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## Union may file criminal charges

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By [MARIO BARTOLETTI](#) Staff Writer

Union representatives are seeking to file criminal charges against Elementary School District 15 for secretly recording school employees in the teachers lounge of Willow Bend School.

"We believe this may be a criminal act," Illinois Education Association UniServe Director Amy Kunz said. "If you walk into a store there are signs informing you that you're being recorded. Why would school be different from any other business?"

The request to the Cook County State's Attorney's Office for a criminal investigation was sent jointly by the local teachers union and support staff union.

Nuss said the union's legal counsel believes there was a criminal violation of the law.

"The law is clear if there is audio involved," she said. "We don't know if audio was involved, but if there wasn't, it's a gray area as to how the law would define that."

No audio

According to a statement issued by district officials Tuesday, the surveillance was video only and did not include audio.

"This practice is considered legal under both state and federal law as long as it is done in areas where individuals would not be expected to be undressing."

District officials confirmed that video surveillance is used on buses and several locations in the district as an ordinary security measure.

"The use of cameras is common practice in many Illinois school districts and other public places," officials wrote. "Currently, there are no hidden video surveillance cameras being used in the district because there are no ongoing investigations (requiring) their use."

"But we're informed consistently when we're on camera at businesses," Nuss said. "Why wouldn't schools fall into that area? Either the camera is in plain sight or you tell people that they are under surveillance."

Kunz said the union requested an investigation by the State's Attorney's Office instead of local police because "we feel it has to do with a legal interpretation of the law. And it's being contested. We feel what the district did was inappropriate, and they don't. So we're asking the state's attorney to tell us where we stand."

A spokesman for the State's Attorney's Office had no comment.

A hidden camera at Willow Bend School was discovered after a custodian had been fired based on camera footage. The union that represents the custodian, Service Employees International Union Local 73, will appeal the firing.

"We're also planning to file an unfair labor practice (grievance)," division director Catherine Schutzius said. "In my experience in schools, cameras are generally used for security reasons."

Nuss said generally speaking, the standard applied for a firing is that something happened that was so bad that it was not correctable or it had happened in the past and an employee had fair warning and a chance to remediate.

"But I'm not familiar with the exact circumstances of the custodian's dismissal," Nuss said.

Schutzius would not comment on why the custodian was fired, but said the matter was not under criminal

circumstances.

No police investigation

Rolling Meadows police confirmed they were not investigating any matters concerning a current or former school employee.

"If kids were endangered, I can't imagine the police wouldn't be involved in it," Nuss said. "And there are no kids in the teachers lounge. And the fact that building is where our union president is takes it to another level, not to mention that the use of cameras are a mandatory bargaining matter no matter where they are."

District officials stated that the video surveillance was conducted for a very brief time at Willow Bend and six months after the October conclusion of contract negotiations.

"Use of video surveillance is not a matter of board of education policy, but an administrative decision," district officials said in the statement. "The (decision) was made in response to specific instances of suspect employee misconduct that would have been difficult (or) impossible to uncover by other means."

According to the Illinois Labor Relations Act, employers are required to bargain on matters affecting "wages, hours and terms and conditions of employment as well as the impact thereon upon request by employee representatives."

Nuss said District 15 did not bargain with the union or even notify anyone the camera existed.

No objection to concept

She also said the union was not objecting to the concept of video cameras, but that there must be parameters in their use.

"We have to (negotiate) how they are used and the implications," she said. "This affects the conditions of employment, and it certainly affects the conditions of work."

In addition to the request for a criminal investigation, the Illinois Education Association filed an unfair labor complaint with the Illinois Labor Board on June 15 on behalf of the local teachers union.

The union demands in the complaint that the school district cease and desist recording in the teachers lounge. The complaint mirrors a letter sent June 8 to the district demanding that the district disclose all past uses of hidden video surveillance; remove all hidden video cameras in the presence of union representatives; provide the union with all video and recorded conversations; cease the practice of using hidden video and other surveillance on all district property; and schedule a meeting with the union to discuss these issues.

According to a letter sent by Jean Sophie, assistant superintendent for personnel and human services, on June 13, the hidden camera is no longer in use at Willow Bend; it was the only hidden camera in the district at the time; and Sophie would schedule an appointment with union representatives to view the tapes.

According to a statement by district officials, union representatives have not accepted the invitation.

Sophie also stated in the letter that the district had used hidden camera surveillance in the past on several occasions in 2002 and 2006.

A member of the support staff was dismissed in 2006 using footage from a hidden camera, Sophie said, with the knowledge of the teacher and support staff unions, and no protest was made at that time.

