STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

State of Illinois, Department of Central Management Services (Department of Agriculture),	)	
Petitioner	)	
and	)	Case No. S-DE-14-201
American Federation of State, County and Municipal Employees, Council 31,	)	
Labor Organization-Objector	)	

DECISION AND ORDER OF THE ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

Section 6.1 of the Illinois Public Labor Relations Act, 5 ILCS 315 (2012), allows the Governor to designate certain employment positions with the State of Illinois as excluded from collective bargaining rights which might otherwise be available under Section 6 of the Act. This case involves such a designation made on the Governor's behalf by the Illinois Department of Central Management Services (CMS). On February 28, 2014, Administrative Law Judge (ALJ) Sarah R. Kerley issued a Recommended Decision and Order (RDO) in this case, finding that the designation was properly made.

CMS had petitioned to designate for exclusion a single Public Service Administrator Option 1 position at the Department of Agriculture with the working title of Assistant State Fair Manager held by Norman Hill. It made the designation pursuant to Section 6.1(b)(5) of the Act,

which allows designations of positions with "significant and independent discretionary authority," a phrase defined by Section 6.1(c).[1]

The American Federation of State, County and Municipal Employees, Council 31 (AFSCME) filed objections to the petition pursuant to Section 1300.60 of the Board's rules for implementing Section 6.1 of the Act, 80 Ill. Admin. Code §1300.60, raising constitutional objections and other generally applicable objections. After the time for filing objections had passed, AFSCME tendered for filing "Supplemental Objections," raising objections specific to Hill's position. It did not move for an extension of the deadline under Section 1300.100 of the Board's rules which under Section 1300.90(e) must be filed before lapse of the deadline sought to be extended. It did not move for a variance from the Board's rules under Section 1300.150. It merely stated that it had misplaced the answers Hill had made to its questionnaire. The ALJ noted that the third element for finding a variance was likely not present in that timely filing was not unreasonable or unduly burdensome, but stated that in any event she found Hill's position to have been properly designated.

CMS indicated the position was properly designated under Section 6.1(b)(5) as expounded by both Section 6.1(c)(i) and 6.1(c)(ii). Finding AFSCME had not timely filed specific objections, the ALJ found it had not overcome the presumption of appropriateness established in Section 6.1(d), and therefore the position was properly designated. Alternatively,

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[1] Section 6.1(c) provides:

> For the purposes of this Section, a person has significant and independent discretionary authority as an employee if he or she (i) is engaged in executive and management functions of a State agency and charged with the effectuation of management policies and practices of a State agency or represents management interests by taking or recommending discretionary actions that effectively control or implement the policy of a State agency or (ii) qualifies as a supervisor of a State agency as that term is defined under Section 152 of the National Labor Relations Act or any orders of the National Labor Relations Board interpreting that provision or decisions of courts reviewing decisions of the National Labor Relations Board.

she recommended finding that Hill's position was properly designated under Section 6.1(c)(i). Although Hill said his job description was inaccurate to the extent it indicated he had duties related to the operation of the DuQuoin State Fair, he confirmed that he had other duties relating to the use of that property during non-fair events. For example he "develops and implements efficient utilization of the DuQuoin Fairgrounds and its facilities during the non-fair season" and "exercises overall direction and control of the responsibilities of the non-fair event program" as stated in his position description. Hill is also liaison between the Department, its employees, and other agencies relating to set-up of Fair and non-Fair events and maintenance of the grounds. The ALJ did not believe that the fact Hill took direction from the State Fair Manager stripped him of the authority needed for proper designation.

AFSCME filed timely exceptions to the ALJ's RDO pursuant to Section 1300.130 of the Board's rules, 80 Ill. Admin. Code §1300.130, first noting that, with so many Section 6.1 petitions being handled simultaneously by different attorneys, it was understandable that a form had been misplaced. Since the ALJ had analyzed the specific objections as an alternative grounds for finding the designation appropriate, it asks us do so as well.

We decline to consider the untimely filed "Supplemental Objections." As the ALJ noted, misplacing paperwork, even in busy times, does not meet the third element for granting a variance,[2] but more significantly no motion for a variance is before us.

