

**STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
LOCAL PANEL**

Illinois Council of Police,)	
)	
Petitioner)	
)	
and)	
)	
City of Chicago,)	
)	Case No. L-RC-07-017
Employer)	
)	
and)	
)	
Service Employees International Union,)	
Local No. 73 & International Brotherhood)	
of Electrical Workers, Local 21,)	
)	
Incumbent Representative)	

**DECISION AND ORDER OF THE ILLINOIS LABOR RELATIONS BOARD
LOCAL PANEL**

On September 7, 2011, Administrative Law Judge (ALJ) Anna Hamburg-Gal issued a Recommended Decision and Order (RDO) dismissing a petition for certification of representative filed by the Illinois Council of Police (Petitioner) pursuant to Section 9(a) of the Illinois Public Labor Relations Act, 5 ILCS 315, as amended (Act). Petitioner sought to represent employees with the title of Aviation Security Officer (ASO) (called by some Aviation Police Officer) that were currently represented along with other employees of the City of Chicago (Employer) in the Employer's "Unit II" collective bargaining unit by the Service Employees International Union, Local 73, and the International Brotherhood of Electrical Workers, Local 21 (collectively, Incumbent Representative).

The Illinois Labor Relations Board (Board) had earlier refused to sever these same ASOs from Unit II in City of Chicago (Unit II Coalition), 16 PERI ¶3016 (IL LLRB 2000), aff'd sub nom., Ill. Fraternal Order of Police Labor Council v. Ill. Local Labor Relations Bd., 319 Ill. App. 3d 729 (1st Dist. 2001). Aware of this, and convinced the Petitioner would be unable to meet the Board's standards for severing a bargaining unit, the Executive Director dismissed the instant petition, but the Board remanded the matter for a hearing to determine whether "the many changes in airline travel and airport security warrant its reexamination." A two-day hearing followed, after which the ALJ found the changes in the duties of the ASOs were not so significant that the Petitioner would be able to meet the standards for severance previously established by the Board and referenced by the courts in cases like Chicago Park Dist., 6 PERI ¶3006 (IL LLRB 1990), and Ill. Council of Police v. Ill. Labor Relations Bd., 387 Ill. App. 3d 641, 664-75 (1st Dist. 2008). For that reason, she dismissed the petition.

Petitioner filed timely exceptions to the RDO pursuant to Section 1200.135 of the Board's Rules and Regulations, 80 Ill. Admin. Code Parts 1200 through 1240, and both the Employer and Incumbent Service Employees International Union, Local 73, filed timely responses.

After reviewing the record, exceptions, and responses, we accept the ALJ's recommendation for the reasons articulated in the RDO. We add to the ALJ's analysis only our own observation that the focus of the exceptions is misguided. Petitioner discusses the changes made in the ASOs' duties since we last addressed the issue in City of Chicago (Unit II Coalition), 16 PERI ¶3016, but it does so mainly in the context of whether these changes might indicate that the employees are now peace officers. Other employees in Unit II are not peace officers, and Section 3(s)(1) of the Act precludes a mixed unit of peace officers and non-peace officers "unless otherwise agreed to by the employer and the labor organization or labor organizations involved." But here, the Employer and the Incumbent Representative have agreed to represent the unit composed

of the ASOs and the other employees, so it really does not matter whether the ASOs are peace officers. City of Chicago, 9 PERI ¶3008 (IL LLRB 1993). Our concern is whether the changes in duties are so significant as to render Unit II, as currently composed, inappropriate. Illinois Fraternal Order of Police, Labor Council, 319 Ill. App. 3d 729, 743 (1st Dist. 2001). Petitioner has not demonstrated, and the record does not otherwise show, that this is the case.

For these reasons, the petition for representation is dismissed.

BY THE LOCAL PANEL OF THE ILLINOIS LABOR RELATIONS BOARD


Robert M. Gierut, Chairman


Charles E. Anderson, Member


Edward E. Sadlowski, Member

Decision made at the Local Panel's public meeting in Chicago, Illinois, November 8, 2011; written decision issued in Chicago, Illinois on November 18, 2011.

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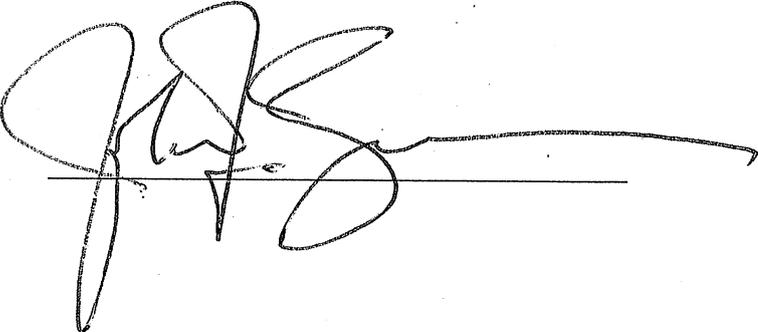
AFFIDAVIT OF SERVICE

I, John F. Brosnan, on oath state that I have this 18th day of November, 2011, served the attached **DECISION AND ORDER FOR THE ILLINOIS LABOR RELATONS BOARD LOCAL PANEL** issued in the above-captioned case on each of the parties listed herein below by depositing, before 5:00 p.m., copies thereof in the United States mail at 100 W Randolph Street, Chicago, Illinois, addressed as indicated and with postage prepaid for first class mail.

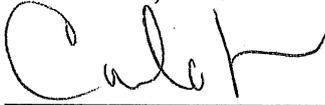
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SUBSCRIBED and SWORN to
before me this 18th day
of November, 2011.



NOTARY PUBLIC

