STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
LOCAL PANEL

American Federation of State, County, and Municipal Employees, Council 31,	)	
Petitioner,	)	
and	)	
County of Cook and Sheriff of Cook County,	)	Case No. L-UC-15-003
Employers,	)	
and	)	
Metropolitan Alliance of Police, Chapter 438,	)	
Intervenor.	)	

DECISION AND ORDER OF THE ILLINOIS LABOR RELATIONS BOARD
LOCAL PANEL

On September 24, 2014, the American Federation of State, County, and Municipal Employees, Council 31 (AFSCME or Petitioner) filed the above-captioned unit clarification petition pursuant to the Illinois Public Labor Relations Act, 5 ILCS 315 (2014) as amended (Act), and the Rules and Regulations of the Board, 80 Ill. Admin. Code, Parts 1200 through 1300 (Rules), seeking to represent certain employees of the County of Cook and Sheriff of Cook County (County or Employers) assigned to the Electronic Monitoring Unit. Receiving no objection to the petition, on November 6, 2014, the Executive Director issued a Certification of Unit Clarification adding the title of EM sergeant to AFSCME's bargaining unit of the County's Department of Corrections sergeants. On February 17, 2015, the Metropolitan Alliance of Police, Chapter 438 (MAP or Intervenor) contacted the Board indicating that MAP already represented the petitioned-for job title. Thus, on February 20, 2015, the Executive Director revoked the

Certification of Unit Clarification and assigned this case to an Administrative Law Judge (ALJ) for investigation. On March 16, 2015, AFSCME timely filed an appeal of the Executive Director's revocation order contending that the Executive Director lacked the authority to revoke the certification. MAP intervened in the appeal. For the reasons that follow, we affirm the revocation order.[1]

As a preliminary argument, AFSCME argues that the revocation order denied it due process. This argument lacks merit. The General Counsel allowed AFSCME to file the at-issue appeal along with any supporting material. Critically, AFSCME participated in the Board's hearing process before an ALJ regarding the merits of the petition, offered evidence and argument, and submitted a post-hearing brief. Furthermore, AFSCME has the opportunity to file exceptions to any portion of the ALJ's decision with which it might disagree. Thus, AFSCME has had a more than sufficient opportunity to present its case.

With regard to the more significant argument in AFSCME's appeal, AFSCME contends that the Executive Director lacked the requisite authority to revoke the certification in this case. We disagree. AFSCME's argument is in direct contradiction with our previous decision in Cnty. of Cook and Sheriff of Cook Cnty., 27 PERI ¶ 38 (IL LRB-LP 2011). In that case, the Fraternal Order of Police (FOP) had filed a petition seeking to add three positions to an existing bargaining unit. Subsequently, the Service Employees International Union, Local 73 (SEIU) filed another petition seeking to represent the same three positions. By the time this agency discovered the overlapping petitions, the Executive Director had already certified SEIU as the employees'

[1] Following the revocation order, the then-General Counsel bifurcated the main issues in this case. AFSCME was allowed to appeal the question of whether the Executive Director had the authority to revoke the certification directly to the Board. However, the merits of the petition, *i.e.*, whether the instant petition was appropriate under Board rules, were addressed by ALJ Kelly Coyle. ALJ Coyle issued a recommended decision and order on the merits of the instant case on March 3, 2016.

representative. To rectify the issue, the Executive Director revoked the certification as to the three overlapping positions.

In determining that the Executive Director properly revoked the certification, we noted that the Act and our own Rules grant us the authority to revoke certifications in a wide variety of circumstances. Furthermore, we are expressly tasked with upholding and implementing the Act, and "[a]n express grant of power to an administrative body or officer includes the authority to do all that is reasonably necessary to execute that power or to perform the duty specifically conferred." Id. (citing Walsh v. Champaign County Merit Comm'n., 404 Ill. App. 3d 933, 938 (4th Dist. 2010)).

There is no doubt that the circumstances in the instant case are peculiar. However, we find that they are just as peculiar as the circumstances surrounding the revocation in Cnty. of Cook and Sheriff of Cook Cnty., and warrant a similar outcome. Therefore, we reject AFSCME's argument that the Executive Director lacked the authority to revoke the certification in this case and affirm her revocation order.

BY THE ILLINOIS LABOR RELATIONS BOARD, LOCAL PANEL

/s/ Robert Gierut
Robert Gierut, Chairman

/s/ Charles Anderson
Charles Anderson

/s/ Richard Lewis
Richard Lewis

Decision made at the Local Panel's public meeting in Chicago, Illinois on November 19, 2015, written decision issued in Chicago, Illinois on March 9, 2016.

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
LOCAL PANEL

American Federation of State, County and Municipal Employees, Council 31, Petitioner and County of Cook and Sheriff of Cook County, Employer	Case No. L-UC-15-003

REVOCATION OF CERTIFICATION

On November 6, 2014, the Local Panel of the Illinois Labor Relations Board (Board) issued a Certification of Unit Clarification in the above-referenced case to include the title Sergeant in Electronic Monitoring Unit in the existing L-RC-02-005 bargaining unit represented by American Federation of State, County and Municipal Employees, Council 31.

On February 18, 2015, Metropolitan Alliance of Police, Chapter 438 notified the Board that it represents the Sergeants in Electronic Monitoring Unit. Based on this new information, I find that a question of representation exists, and hereby revoke the Certification of Unit Clarification issued in Case No. L-UC-15-003. The case will be assigned to an Administrative Law Judge to conduct an investigation.

Issued at Springfield, Illinois, this 20th day of February, 2015.

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
LOCAL PANEL

Melissa Mlynski, Executive Director