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[2] Section 1300.150 of the Board's rules provides:

> The provisions of this Part may be waived or suspended by the Board when it finds that:
> a) the provision from which the variance is granted is not statutorily mandated;
> b) no party will be injured by the granting of the variance; and
> c) application of the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

See State of Illinois, Dep't of Cent. Mgmt. Servs. and Am. Fed'n of State, Cnty. & Mun. Empls. Council 31, Case No. S-DE-14-116, 30 PERI ¶164 (IL LRB-SP 2014) (granting a variance and denying a variance under Section 1300.150).

Based on our review of the exceptions, the record, and the RDO, we reject the exceptions and adopt the RDO, more specifically we adopt the ALJ's primary rationale finding that AFSCME had failed to overcome the presumption established in Section 6.1(d) that the designation under Section 6.1(b)(5) was appropriate. We find the designation comports with the requirements of Section 6.1, and direct the Executive Director to issue a certification consistent with that finding.

BY THE STATE PANEL OF THE ILLINOIS LABOR RELATIONS BOARD

/s/ John J. Hartnett
John J. Hartnett, Chairman

/s/ Paul S. Besson
Paul S. Besson, Member

/s/ James Q. Brennwald
James Q. Brennwald, Member

/s/ Michael G. Coli
Michael G. Coli, Member

/s/ Albert Washington
Albert Washington, Member

Decision made at the State Panel's public meeting in Chicago, Illinois, on March 11, 2014; written decision issued at Springfield, Illinois, March 26, 2014.

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

State of Illinois, Department of Central Management Services (Department of Agriculture),	)	
Employer	)	
and	)	Case No. S-DE-14-201
American Federation of State, County and Municipal Employees, Council 31,	)	
Labor Organization-Objector.	)	

ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION AND ORDER

Section 6.1 of the Illinois Public Labor Relations Act, 5 ILCS 315/6.1 (2012) (Act) *added by* Public Act 97-1172 (effective April 5, 2013), allows the Governor of the State of Illinois to designate certain public employment positions with the State of Illinois as excluded from collective bargaining rights which might otherwise be granted under the Illinois Public Labor Relations Act. There are three broad categories of positions which may be so designated: (1) positions which were first certified to be in a bargaining unit by the Illinois Labor Relations Board (Board) on or after December 2, 2008; (2) positions which were the subject of a petition for such certification pending on April 5, 2013, (the effective date of Public Act 97-1172); or (3) positions which have never been certified to have been in a collective bargaining unit. Only 3,580 of such positions may be so designated by the Governor, and, of those, only 1,900 positions which have already been certified to be in a collective bargaining unit.

Moreover, to properly qualify for designation, the employment position must meet one or more of the following five requirements:

(1) it must authorize an employee in the position to act as a legislative liaison;

(2) it must have a title of or authorize a person who holds the position to exercise substantially similar duties as a Senior Public Service Administrator, Public Information Officer, or Chief Information Officer, or as an agency General

Counsel, Chief of Staff, Executive Director, Deputy Director, Chief Fiscal Officer, or Human Resources Director;

(3) it must be designated by the employer as exempt from the requirements arising out of the settlement of Rutan v. Republican Party of Illinois, 479 U.S. 62 (1990), and be completely exempt from jurisdiction B of the Personnel Code, 20 ILCS 415/8b through 8b.20 (2012), *see* 20 ILCS 415/4 through 4d (2012);

(4) it must be a term appointed position pursuant to Section 8b.18 or 8b.19 of the Personnel Code, 20 ILCS 415/8b.18, 8b.19 (2012); or

(5) it must authorize an employee in that position to have "significant and independent discretionary authority as an employee" by which the Act means the employee is either

(i) engaged in executive and management functions of a State agency and charged with the effectuation of management policies and practices of a State agency or represents management interests by taking or recommending discretionary actions that effectively control or implement the policy of a State agency; or

(ii) qualifies as a supervisor of a State agency as that term is defined under Section 152 of the National Labor Relations Act, 29 U.S.C. 152(11), or any orders of the National Labor Relations Board interpreting that provision or decisions of courts reviewing decisions of the National Labor Relations Board.

Section 6.1(d) creates a presumption that any such designation made by the Governor was properly made. It also requires the Illinois Labor Relations Board to determine, in a manner consistent with due process, whether the designation comports with the requirements of Section 6.1, and to do so within 60 days.[1]

As noted, Public Act 97-1172 and Section 6.1 of the Illinois Public Labor Relations Act became effective on April 5, 2013, and allow the Governor 365 days from that date to make such designations. The Board promulgated rules to effectuate Section 6.1, which became effective on August 23, 2013, 37 Ill. Reg. 14,066 (September 6, 2013). These rules are contained in Part

[1] Public Act 98-100, which became effective July 19, 2013, added subsections (e) and (f) to Section 6.1 which shield certain specified positions from such Gubernatorial designations, but none of those positions are at issue here.

