

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

Metropolitan Alliance of Police,	)	
Niles Police Sergeants, Chapter 358,	)	
	)	
Petitioner	)	
	)	
and	)	Case No. S-RC-15-067
	)	
Village of Niles,	)	
	)	
Employer	)	

**ORDER**

On July 21, 2015, Administrative Law Judge Deena Sanceda, on behalf of the Illinois Labor Relations Board, issued a Recommended Decision and Order in the above-captioned matter. No party filed exceptions to the Administrative Law Judge's Recommendation during the time allotted, and at its November 17, 2015 public meeting, the Board, having reviewed the matter, declined to take it up on its own motion.

**THEREFORE**, pursuant to Section 1200.135(b)(5) of the Board's Rules and Regulations, 80 Ill. Admin. Code §1200.135(b)(5), the parties have waived their exceptions to the Administrative Law Judge's Recommended Decision and Order, and this non-precedential Recommended Decision and Order is final and binding on the parties to this proceeding.

**Issued in Chicago, Illinois, this 18th day of November, 2015.**

**STATE OF ILLINOIS  
ILLINOIS LABOR RELATIONS BOARD  
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**Kathryn Zeledon Nelson**  
General Counsel

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Village of Niles,	)	
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Employer	)	

**ADMINISTRATIVE LAW JUDGE’S RECOMMENDED DECISION AND ORDER**

On March 5, 2015, Metropolitan Alliance of Police, Niles Police Sergeants, Chapter 358 (“Petitioner” or “Union”), filed a representation petition in the above-captioned case, with the State Panel of the Illinois Labor Relations Board (“Board”), pursuant to the Illinois Public Labor Relations Act, 5 ILCS 315 (2012) as amended (“Act”), and the Rules and Regulations of the Board, 80 Ill. Admin. Code, Parts 1200 through 1240 (“Rules”). The Petitioner seeks to become the certified bargaining representative for a unit comprised of eight police sergeants in the Village of Niles (“Employer” or “Village”). On March 27, 2015, the Employer filed objections arguing that the petition is inappropriate because in Case No. S-RC-04-121 the Board excluded the petitioned-for sergeants from collective bargaining because it deemed them supervisors within the meaning of the Act.

In order to overcome the petition’s alleged inappropriateness, the Petitioner must raise a question of representation necessitating a hearing. To this end, the Petitioner made several filings containing testimony it seeks to offer at hearing, and other factual contentions it maintains raise a question of representation requiring resolution through a hearing. After investigating the instant petition pursuant to Section 1210.100(b) of the Rules, and considering all the filings, I recommend the following.

**I. BACKGROUND**

The Petitioner seeks to represent the following bargaining unit:

**INCLUDED:** All full time peace officers in the rank of sergeant.

**EXCLUDED:** All sworn police officers above and below the rank of sergeant, any employees

excluded from the definition of “peace officer” as defined in Section 3(k) of the Illinois Public Labor Relations Act, and all other management, supervisory, confidential and professional employees as defined by the Act.

Section 3(r) of the Act defines a supervisor. That definition as applied to a police officer includes the following relevant provision:

an employee whose principal work is substantially different from that of his or her subordinates and who has authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, direct, reward, or discipline employees, to adjust their grievances, or to effectively recommend any of those actions, if the exercise of that authority is not of a merely routine or clerical nature, but requires the consistent use of independent judgment.

