

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

American Federation of State, County and)	
Municipal Employees, Council 31,)	
)	
Petitioner)	
)	
and)	Case No. S-RC-08-130
)	
State of Illinois, Department of Central)	
Management Services,)	
)	
Employer)	

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

On January 23, 2012, Administrative Law Judge (ALJ) Martin Kehoe issued a Recommended Decision and Order (RDO) in the above-captioned case, finding that three individuals in the title of Public Service Administrator, Option 8L, employed by the State of Illinois, Department of Central Management Services (Department of Healthcare and Family Services) (Employer) were neither supervisors nor managerial employees as defined by the Illinois Public Labor Relations Act, 5 ILCS 315 (2010), as amended (Act), and ordering that these three individuals' positions be included in the existing RC-10 bargaining unit currently represented by the American Federation of State, County and Municipal Employees, Council 31 (Petitioner).

The Employer filed timely exceptions to the RDO in accordance with Section 1200.135 of the Rules and Regulations of the Illinois Labor Relations Board, 80 Ill. Admin. Code Parts 1200 through 1240, and the Petitioner filed a response.

After reviewing the record and the exceptions, we uphold the RDO for the reasons set forth by the ALJ. In particular, we agree that William Kurylak, a supervising administrative law

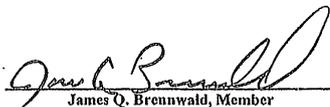
judge, is not a supervisor within the meaning of Section 3(r) of the Act. This is true not only for the reasons stated by the ALJ, but also because the undisputed record testimony reveals that Kurylak's superiors have told him he can no longer issue discipline or approve requests for leave for either of his subordinate administrative law judges and have also limited his responsibility to review the work of one of those subordinates. The record fails to establish that Kurylak exercises independent judgment in performing supervisory duties, and he certainly does not spend a preponderance of his employment time supervising his two subordinates.

For these reasons and those articulated by the ALJ, we adopt the ALJ's Recommended Decision and Order and direct that a certification issue adding the Public Service Administrator, Option 8L positions currently held by Dora McNew-Clarke, Thomas Fischer and William Kurylak to the RC-10 bargaining unit.

BY THE ILLINOIS LABOR RELATIONS BOARD, STATE PANEL


Jacalyn J. Zimmerman, Chairman


Paul S. Besson, Member


James Q. Brennwald, Member


Michael G. Coll, Member


Albert Washington, Member

Decision made at the State Panel's public meeting in Chicago, Illinois, on April 12, 2011; written decision issued at Chicago, Illinois, May 1, 2012.