1300 of the Board's Rules and Regulations, 80 Ill. Admin. Code Part 1300.

On January 29, 2014, the Illinois Department of Central Management Services ("CMS"), on behalf of the Governor, filed the above-captioned designation petition pursuant to Section 6.1(b)(5) of the Act and Section 1300.50 of the Board's Rules. The following PSA-Option 1 position at the Illinois Department of Agriculture ("Department") is identified for designation in this case:

Position No.	**Incumbent**	**Working Title**
37015-11-06-000-00-01	Norman Hill	Assistant State Fair Manager

In support of its petition, CMS filed the position description for the position and an affidavit from Linda Rhodes, the Department's Labor Relations Manager. The petition indicates that the PSA-Option 1 position was certified on January 20, 2010.

On February 10, 2014, American Federation of State, County and Municipal Employees, Council 31 ("AFSCME") filed objections to the designation pursuant to Section 1300.60(a)(3) of the Board's Rules. On February 13, 2014, AFSCME filed a "Supplemental Objection" to raise objections specific to Mr. Hill's position. This Supplemental Objection included the AFSCME Information Form completed by Mr. Hill.

I reviewed the designation petition and accompanying position description, the objections raised by AFSCME, and the supporting documents provided by AFSCME. My review indicates that no issue of law or fact exists that might overcome the presumption that the designation is proper such that a hearing is necessary as to the propriety of the designation.

After consideration of the information before me, I find that the designation is properly submitted and is consistent with the requirements of Section 6.1 of the Act. Accordingly, I recommend that the Executive Director certify the designation of the position at issue in this matter and, to the extent necessary, amend any applicable certification of exclusive representatives to eliminate any existing inclusion of this position within any collective bargaining unit.

I. AFSCME OBJECTIONS

AFSCME objects to the designation petitions in a number of ways. Through its written objections and documents, AFSCME makes the following arguments.

A. General Objections

AFSCME argues that Section 6.1 violates provisions of the United States and Illinois Constitutions in a number of ways. First, the designation is an improper delegation of legislative authority to the executive branch. Second, selective designation results in employees being treated unequally based on whether an individual's position was subject to a designation petition. Third, the designation unlawfully impairs the contractual rights of individuals whose positions were subject to the provision of a collective bargaining agreement prior to the position being designated for exclusion.

AFSCME also contends that because the "employees holding the position identified by this petition are covered by a collective bargaining agreement which CMS entered into subsequent to the enactment of [Section] 6.1," the designation of these positions "violates due process and is arbitrary and capricious."

More substantively, AFSCME contends that under the National Labor Relations Board ("NLRB") precedent and case law interpreting the same, "any claim of supervisory or managerial status requires that *the party raising the exclusion bear the burden of proof*."[2] AFSCME argues that CMS seeks the exclusion of employees who are not "supervisors" or "managers" as defined by the National Labor Relations Act ("NLRA"), 29 U.S.C. 152 *et seq.*, or NLRB. AFSCME contends that CMS has presented evidence only of the "*potential* responsibilities that can be given to the employee within the position" and has not demonstrated that the employees have actual authority to complete the duties. Accordingly, AFSCME argues that CMS should bear the burden of proving that the designated employees exercise duties that would make them supervisory or managerial, that the position exercises managerial discretion rather than just professional discretion, and that the designated position has different duties than a position with the same title that performs "wholly professional" duties.

AFSCME further contends that CMS cannot prove a position is managerial where the position description identifies that the position effectuates policies but does not identify specific policies the position effectuates. AFSCME argues that CMS cannot prove that an employee is a supervisor by generalizing supervisory functions rather than demonstrating that the employee has actual authority to act or effectively recommend one of the 11 enumerated supervisory functions.

[2] Emphasis in original.

B. Position-specific Objections

In its Supplemental Objection, AFSCME, for the first time, raises position-specific objections. AFSCME includes Mr. Hill's response to a questionnaire wherein he raises "errors" in his position description. AFSCME further argues that Mr. Hill is not a supervisor, because his subordinate positions are vacant.

II. DISCUSSION AND ANALYSIS

The law creates a presumption that designations made by the Governor are properly made. In order to overcome the presumption of a properly submitted designation under Section 6.1(b)(5), the objectors would need to raise an issue of law or fact that the position does not meet either of the managerial tests set out in Section 6.1(c)(i) or the supervisory test set out in Section 6.1(c)(ii).

A. AFSCME'S Procedural Arguments

It is beyond the Board's capacity to rule that the Illinois Public Labor Relations Act, as amended by Public Act 97-1172, either on its face or as applied, violates provisions of the United States and Illinois constitutions. State of Ill., Dep't of Cent. Mgmt. Servs., 30 PERI ¶80, Case No. S-DE-14-005 etc. (IL LRB-SP Oct. 7, 2013) appeal pending, No. 1-13-3454 (Ill. App. Ct. 1st Dist.)(*citing* Goodman v. Ward, 241 Ill. 2d 398, 411 (2011) ("Administrative agencies … have no authority to declare statutes unconstitutional or even to question their validity. [citations omitted]. When they do so, their actions are a nullity and cannot be upheld.")). Accordingly, these issues are not addressed in this recommended decision and order.

AFSCME argues in its objections that CMS should bear the burden in at least two ways. First, it argues that because CMS is seeking an exclusion, under NLRA case law, CMS should bear the burden of proof, and should have had to present its case-in-chief first at the hearing. In so arguing, AFSCME fails to appreciate that Section 6.1 is a wholly new legislative creation. The Act's provision that "any designation made by the Governor…shall be presumed to have been properly made," 5 ILCS 315/6.1(d), shifts the burden of proving that a designation is improper on the objector. Therefore, AFSCME and the individual employees have the burden to demonstrate that the designation is improper.

B. Tests for Designations made under Section 6.1(b)(5)

Section 6.1(b)(5) allows the Governor to designate positions that authorize an employee to have "significant and independent discretionary authority." 5 ILCS 315/6.1(b)(5). The Act

goes on to provide three tests by which a person can be found to have "significant and independent discretionary authority." Section 6.1(c)(i) sets forth the first two tests, while Section 6.1(c)(ii) sets forth a third.[3] In its petition, CMS contends that the at-issue positions confer on the position holder "significant and independent discretionary authority" as further defined by either Section 6.1(c)(i) or both Section 6.1(c)(i) and (ii).

In order to meet the burden to raise an issue that might overcome the presumption that the designation is proper, the objector must provide specific examples to negate each of the three tests set out in Section 6.1(c). If even one of the three tests is met, then the objector has not sufficiently raised an issue, and the designation is proper. Ill. Dep't Cent. Mgmt. Serv., 30 PERI ¶ 85.

Each of the three tests are discussed below.

1. Section 6.1(c)(i) sets out two tests for designation under Section 6.1(b)(5)

The first test under Section 6.1(c)(i) is substantively similar to the traditional test for managerial exclusion articulated in Section 3(j). To illustrate, Section 6.1(c)(i) provides that a position authorizes an employee in that position with significant and independent discretionary authority if "the employee is…engaged in executive and management functions of a State agency and charged with the effectuation of management policies and practices of a State agency." 5 ILCS 315/6.1(c)(i).

Though similar to the Act's general definition of managerial employee in Section 3(j), 5 ILCS 315/3(j), the Section 6.1(c)(i) definition is broader in that it does not include a predominance element and requires only that the employee is "charged with the effectuation" of policies not that the employee is responsible for **directing** the effectuation. An employee **directs** the effectuation of management policy when he/she oversees or coordinates policy implementation by developing the means and methods of reaching policy objectives, and by

[3] Section 6.1(c) reads in full as follows:

> For the purposes of this Section, a person has significant and independent discretionary authority as an employee if he or she (i) is engaged in executive and management functions of a State agency and charged with the effectuation of management policies and practices of a State agency or represents management interests by taking or recommending discretionary actions that effectively control or implement the policy of a State agency or (ii) qualifies as a supervisor of a State agency as that term is defined under Section 152 of the National Labor Relations Act or any orders of the National Labor Relations Board interpreting that provision or decisions of courts reviewing decisions of the National Labor Relations Board.

