

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

Metropolitan Alliance of Police,	)	
Chapter #228,	)	
	)	
Charging Party	)	
	)	
and	)	Case No. S-CA-11-055
	)	
Chief Judge of the 12th Judicial Circuit	)	
(River Valley Juvenile Detention Center),	)	
	)	
Respondent	)	

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

On September 28, 2011, Administrative Law Judge (ALJ) Anna Hamburg-Gal issued a Recommended Decision and Order (RDO), dismissing the unfair labor practice charge filed in the above-captioned matter. In that charge, Metropolitan Alliance of Police, Chapter #228 (Charging Party) alleged the Chief Judge of the 12th Judicial Circuit (Respondent) had violated Sections 10(a)(4) and (1) of the Illinois Public Labor Relations Act, 5 ILCS 315 (2010), as amended (Act), by refusing to cooperate in the selection of an interest arbitrator pursuant to Section 14 of the Act.

Whether Respondent had an obligation to cooperate in the selection of an interest arbitrator depends upon whether the members of the bargaining unit represented by Charging Party (seven shift supervisors and four non-line supervisory employees at River Valley Juvenile Detention Center ) are “security employees” within the meaning of Section 3(p) of the Act.<sup>1</sup> The

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<sup>1</sup> Section 3(p) of the Act provides:

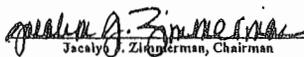
“Security employee” means an employee who is responsible for the supervision and control of inmates at correctional facilities. The term also includes other non-security employees in bargaining units having the majority of employees being responsible for the supervision and control of inmates at correctional facilities.

ALJ found: (1) the River Valley Juvenile Detention Center (RVJDC) is not a “correctional facility” as that term is used in Section 3(p); (2) therefore the members of the bargaining unit employed at RVJDC are not security employees under Section 3(p); (3) for that reason, Respondent had no obligation to cooperate in the selection of an interest arbitrator; and (4) consequently the charge should be dismissed. Though not critical to her recommended outcome, the ALJ also found that those confined to the RVJDC are “inmates” as that word is used in Section 3(p), and that the shift supervisors are “responsible for the supervision and control” of those inmates as that term is used in Section 3(p).

Charging Party filed timely exceptions to the ALJ’s RDO pursuant to Section 1200.135(b) of the Board’s Rules and Regulations, 80 Ill. Admin. Code, Parts 1200 through 1240, challenging her finding that RVJDC is not a correctional facility and the conclusions that flowed from that finding. Respondent filed a timely response to the exceptions, as well as cross-exceptions challenging the ALJ’s findings that those confined at RVJDC are inmates, and that the shift supervisors are responsible for their supervision and control. Charging Party filed a response to the cross-exceptions.

After reviewing the RDO, record, exceptions, response to the exceptions, cross-exceptions, and response to the cross-exceptions, we accept the ALJ’s RDO for the reasons articulated in that document, and affirm the dismissal of the charges.<sup>2</sup>

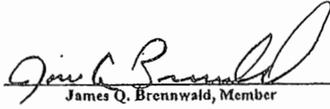
BY THE STATE PANEL OF THE ILLINOIS LABOR RELATIONS BOARD<sup>3</sup>

  
Jacalyn J. Zimmerman, Chairman

  
Paul S. Besson, Member

<sup>2</sup> In addition to filing cross-exceptions to two aspects of the ALJ’s recommendation (which raise points we find adequately addressed in the RDO), Respondent raises a procedural argument, asking us to strike Charging Party’s exceptions because they were not separately articulated from its argument. We decline to do so because the aspects of the RDO to which Charging Party excepts are clearly articulated.

<sup>3</sup> Because the date of the Board’s March meeting was rescheduled, Board Member Coli was unable to participate in consideration of this case.

  
James Q. Brennwald, Member

  
Albert Washington, Member

Decision made at the State Panel's public meeting in Chicago, Illinois, on March 13, 2012;  
written decision issued at Chicago, Illinois, March 23, 2012.

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ILLINOIS LABOR RELATIONS BOARD  
STATE PANEL**

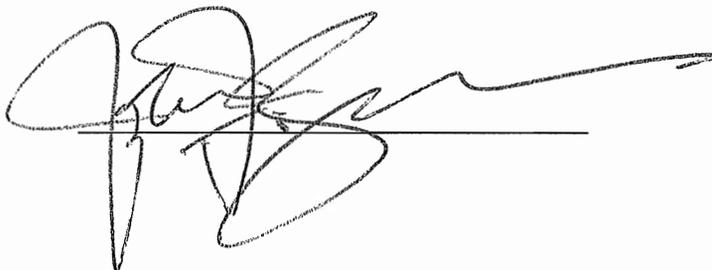
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Chief Judge of the 12th Judicial Circuit (River Valley Juvenile Detention Center),	)	
	)	
Respondent	)	

**AFFIDAVIT OF SERVICE**

I, John F. Brosnan, on oath state that I have this 23<sup>rd</sup> day of March, 2012 served the attached **DECISION AND ORDER OF THE ILLINOIS LABOR RELATIONS BOARD STATE 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.

Amber Stefankiewicz  
Laner Muchin  
515 N State Street, Suite 2800  
Chicago, Illinois 60654

Joseph Mazzone  
3033 W Jefferson Suite 208  
Joliet, Illinois 60435



**SUBSCRIBED and SWORN to**  
before me this 23<sup>rd</sup> day  
of March 2012.



NOTARY PUBLIC