In Village of Niles and Metropolitan Alliance of Police, Niles Police Sergeants, Chapter #358, Case No. S-RC-04-121, after fully considering the parties’ stipulations, record evidence and testimony offered during six days of hearing, legal arguments, and upon the entire record of the case, Administrative Law Judge (“ALJ”) Sharon B. Wells issued a Recommended Decision and Order (“RDO”) dismissing the petition because she held that the sergeants were supervisors as defined by the Act. Vill. of Niles and Metro. Alliance of Police, Niles Police Sgts., Chapter #358, Case No. S-RC-04-121 (IL LRB-SP ALJ 2005). The ALJ concluded that the sergeants satisfied the three-part supervisory test because 1) their principal work was substantially different from their subordinates’ work; 2) they had the authority to perform or effectively recommend one or more of the 11 enumerated supervisory functions listed in the Act; and, 3) they consistently used independent judgment in the performance of these functions. Id. Regarding the supervisory functions, the ALJ concluded that sergeants disciplined, effectively recommended discipline, and directed patrol officers and detectives. Id. The petitioner filed exceptions to the RDO, and upon review, the Board remanded the case to ALJ Wells with direction to resolve whether the sergeants had authority to issue verbal reprimands, or simply the authority recommend them. Vill. of Niles and Metro. Alliance of Police, Niles Police Sgts., Chapter #358, Case No. S-RC-04-121 (IL LRB-SP April 19, 2006). In response, the ALJ issued a Supplemental RDO (“Supplemental RDO”) amending one paragraph of her RDO for clarity, but retaining all other findings and legal conclusions. Vill. of Niles and Metro. Alliance of Police, Niles Police Sgts., Chapter #358, 22 PERI ¶83 (IL LRB-SP ALJ 2006). Neither party filed timely exceptions to the Supplemental RDO, and the Board declined to take the matter up

on its own motion. Id. Accordingly, the Board’s General Counsel memorialized ALJ Wells’ decision as non-precedential but final and binding upon the parties. Id.

Regarding the first prong of the supervisory test, because the parties stipulated that the sergeants’ principal work was substantially different from their subordinate officers’ work ALJ Wells did not make any factual findings on this issue. Vill. of Niles, Case No. S-RC-04-121 (IL LRB-SP ALJ 2005). Regarding the second and third prongs, the ALJ made detailed factual findings to support her conclusions that sergeants consistently used independent judgment when they exercised their supervisory authority to discipline, effectively recommend discipline, and direct patrol officers and detectives. Id. The questions raised in the instant matter warrant discussion of those findings.

**1. Discipline**

ALJ Wells found that the Niles Police Department (“Department”) operated under both an unwritten disciplinary policy and a formal progressive disciplinary system articulated in the Department’s rules and regulations. Niles, Case No. S-RC-04-121 (IL LRB-SP ALJ 2005). The unwritten policy involved vehicular accidents where an officer was at fault or otherwise negligent. Id. In accordance with this policy, a sergeant was required to investigate an accident, decide whether the accident was major or minor, and make a disciplinary recommendation based upon the number of previous occurrences. Id. Regarding the formal progressive disciplinary system, the ALJ found that sergeants possessed authority to issue verbal warnings and verbal reprimands, to recommend written reprimands and suspensions, and to decide not to discipline an officer. Niles, 22 PERI ¶83.

**A. Authority to issue verbal warnings and verbal reprimands**

The ALJ found that a sergeant could decide to verbally warn or retrain an officer in lieu of issuing discipline. Niles, Case No. S-RC-04-121 (IL LRB-SP ALJ 2005). Sergeants also had discretion to document or not document a verbal reprimand. Id. Sergeants based these decisions on their knowledge of the particular officer’s prior discipline and performance. Id. ALJ Wells specifically found that there “was no conflicting evidence as to whether sergeants [had] the authority to issue verbal reprimands.” Niles, 22 PERI ¶83. “Moreover, [she noted] that evidence of the sergeants’ authority to issue verbal reprimands [was] clearly established in the record by testimony from both the Employer’s as well as the Petitioner’s witnesses.” Id.

Based upon the above factual findings, the ALJ concluded that the “record evidence establishe[d] that sergeants [had] the authority to issue verbal reprimands that [were documented] and placed in officers’ personnel files.” Niles, Case No. S-RC-04-121 (IL LRB-SP ALJ 2005). She further concluded that sergeants exercised independent judgment in issuing such reprimands, because they decided whether the misconduct warranted a verbal warning, retraining, or a reprimand, and because a higher-ranking officer’s approval was not required. Id.

B. Authority to effectively recommend written reprimands and suspensions

In accordance with the formal progressive disciplinary system, while sergeants had authority to *issue* verbal reprimands, they could only *recommend* more serious discipline, such as written reprimands, and suspensions. Niles, Case No. S-RC-04-121 (IL LRB-SP ALJ 2005). The sergeants’ commanders reviewed the recommendations, and then sent them to the chief through the chain of command. Id. Only the chief had authority to issue written reprimands, and his suspension authority was limited to issuing suspensions lasting five days or less. Id. An officer could appeal discipline to the fire and police commission. Id.

ALJ Wells concluded that sergeants exercised the supervisory authority to recommend written reprimands and suspensions. Niles, Case No. S-RC-04-121 (IL LRB-SP ALJ 2005). In support of this conclusion, she found that the record evidence recited 21 incidents, occurring between 2000 and 2004, in which sergeants recommended discipline of police officers, or reported that they had verbally warned or verbally reprimanded officers. Niles, 22 PERI ¶83. These incidents involved vehicular accidents, missing court dates, report writing, delaying in returning to the police station, handling prisoners, discharging a weapon, failing to show up for detail, citizens’ complaints, and a spitting allegation. Id. She identified that in 14 of the 21 instances, the chief implemented the sergeants’ specific disciplinary recommendation; in other instances, the chief implemented the recommendation but at a lesser penalty; and in three instances, the Department did not impose discipline. Niles, Case No. S-RC-04-121 (IL LRB-SP ALJ 2005).

2. Direct

The ALJ found that the sergeants performed many duties that constituted authority to direct, such as issuing assignments, completing and issuing the officers’ annual performance evaluations, granting leave requests, approving overtime, and allowing officers to leave early

when missing lunch. Niles, Case No. S-RC-04-121 (IL LRB-SP ALJ 2005). However, she found that many of these duties were routine and clerical, and concluded that the sergeants only directed their subordinates with independent judgment when they issued assignments and when they completed and issued the officers' annual performance evaluations. Id.

#### A. Assignments

The ALJ found that when sergeants assigned cases and when they directed the patrol officers' activities at crime scenes the sergeants were exercising the supervisory authority to direct. Niles, Case No. S-RC-04-121 (IL LRB-SP ALJ 2005). Specifically, she found that sergeants used independent judgment when changing an officer's assignment due to absences or training, because the sergeant considered the officer's productivity, motivation, and his familiarity with an area. Id. Detective sergeants in the investigation division assigned subordinate detectives cases without input from the commander. Id. While the goal was to have an equal caseload, the ALJ determined that the detective sergeants used independent judgment because they considered detectives' schedules, caseload, and the complexity of the case. Id. At a crime scene, when a sergeant was the highest-ranking officer, he used independent judgment to designate officers to perform various tasks such as traffic control, or interviewing witnesses. Id. The ALJ noted one occasion where sergeants remained in charge even though the chief, the watch commander, and the division commander were on site. Id.

Based upon the above factual findings ALJ Wells concluded that sergeants could affect those officers' employment status because the sergeants' authority to assign accompanied their authority to recommend discipline. Niles, Case No. S-RC-04-121 (IL LRB-SP ALJ 2005).

#### B. Evaluations

The ALJ found that sergeants annually evaluated their subordinates. Niles, Case No. S-RC-04-121 (IL LRB-SP ALJ 2005). Each sergeant on a shift evaluated half the patrol officers on that shift. Id. Evaluations included reviewing the officers' personnel files that contained discipline, time off requests, and training and performance reports. Id. The evaluations themselves required sergeants to rate the officers in five categories with one of five possible ratings. Id. The evaluation form also provided a comment section in which the sergeant could explain the officer's ratings, and to indicate whether the sergeant considered the officer promotable or not promotable. Id.

Sergeants then submitted the evaluations to their commanders, and on at least one occasion, the watch commander changed the sergeant-prepared evaluation. Niles, Case No. S-RC-04-121 (IL LRB-SP ALJ 2005). The sergeant, and possibly the watch commander, discussed the evaluation with the officer who was given the opportunity to respond to the evaluator's comments, after which, the sergeant signed the evaluation. Id. The sergeant informed the watch commander when he completed all the evaluations. Id. The evaluations were sent through the chain of command to the watch commander, the division commander and then to the chief. Id. The chief then submitted the evaluations to the Village's personnel director. Id. While the evaluations did not affect the officers' pay, ALJ Wells found that they could be the basis for scheduling additional officer training and factor into their promotions and transfers to special assignments such as field training, bike patrol, and evidence technicians. Id. Bike patrol and evidence technician assignments received \$250 per year, and field-training officers earned one hour of overtime for each day of training. Id.

Based upon the above factual findings the ALJ determined that sergeants could affect those officers' employment status because the sergeants' authority to evaluate accompanied their authority to recommend discipline. Niles, Case No. S-RC-04-121 (IL LRB-SP ALJ 2005). She therefore concluded that sergeants exercised direction within the meaning of the Act when they assigned and evaluated their subordinate officers. Id.

## **II. EVIDENCE OF ALLEGED CHANGES**

The undersigned issued two orders to show cause informing the Union that because it seeks to certify a unit of employees that the Board has already deemed statutory supervisors, in order to avoid dismissal without a hearing, the Union must provide evidence that might overcome the alleged inappropriateness of the petition and raise a question of representation. In response, the Union contends that substantial and material changes have occurred regarding the sergeants' authority to discipline and to direct their subordinate officers since the matter was adjudicated in Case No. S-RC-04-121.

### **1. Discipline**

#### **A. Verbal reprimands**

The Union provides that given the opportunity, Sergeant George Alexopoulos will testify that sergeants lack authority to issue verbal reprimands. When asked whether Sgt. Alexopoulos will

base his testimony on a change to the Department's written policies and procedures or a verbal instruction, the Union responded that it has "no further information to tender."

B. Effectively recommend written reprimands and suspension

The Union identifies one disciplinary incident wherein a sergeant investigated violations of a Department rule and notified the chain of command. The sergeant did not include a disciplinary recommendation in his notification, and instead left the Department to make an independent disciplinary determination. The Union also provides a summary of 19 incidents occurring from 2006 through 2014 in which sergeants made disciplinary recommendations for officers. These incidents involve vehicular accidents, missing court dates, damaging a squad car, losing equipment, handling prisoners, tardiness, performing duties unsatisfactorily, lying, and insubordination. Sergeants recommended written reprimands and suspensions ranging from one day to 10 days. On two occasions, the Department did not issue discipline, despite the sergeants' recommendations.

On 17 occasions, the Department followed the sergeants' recommendation for discipline, but at different severity level. Ten of those instances consisted of the Department implementing the sergeants' suspension recommendations at a different length than the recommended length; two of which the same sergeant recommended 10-day suspensions, but the chief suspended the officers for only 5 days. In three instances, the Department issued written reprimands when the sergeants recommended suspension. On three occasions, the Department suspended officers when the sergeants recommended written reprimands. Finally, in one incident, the Department issued a verbal reprimand when the sergeant recommended a written reprimand.

**2. Direct**

The Union argues that the sergeants do not direct the patrol officers as ALJ Wells previously found. The Union also maintains that sergeants are no longer authorized to approve police officers' time off, cannot reward officers, and do not approve officers working overtime for missing lunch.

A. Assignments

The Union asserts that sergeants only change officers' beat assignments due to an absence of another officer. The Union further contends that the sergeants' direction at crime scene is the

same as any senior officer directing a junior officer, or an officer acting as an evidence technician who directs other officers and supervisors at the crime scene.

### B. Evaluations

The Union maintains that the commander and the chief review the evaluation before the sergeant presents it to the officer. The Union further asserts that the commander directs the sergeant to make changes as necessary and that the deputy chief has authority to request changes prior to approving the evaluation.

## III. DISCUSSION AND ANALYSIS

The Board's Rules provide that upon receipt of a representation petition, the Board or its agent shall investigate the petition. 80 Ill. Adm. Code 1210.100(b)(6) (2013). If, for any reason during the investigation, the Board agent discovers that the petition may be inappropriate, the agent may issue an order to show cause requesting that the petitioner provide sufficient evidence to overcome such inappropriateness. *Id.* "Failure to provide sufficient evidence of the petition's appropriateness" can result in dismissal. *Id.* A petitioner is entitled to a hearing only where "the investigation discloses that there is reasonable cause to believe that there are unresolved issues relating to the question concerning representation[.]" 80 Ill. Adm. Code 1210.100(b)(7)(C) (2013).

Due to the binding decision that the sergeants are supervisors there is cause to question the petition's appropriateness, and the Union bears the burden of providing sufficient evidence to demonstrate that the petition is appropriate. 80 Ill. Adm. Code 1200.100(b)(6); see Int'l Ass'n of Machinists and Aerospace Workers, Dist. 8, and State of Ill., Dep't of Cent. Mgmt. Serv. (Dep't of Human Serv.), 29 PERI ¶122 (IL LRB-SP 2012) aff'd by unpub. order, 30 PERI ¶293, No. 4-13-0126, (May 14, 2013). To do so, the Union must identify specific factual findings in the original decision that have changed for every element of the definition of a police supervisor that the ALJ relied on in supporting her conclusion, describe those changes, and explain how those changes are material such that they could affect a determination of the employment position's exclusionary status. Vill. of Homewood and Int'l Bhd. of Teamsters, 23 PERI ¶181 (IL LRB-SP 2002). Based on ALJ Wells' findings, the Union will succeed in raising a question of representation necessitating a hearing only if it identifies material changes to the sergeants' authority to issue verbal reprimands, effectively recommend written reprimands and suspensions,

and direct officers. Niles, Case No. S-RC-04-121 (IL LRB-SP ALJ 2005); see Homewood, 23 PERI ¶181.

**1. Discipline**

A. Issue discipline

The “record evidence” before ALJ Wells established that sergeants both issued and recommended verbal reprimands, and testimonial evidence further supported this finding. Here, the Union seeks to provide testimonial evidence that the sergeants lack authority to issue verbal reprimands. When asked whether Sgt. Alexopoulos would base his testimony on a change in the Department’s written policies and procedures or his receipt of a verbal instruction limiting sergeants’ authority to issue verbal reprimands, the Petitioner provided that it has “no further information to tender.” A sergeant’s subjective belief not premised on a change in policy or other limit on authority to issue verbal reprimands is not evidence of a change in material facts that ALJ Wells relied upon. Consequently, I find that because the Union has not identified a significant change in the materials facts ALJ Wells relied upon in determining that the sergeants have authority to issue verbal reprimands, it has not raised a question of representation regarding the sergeants’ authority to issue such discipline.

B. Effectively recommend discipline

In Case No. S-RC-04-121, ALJ Wells found that of the 21 identified instances when a sergeant recommended discipline of an officer, discipline resulted 18 times. Niles, Case No. S-RC-04-121 (IL LRB-SP ALJ 2005). On four of those 18 occasions, the officer received discipline less severe than recommended. Id. She nonetheless concluded that sergeants effectively recommend written reprimands and suspensions. Id.

In support of its contention that changed facts raise a question of representation, the Union lists 19 disciplinary recommendations regarding written reprimands and suspensions sergeants have made over an eight-year period. I find that this list lacks sufficient context to raise a question of representation as to a change in the effectiveness of sergeants’ recommendations. The Union has identified that in the span of eight years the chief has modified or rejected the sergeants’ disciplinary recommendations on at least 19 occasions, but the Union does not identify the total number of recommendations made during this period, nor does it identify a single incident where the chief implemented a sergeant’s disciplinary recommendation without

modification. