

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

County of Cook,)	
)	
Employer,)	
)	
and)	Case Nos. L-RD-15-001
)	L-RD-15-002
Beronica Woodson, Carla Salvo,)	L-RD-15-003
Gwendolyn Williams, and Ellen Greene,)	L-RD-15-004
)	
Petitioners,)	
)	
and)	
)	
American Federation of State, County and Municipal Employees, Council 31,)	
)	
Labor Organization.)	

ORDER

On July 6, 2015, Administrative Law Judge Anna Hamburg-Gal, on behalf of the Illinois Labor Relations Board, issued a Recommended Decision and Order in the above-captioned matter. No party filed exceptions to the Administrative Law Judge's Recommendation during the time allotted, and at its September 9, 2015 public meeting, the Board, having reviewed the matter, declined to take it up on its own motion.

THEREFORE, pursuant to Section 1200.135(b)(5) of the Board's Rules and Regulations, 80 Ill. Admin. Code §1200.135(b)(5), the parties have waived their exceptions to the Administrative Law Judge's Recommended Decision and Order, and this non-precedential Recommended Decision and Order is final and binding on the parties to this proceeding.

Issued in Chicago, Illinois, this 9th day of September, 2015.

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**Kathryn Zeledon Nelson
General Counsel**

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Gwendolyn Williams, and Ellen Greene,)	
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ADMINISTRATIVE LAW JUDGE’S RECOMMENDED DECISION AND ORDER

I. Background

On February 20, 2015, Beronica Woodson, Carla Salvo, Gwendolyn Williams, and Ellen Greene (petitioners) filed decertification petitions with the Illinois Labor Relations Board (Board) seeking to remove the following titles within the County of Cook (Employer) from the Health Facilities Bargaining Unit represented by the American Federation of State, County and Municipal Employees, Council 31 (AFSCME or Union): Finance-Patient Access Supervisor, Site Manager I, and System Manager for Patient Access.¹ The decertification petitions at issue here were consolidated. Ten signatures support the petitions in total.

The Health Facilities Bargaining Unit is a historical unit. The Board added titles to the unit in Case No. L-UC-08-011 and again in Case No. L-UC-13-006. The unit now includes approximately 150 titles and approximately 1200 employees.

¹ On June 24, 2015, AFSCME and the Employer filed a stipulated unit clarification petition in Case No. L-UC(S)-15-014 seeking to exclude the job title of System Manager for Patient Access from the existing bargaining unit. If there are no objections to the petition, it will be summarily granted.

On August 6, 2014, the Board added the Finance-Patient Supervisor position to the unit in Case No. L-RC-15-001, through the majority interest process. On August 14, 2014, the Board added the Site Manager I and System Manager for Patient Access positions to the unit, likewise through the majority interest process.

AFSCME filed timely objections to the above-captioned petitions, arguing that they were untimely filed and not supported by the requisite showing of interest.

II. Discussion and Analysis

The petitions must be dismissed because there is a certification bar in effect and the petitions are therefore untimely filed. Under the certification bar rule, “the Board will dismiss a representation or decertification petition filed within 12 months following the date of Board certification of an exclusive representative for all *or some* of the employees in the bargaining unit, as a result of certification following a representation petition or voluntary recognition petition.” 80 Ill. Admin Code. 1210.35(b) (emphasis added).

Here, the Board certified the Site Manager I and System Manager for Patient Access positions into the AFSCME-represented Health Facilities Bargaining Unit on August 14, 2014, pursuant to a majority interest petition. The petitions in this case were filed on February 20, 2015, less than 12 months after that date. Accordingly, there is a certification bar that precludes consideration of these petitions because the Board issued a certification of an exclusive representative in the year prior to the petitions’ filing date. Plainfield Fire Protection District, 23 PERI ¶ 105 (IL LRB-SP 2007) (dismissing petition where it was filed within a year of the Board’s clarification of the unit); see also City of Harvey, 22 PERI ¶ 130 (IL LRB-SP 2006).

The petition is properly dismissed as untimely filed.

III. Conclusions of Law

The petitions are untimely filed because there is a certification bar in effect.

IV. Recommended Order

The petitions are dismissed because they are untimely filed.

V. Exceptions

Pursuant to Section 1200.135 of the Board's Rules and Regulations, 80 Ill. Admin. Code Parts 1200-1240, the parties may file exceptions to this recommendation and briefs in support of those exceptions no later than 14 days after service of this recommendation. Parties may file responses to any exceptions, and briefs in support of those responses, within 10 days of service of the exceptions. In such responses, parties that have not previously filed exceptions may include cross-exceptions to any portion of the recommendation. Within five days from the filing of cross-exceptions, parties may file cross-responses to the cross-exceptions. Exceptions, responses, cross-exceptions and cross responses must be filed with General Counsel Kathryn Zeledon Nelson of the Illinois Labor Relations Board, 160 North LaSalle Street, Suite S-400, Chicago, Illinois 60601-3103, and served on all other parties. Exceptions, responses, cross-exceptions, and cross-responses will not be accepted in the Board's Springfield office. Exceptions and/or cross-exceptions sent to the Board must contain a statement listing the other parties to the case and verifying that the exceptions and/or cross-exceptions have been provided to them. If no exceptions have been filed within the 14-day period, the parties will be deemed to have waived their exceptions.

Issued at Chicago, Illinois this 6th day of July, 2015

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/s/ Anna Hamburg-Gal

**Anna Hamburg-Gal
Administrative Law Judge**