5 ILCS 315/6.1(c).

determining the extent to which the objectives will be achieved. Ill. Dep't Cent. Mgmt. Serv. (Ill. State Police), 30 PERI ¶ 109 (IL LRB-SP 2013) (*citing* Cnty. of Cook (Oak Forest Hospital) v. Ill. Labor Rel. Bd., 351 Ill. App. 3d at 387); INA, 23 PERI ¶ 173 (IL LRB-SP 2007). However, in order to meet the first test set out in Section 6.1, a position holder need not develop the means and methods of reaching policy objections. It is sufficient that the position holder is charged with carrying out the policy in order to meet its objectives.

The Section 6.1(c)(i) test is unlike the traditional test where a position is deemed managerial only if it is charged with *directing* the effectuation of policies. Under the traditional test, for example, "where an individual merely performs duties essential to the employer's ability to accomplish its mission, that individual is not a managerial employee," Ill. Dep't of Cent. Mgmt. Serv. (Dep't of Revenue), 21 PERI ¶ 205 (IL LRB SP 2005), because "he does not determine the how and to what extent policy objectives will be implemented and the authority to oversee and coordinate the same." INA, 23 PERI ¶ 173 (*citing* City of Evanston v. Ill. Labor Rel. Bd., 227 Ill. App. 3d 955, 975 (1st Dist. 1992)). However, under Section 6.1(c)(i), a position need not determine the manner or method of implementation of management policies. Performing duties that carry out the agency or department's mission is sufficient to satisfy the second prong of the first managerial test.

The second test under Section 6.1(c)(i) indicates that a designation is proper if the position holder "represents management interests by taking or recommending discretionary actions that effectively control or implement the policy of a State agency." 5 ILCS 315/6.1(c)(i). This second test allows a position to be designated upon a showing that it either (a) takes discretionary actions that effectively control or implement agency policy or (b) effectively recommends such discretionary actions.

2. Section 6.1(c)(ii) establishes a third test for designation under Section 6.1(b)(5)

Under the NLRA, a supervisor is an employee who has "authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment." 29 U.S.C.A. § 152(11).

In other words, "employees are statutory supervisors if (1) they hold the authority to engage in any 1 of the 12 listed supervisory functions, (2) their 'exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment,' and (3) their authority is held 'in the interest of the employer.'" NLRB v. Kentucky River Comm. Care, Inc. ("Kentucky River"), 532 U.S. 706, 713 (2001) (*quoting* NLRB v. Health Care & Retirement Corp. of America, 511 U.S. 571, 573-574 (1994); *See also* Oakwood Healthcare, Inc. v. United Auto Automobile, Aerospace and Agricultural Implement Workers of America ("Oakwood Healthcare"), 348 NLRB 686, 687 (2006). A decision that is "dictated or controlled by detailed instructions, whether set forth in company policies or rules, the verbal instructions of a higher authority, or in the provisions of a collective bargaining agreement" is not independent. Oakwood Healthcare, 348 NLRB at 689.

C. Consideration of AFSCME's Supplemental Objection

Pursuant to the Board's Rules, objections are to be filed within 10 days following a petition being filed. 80 Ill. Adm. Code 1300.60(a)(3). This petition was filed on January 29, 2014, and objections were due February 10, 2014. AFSCME's Supplemental Objection was filed on February 13, 2014, three days late. The Supplemental Objection states that the additional objection was based on Mr. Hill's questionnaire, "which was previously misplaced."

Under Board Rule 1300.150, the Board may waive or suspend provisions of the Rules when it finds that "(a) the provision from which the variance is granted is not statutorily mandated; (b) no party will be injured by the granting of the variance; and (c) application of the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome." Board Rule 1300.60(a)(3) allows that an objector "shall have 10 days from the date of service of the designation to object to the designation." This deadline can be extended by Order of the General Counsel. 80 Ill. Adm. Code 1300.90(e). The Rules do not specifically address the propriety of supplementing an otherwise timely objection after the deadline.

Notably, AFSCME did not seek a variance pursuant to the Rules and did not seek to have the objection deadline extended. Moreover, AFSCME would be hard-pressed to meet the third element for receiving a variance, as complying with the Board's Rules by timely filing an objection containing all the information to be considered by the ALJ is not unreasonable or unduly burdensome. In any event, I find that Mr. Hill's position was properly designated.

