

APPELLATE COURT OF ILLINOIS, FIRST DISTRICT, FIFTH DIVISION

City of Chicago v. Fraternal Order of Police, Lodge 7; Policemen’s Benevolent and Protective Association, Units A, B, & C; and the Illinois Labor Relations Board, Local Panel

City of Chicago v. Fraternal Order of Police, Lodge 7, 2026 IL App (1st) 242531 · No. 1-24-2531 · Decided June 26, 2026

SUMMARY

The Illinois Appellate Court, First District, reviewed the Illinois Labor Relations Board’s decision concerning the City of Chicago’s COVID-19 vaccination policy for police personnel. The court concluded that the Board abused its discretion by failing to defer to grievance arbitration proceedings addressing the policy’s implementation and effects, and it also found clear error in the Board’s determination that the City unlawfully failed to provide requested information. The court therefore reversed the Board’s final decision and order.

CASE DETAILS

COURT	Appellate Court of Illinois, First District, Fifth Division
WRITING FOR THE COURT	Justice Mikva; Justice Johnson; Justice Wilson
JURISDICTION	Illinois Appellate Court, First District, Fifth Division
DECIDED	June 26, 2026
DOCKET	1-24-2531
DISPOSITION	reversed
PROCEDURAL POSTURE	The City petitioned for direct administrative review of the Illinois Labor Relations Board, Local Panel’s final decision and order finding that the City committed unfair labor practices by implementing a COVID-19 vaccination policy without completing effects bargaining and by failing to adequately respond to union information requests.
STANDARD OF REVIEW	Questions of law are reviewed de novo, factual findings are reviewed under the manifest-weight standard, and mixed questions of fact and law are reviewed for clear error. The Board’s discretionary deferral decision is reviewed for abuse of discretion, but application of the Board’s established Spielberg/Olin criteria to undisputed facts is reviewed for clear error.

PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	City of Chicago v. Fraternal Order of Police, Lodge 7, Policemen's Benevolent and Protective Association, Units A, B, & C, Illinois Labor Relations Board, Local Panel

TOPICS

unfair labor practices labor law administrative law judicial review of agency action appellate procedure

PRACTICE AREAS

labor law administrative law municipal law employment law

QUESTIONS PRESENTED

1. Whether the Illinois Labor Relations Board abused its discretion by refusing to defer the unions' effects-bargaining unfair labor practice claims to grievance arbitration under the Spielberg/Olin framework.
2. Whether the arbitration award was clearly repugnant to the purposes and policies of the Illinois Public Labor Relations Act.
3. Whether the Board clearly erred in finding that the City committed unfair labor practices by inadequately responding to the unions' information requests.

HOLDINGS

1. The Board abused its discretion by refusing to defer the unions' effects-bargaining claims to arbitration because the arbitrator had considered the contract issues and factual matters underlying both the policy's implementation and its effects.
2. The arbitration award was not clearly repugnant to the Act because the arbitrator's conclusion that the policy's implementation methods were inseparable from the policy itself was not palpably wrong as a matter of law.
3. The Board clearly erred in finding that the City committed unfair labor practices based on its responses to the unions' information requests.

KEY QUOTATIONS

"Rather, our holding is that, once the parties had submitted those issues to an arbitrator who had determined that the CBAs gave the City the authority to implement the policy in the manner it did, it was an abuse of discretion for the Board not to defer to that interpretation." (¶ 81)

"The Board's determination that the City committed unfair labor practices based on a failure to disclose requested information was clearly erroneous." (¶ 89)

FACTUAL BACKGROUND

Chicago adopted a policy requiring City employees to receive COVID-19 vaccinations or undergo testing, with noncompliant employees placed on nondisciplinary no-pay status. The police unions disputed the City's authority to implement the policy unilaterally and sought bargaining and information concerning the policy's effects. While unfair labor practice proceedings were pending, the unions pursued contract grievances, and an arbitrator upheld the policy under the collective bargaining agreements while deciding numerous issues concerning deadlines, accommodations, discipline, pay status, and implementation.

PROCEDURAL HISTORY

The unions filed unfair labor practice charges after the City implemented its vaccination policy. They also filed contract grievances, and an arbitrator upheld the City's authority to implement the policy while resolving numerous implementation and effects-related disputes. The ALJ and Board later found additional unfair labor practices and ordered rescission of the policy, reinstatement, expungement, and back pay. The City sought direct appellate review, and the appellate court reversed the Board's final decision and order.

DISPOSITION

reversed

REMAND INSTRUCTIONS

None stated. The court reversed the Board's final administrative decision and order.

CASES CITED

- Fraternal Order of Police, Chicago Lodge No. 7 v. City of Chicago, 2022 IL App (1st) 220346-U
- American Federation of State, County & Municipal Employees, Council 31 v. Illinois State Labor Relations Board, State Panel, 216 Ill. 2d 569, 577 (2005)
- Pullman-Standard v. Swint, 456 U.S. 273, 289 n.19 (1982)
- Board of Trustees of the University of Illinois v. Illinois Labor Relations Board, 224 Ill. 2d 88, 97-98 (2007)
- Shawnee Community Unit School District No. 84 v. Illinois Property Tax Appeal Board, 2022 IL App (5th) 190266, ¶ 88
- People v. Reed, 177 Ill. 2d 389, 393 (1997)
- Mobil Exploration & Producing U.S., Inc. v. National Labor Relations Board, 200 F.3d 230, 244 (5th Cir. 1999)
- Hawaiian Hauling Service, Ltd. v. National Labor Relations Board, 545 F.2d 674, 676 (9th Cir. 1976)
- Shulte v. Flowers, 2013 IL App (4th) 120132, ¶ 24
- Ad Art, Inc. v. National Labor Relations Board, 645 F.2d 669, 674, 676 (9th Cir. 1981)
- North Shore Sanitary District v. Illinois State Labor Relations Board, 262 Ill. App. 3d 279, 295-96 (1994)
- Water Pipe Extension v. City of Chicago, 206 Ill. App. 3d 63, 68 (1990)
- Verizon New England Inc. v. National Labor Relations Board, 826 F.3d 480, 483-88 (D.C. Cir. 2016)
- National Labor Relations Board v. Pincus Bros., Inc.-Maxwell, 620 F.2d 367, 374-75 (3d Cir. 1980)

- American Federation of State, County & Municipal Employees v. Illinois State Labor Relations Board, 190 Ill. App. 3d 259, 264 (1989)
- Amalgamated Transit Union, Local 1028, 10 PERI ¶ 2023 (ILRB State Panel 1994)
- Village of Franklin Park v. Illinois State Labor Relations Board, 265 Ill. App. 3d 997, 1004 (1994)

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