

## SUPREME COURT OF ILLINOIS

# Barrall v. Board of Trustees of John A. Logan Community College

2020 IL 125535 (Ill. 2020) · No. 125535 · Decided December 17, 2020

### SUMMARY

The Illinois Supreme Court held that section 3B-5 of the Public Community College Act prohibits a community college from laying off tenured faculty members and, during the statutory 24-month recall period, hiring adjunct instructors to teach courses those faculty members are competent to teach. The court concluded that adjunct instructors are “other employee[s] with less seniority” and that the statutory protection applies to individual courses rather than only full-time faculty positions. The court overruled *Biggiam*, affirmed the appellate court, reversed the circuit court’s dismissal, and remanded for further proceedings.

### CASE DETAILS

|                       |                                                                                                                                           |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of Illinois                                                                                                                 |
| WRITING FOR THE COURT | Justice Theis; Justice Garman; Justice Neville; Justice Michael J. Burke; Justice Carter; Chief Justice Anne M. Burke; Justice Overstreet |
| JURISDICTION          | Illinois                                                                                                                                  |
| DECIDED               | December 17, 2020                                                                                                                         |
| DOCKET                | 125535                                                                                                                                    |
| DISPOSITION           | reversed_and_remanded                                                                                                                     |
| PROCEDURAL POSTURE    | Appeal from an appellate court judgment reversing the circuit court's dismissal of a petition for a writ of mandamus.                     |
| STANDARD OF REVIEW    | Statutory construction is reviewed de novo.                                                                                               |
| PRECEDENTIAL VALUE    | binding                                                                                                                                   |
| PARTIES               | The Board of Trustees of John A. Logan Community College v. Cheryl Barrall et al.                                                         |

### TOPICS

statutory interpretation legislative intent plain meaning rule appellate procedure employment law

### PRACTICE AREAS

employment law education law appellate procedure

## QUESTIONS PRESENTED

1. Whether section 3B-5 of the Public Community College Act prohibits a community college board from hiring adjunct instructors to teach courses that laid-off tenured faculty members are competent to teach during the statutory 24-month recall period.
2. Whether adjunct instructors are "other employee[s] with less seniority" within the meaning of section 3B-5.
3. Whether the rights granted by the last sentence of section 3B-5 apply to individual courses or only to full-time faculty positions.
4. Whether *Biggiam v. Board of Trustees of Community College District No. 516* should be overruled.

## HOLDINGS

1. Adjunct instructors are "other employee[s] with less seniority" than tenured faculty members within the meaning of section 3B-5 because they are employed for wages but do not accrue seniority, while tenured faculty members accrue seniority through continuous service.
2. The phrase "shall be employed to render a service" includes being hired to teach an individual course.
3. The rights conferred by the last sentence of section 3B-5 apply to individual courses, not merely to full-time faculty positions.
4. The Board violated section 3B-5 by employing adjunct instructors to teach courses that the tenured plaintiffs were competent to teach.

## KEY QUOTATIONS

*"For these reasons, we hold that adjunct instructors are "other employees with less seniority" within the meaning of this clause in section 3B-5 of the Act. We further hold that the rights conferred by the last sentence of section 3B-5 apply to individual courses, rather than to positions as faculty members. Therefore, the Board violated this provision by employing adjunct instructors to teach courses that tenured faculty members were competent to teach."* (¶ 33)

*"Statutory construction presents a question of law that this court reviews de novo."* (¶ 17)

## FACTUAL BACKGROUND

In 2016, the Board reduced the number of full-time faculty members employed for the upcoming school year and issued layoff notices to 27 tenured faculty members, including the plaintiffs. During the 2016-17 school year, the Board hired adjunct instructors to teach courses that the plaintiffs had previously taught and were competent to teach. Six plaintiffs were later recalled, and the remaining plaintiff sought recall, back pay, benefits, and injunctive relief.

## PROCEDURAL HISTORY

Tenured faculty members filed a petition for a writ of mandamus in the Williamson County circuit court, alleging that the Board violated section 3B-5 of the Public Community College Act by hiring adjunct instructors to teach courses they were competent to teach after being laid off. The circuit court dismissed the petition under

section 2-619, relying on Biggiam, but the appellate court reversed. The Illinois Supreme Court granted the Board's petition for leave to appeal, affirmed the appellate court, reversed the circuit court, and remanded for further proceedings.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

The appellate court judgment was affirmed, the circuit court judgment was reversed, and the cause was remanded to the circuit court for further proceedings on the plaintiffs' petition.

## CASES CITED

- Van Dyke v. White, 2019 IL 121452, ¶¶ 45-46
- Oswald v. Hamer, 2018 IL 122203, ¶ 10
- Palm v. Holocker, 2018 IL 123152, ¶ 21
- Birk v. Board of Education of Flora Community Unit School District No. 35, 104 Ill. 2d 252, 257 (1984)
- People v. McChriston, 2014 IL 115310, ¶ 15
- People ex rel. Madigan v. Wildermuth, 2017 IL 120763, ¶ 17
- Johnson v. Figgie International, Inc., 151 Ill. App. 3d 496, 508-509 (1986)
- Sinnock v. Board of Fire & Police Commissioners, 131 Ill. App. 3d 854, 856-857 (1985)
- Piatak v. Black Hawk College District No. 503, 269 Ill. App. 3d 1032, 1035 (1995)
- People v. Clark, 2019 IL 122891, ¶ 23
- Illinois State Treasurer v. Illinois Workers' Compensation Commission, 2015 IL 117418, ¶ 21
- Illinois State Treasurer v. Illinois Workers' Compensation Commission, 2015 IL 117418, ¶ 28
- Hayes v. Board of Education of Auburn Community Unit School District, 103 Ill. App. 3d 498, 501 (1981)
- Biggiam v. Board of Trustees of Community College District No. 516, 154 Ill. App. 3d 627, 643, 647 (1987)
- Blount v. Stroud, 232 Ill. 2d 302, 324-325 (2009)
- Deal v. United States, 508 U.S. 129, 132 (1993)
- Yates v. United States, 574 U.S. 528, 135 S. Ct. 1074, 1081 (2015)
- Robinson v. Shell Oil Co., 519 U.S. 337, 341 (1997)
- In re Shelby R., 2013 IL 114994, ¶ 39
- People v. Maggette, 195 Ill. 2d 336, 349 (2001)