D. The designation of the PSA-Option 1 position held by Normal Hill is proper.

Mr. Hill's position is designated under Section 6.1(b)(5), and CMS asserts that it meets the 6.1(b)(5) requirement as further defined both by Sections 6.1(c)(i) and (ii). Insomuch as AFSCME and the employee failed to timely file any position specific objection, I find that they failed to overcome the presumption set out in Section 6.1(d). Should the Board consider the position-specific objections raised in AFSCME's Supplemental Objection, I find, based on Mr. Hill's questionnaire response, the Department affidavit, and the portions of his position description that he does not contest, that Mr. Hill's position is properly designated under Section 6.1(c)(i).[4]

Mr. Hill takes issue with various sections of his position description, specifically those related to operations of the DuQuoin State Fair, saying that he has not performed certain duties related to Fair operation in the last 2 years. However, Mr. Hill confirms that he is involved in non-Fair events. The portions of his position description that relate to the position's authority related to the operation of non-Fair events include the following responsibilities: "Develops and implements efficient utilization of the DuQuoin Fairgrounds and its facilities during the non-fair season;" and "Exercises overall direction and control of the responsibilities of the non-fair event program." Mr. Hill's position is authorized to exercise overall direction and control of the responsibilities of the non-Fair events program. Mr. Hill confirms that he is involved in the set-up and operations of non-Fair events and that he performs other duties to "implement Fair and non-Fair events." Moreover, according to Mr. Hill, he acts as a liaison between the Department, its employees, and other State agencies to organize for the set-up of Fair and non-Fair events, as well as the overall maintenance of the grounds. In performing these duties, Mr. Hill's position is authorized to represent the Department's interests by take discretionary actions that implement Department policy.

In his questionnaire, Mr. Hill repeats numerous times that he performs tasks "at the direction of the Bureau Chief [the State Fair Manager]." In so much as the Fair Manager directs his Assistant State Fair Manager (Mr. Hill) or makes final decisions regarding Mr. Hill's operation of non-Fair events, Mr. Hill's position is authorized to recommend that the Fair

[4]Because I find the designation proper under Section 6.1(b)(5) as further defined by Section 6.1(c)(i), I do not address whether the designation is also proper under Section 6.1(b)(5) as further defined by Section 6.1c)(ii).

Manager take discretionary actions to implement the non-Fair events program. Mr. Hill's assertion that he receives direction from the State Fair Manager does not strip Mr. Hill's position of the requisite authority for the proper designation of his position. *See* Dep't of Cent. Mgmt. Serv. v. Ill. Labor Rel. Bd., 2011 IL App (4th) 090966 at ¶ 186 (4th Dist. 2011)(The Act does not require a person to exercise exclusive authority in the effectuation of management policies. Where employees implement management policies and practices, the fact that they "do not do so 'independently' is unimportant, given that the Act does not require such independence in management functions."). No evidence exists in the position description or the objections to support a claim that the authority of Mr. Hill's position has been limited such that he is not only unable to take discretionary actions when exercising the "overall direction and control of the responsibilities of the non-fair events program" but also unable to effectively recommend such actions to the State Fair Manager.

Because Mr. Hill's position is authorized to represent management interests by taking or recommending discretionary actions that effectively control or implement the policy of the Department, the designation of Mr. Hill's position is proper.

III. CONCLUSIONS OF LAW

The Governor's designation in this case is properly made.

IV. RECOMMENDED ORDER

Unless this Recommended Decision and Order is rejected or modified by the Board, the following position with the Illinois Department of Agriculture is excluded from the self-organization and collective bargaining provisions of Section 6 of the Illinois Public Labor Relations Act:

Position No.	Incumbent	Working Title
37015-11-06-000-00-01	Norman Hill	Assistant State Fair Manager

V. EXCEPTIONS

Pursuant to Sections 1300.130 and 1300.90(d)(5) of the Board's Rules and Regulations, 80 Ill. Admin. Code Parts 1300,[5] parties may file exceptions to the Administrative Law Judge's Recommended Decision and Order and briefs in support of those exceptions no later than three days after service of this recommended decision and order. Exceptions shall be filed with the Board by electronic mail at an electronic mail address designated by the Board for such purpose,

[5] Available at www.state.il.us/ilrb/subsections/pdfs/Section1300IllinoisRegister.pdf

ILRB.Filing@illinois.gov, and served on all other parties via electronic mail at its e-mail address as indicated on the designation form. Any exception to a ruling, finding, conclusion or recommendation that is not specifically urged shall be considered waived. A party not filing timely exceptions waives its right to object to this recommended decision and order.

Issued at Springfield, Illinois, this 28th day of February, 2014.

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

Sarah R. Kerley
Sarah Kerley
Administrative Law Judge