STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
LOCAL PANEL

Service Employees International Union, Local 73, CTW/CLC,	)	
Petitioner	)	
and	)	Case No. L-UC-13-001
County of Cook ,	)	
Employer	)	

ORDER

On August 20, 2012, Administrative Law Judge Michelle N. Owen, 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 November 15, 2012 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the parties have waived their exceptions to the Administrative Law Judge's Recommended Decision and Order, and this non-precedential Recommended Decision and Order is final and binding on the parties to this proceeding.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 16th day of November, 2012.

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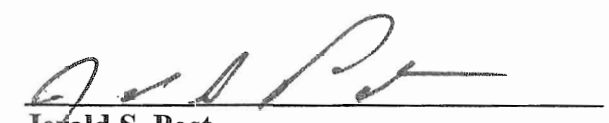

Jerald S. Post
General Counsel

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Service Employees International Union, Local 73, CTW/CLC,	)	
Petitioner,	)	
and	)	Case No. L-UC-13-001
County of Cook,	)	
Employer	)	

ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION AND ORDER

On July 12, 2012, Service Employees International Union, Local 73, CTW/CLC (Petitioner) filed a unit clarification petition in the above-captioned case with the Local Panel of the Illinois Labor Relations Board (Board) pursuant to the Illinois Public Labor Relations Act, 5 ILCS 315 (2010), as amended (Act), and the Rules and Regulations of the Illinois Labor Relations Board, 80 Ill. Admin Code, Parts 1200 through 1240 (Rules). The Petitioner seeks to include the following positions employed by the County of Cook (Employer) in the L-RC-10-021 and L-RC-12-008 bargaining units, currently represented by Petitioner: Accounts Payable Clerk, Accounts Payable Specialist III, Central Payroll Processor I, Central Payroll Processer II, Central Payroll Processor III, Central Payment Distributor, General Ledger Specialist, Wage Garnishment Processor I, Wage Garnishment Processor II, and Wage Garnishment Processor III.[1] There are currently 12 employees in these positions.

[1] Petitioner noted that shortly after the certification in Case No. L-RC-10-021 was issued, in November 2010, Employer implemented changes to certified titles. Petitioner claims that the employees who held the titles contained in the original certification had their titles changed. Petitioner asserts that the title changes were not brought to its attention until recently. Petitioner claims that the following certified titles no longer exist: Administrative Assistant III, Administrative Assistant IV, Administrative Analyst I,

I. BACKGROUND

On July 12, 2012, Board Case Manager, Melissa L. McDermott, mailed a letter to the Employer stating:

> If you have any objections to the unit clarification requested in the petition, you must file a response within 20 days of service of this petition. If the Investigator fails to receive such response setting forth your position, you will have waived your objections and your right to hearing. After an investigation of this petition, the Executive Director will either issue an order clarifying the unit, dismiss the petition or set the matter for hearing. Meanwhile, the employees involved must be advised that this petition has been filed. Accordingly, the Board requires that the employer post the enclosed "Notice to Employees" in conspicuous places where these employees work. The Notice is to be posted for a period of 20 days. Kindly and immediately return to the Investigator the enclosed Certification of Posting.

On July 13, 2012, the Board received the Certification of Posting from the Employer. The Employer, however, did not include any objections or a response setting forth its position. Service of Ms. McDermott's letter, the unit clarification petition, and affidavit of service of the unit clarification petition were presumed complete 3 days after mailing on July 12, 2012. Therefore, the Employer had until August 6, 2012, to file an objection to the unit clarification petition.

On August 7, 2012, the undersigned issued to the Employer an Order to Show Cause not later than April 15, 2012 why, consistent with Section 1210.170 of the Board's Rules, the Executive Director should not consider the Employer to have waived its objections and right to hearing. The Employer has not responded to the Order to Show Cause. To date, the Board has not received a response setting forth the Employer's position or any objections to the unit clarification petition.

Administrative Analyst II, and Bookkeeping Machine Operator IV and should be replaced with the new titles listed previously.

II. DISCUSSION AND ANALYSIS

Employers are responsible for assisting the Board in investigating representation petitions. Village of Mahomet, 26 PERI ¶150 (IL LRB-SP 2011), citing State of Illinois, Department of Central Management Services, 24 PERI ¶112 (IL LRB-SP 2008). A representation hearing will not be conducted in the "absence of sufficient credible facts reasonably indicating that a petition may not be appropriate." Village of Mahomet, 26 PERI ¶150, citing Pace South Division, 13 PERI ¶2037 (IL SLRB 1997). In addition, a party's failure to make such a showing may result in a waiver of objections to the petition itself or to the scope of the sought-for bargaining unit. Village of Mahomet, 26 PERI ¶150.

In this case, the Employer has failed to provide a response setting forth its position and/or objections. The Employer's failure to respond to the petition constitutes a waiver of its objections and its right to a hearing. In sum, I find that the unit should be clarified to include the titles: Accounts Payable Clerk, Accounts Payable Specialist III, Central Payroll Processor I, Central Payroll Processer II, Central Payroll Processor III, Central Payment Distributor, General Ledger Specialist, Wage Garnishment Processor I, Wage Garnishment Processor II, and Wage Garnishment Processor III.

III. CONCLUSIONS OF LAW

The Employer has waived its objections and right to hearing. The Service Employees International Union, Local 73, CTW/CLC's units, certified in Case Nos. L-RC-10-021 and L-RC-12-008, should be clarified to include the titles.

IV. RECOMMENDED ORDER

IT IS HEREBY ORDERED that the Service Employees International Union, Local 73, CTW/CLC units certified in Case Nos. L-RC-10-021 and L-RC-12-008, be clarified to include the following titles: Accounts Payable Clerk, Accounts Payable Specialist III, Central Payroll Processor I, Central Payroll Processer II, Central Payroll Processor III, Central Payment Distributor, General Ledger Specialist, Wage Garnishment Processor I, Wage Garnishment Processor II, and Wage Garnishment Processor III.

V. EXCEPTIONS

Pursuant to Section 1200.135 of the Board's Rules, parties may file exceptions to the Administrative Law Judge's Recommended Decision and Order and briefs in support of those exceptions no later than 14 days after service of this Recommendation. Parties may file responses to exceptions and briefs in support of the responses no later than 10 days after service of the exceptions. In such responses, parties that have not previously filed exceptions may include cross-exceptions to any portion of the Administrative Law Judge's Recommendation. Within 5 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 the Board's General Counsel at 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 at the Board's Springfield office. The 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. The exceptions and/or

cross-exceptions will not be considered without this statement. 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 20th day of August, 2012.

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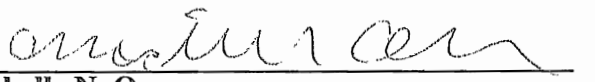

Michelle N. Owen
Administrative Law Judge