of a strike. More importantly, teachers continue to work: they are teaching students remotely as they have done since March.

Second, Plaintiff has failed to demonstrate that the teachers' continuation of remote instruction—a policy that the District itself instituted—constitutes the sort of danger to public health and safety that warrants the extraordinary relief that it seeks here. To be sure, as a matter of commonsense, I can accept the premise that in-person teaching is preferable to remote learning, just as I can accept the notion that in-person court proceedings are preferable to remote proceedings. But I also recognize that there are countervailing public health considerations that prompted us to resort to remote proceedings in the first instance. We are all anxious to return to "normal," but maintaining the status quo relative to remote learning while teachers are vaccinated hardly seems an exigent circumstance requiring injunctive relief. The balancing of the equities weighs heavily against granting the relief Plaintiff seeks. Finally, Plaintiff has already filed an unfair labor practice charge with the Illinois Educational Labor Relations Board raising these same issues, and that is the appropriate forum for the resolution of this type of labor dispute.

It is hereby ORDERED:

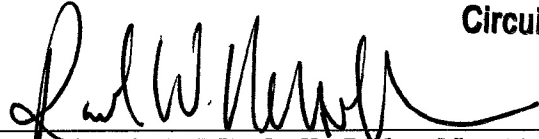
Plaintiff Cicero School District No. 99's motion for temporary restraining order and preliminary injunctive relief is DENIED.

Judge Raymond W. Mitchell

ENTERED,

JAN 27 ENT'D 2021 

Circuit Court – 1992


Raymond W. Mitchell, Judge No. 1992