

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

Margaret J. Lowder,	)	
	)	
Charging Party	)	
	)	
and	)	Case No. S-CA-11-152
	)	
State of Illinois, Department of Central Management Services,	)	
	)	
Respondent	)	

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

On September 23, 2011, Executive Director John F. Brosnan dismissed the unfair labor practice charge filed by Margaret J. Lowder (Charging Party) in the above-captioned case. The Charging Party alleged that the State of Illinois, Department of Central Management Services (Respondent) violated Section 10(a) of the Illinois Public Labor Relations Act, 5 ILCS 315 (2010), as amended (Act), by stipulating with the American Federation of State, County and Municipal Employees, Council 31, that her position as an Executive I<sup>1</sup> was managerial within the meaning of Section 3(j) of the Act. The Executive Director dismissed the charges because Charging Party was not a public employee within the meaning of Section 3(n) of the Act and because she made no showing that Respondent's stipulation was entered because of the exercise of rights protected under the Act or was based on anything other than its good faith assessment of her particular duties.

Charging Party filed a timely appeal of the Executive Director's Dismissal pursuant to Section 1200.135(a) of the Board's Rules and Regulations, 80 Ill. Admin. Code, Parts 1200

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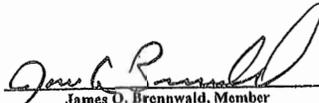
<sup>1</sup> The Executive Director's dismissal indicates Charging Party's position was Executive Secretary I, but this was a typographical error having no bearing on the substance of his analysis.

through 1240, and Respondent filed a timely response. After reviewing the record, appeal and response, we uphold the Executive Director's dismissal for the reasons he articulated.

BY THE STATE PANEL OF THE ILLINOIS LABOR RELATIONS BOARD<sup>2</sup>

  
Jacaly C. Zimmerman, Chairman

  
Paul S. Besson, Member

  
James D. 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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<sup>2</sup> Because the date of the Board's March meeting was rescheduled, Board Member Coli was unable to participate in consideration of this case.

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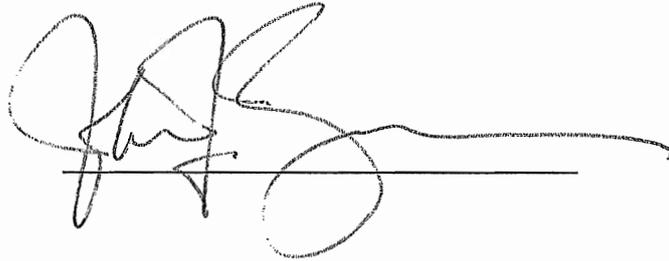
Margaret J. Lowder,	)	
	)	
Charging Party	)	
	)	
and	)	Case No. S-CA-11-152
	)	
State of Illinois, Department of Central	)	
Management Services,	)	
	)	
Respondent	)	

**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.

Margaret Lowder  
22 Guilford Drive  
Springfield, Illinois 62711

Kari Rothermich  
501 Stratton Building  
Springfield, Illinois 62706



A handwritten signature in black ink, appearing to read 'John F. Brosnan', is written over a horizontal line.

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



A handwritten signature in black ink is written over a horizontal line.

**NOTARY PUBLIC**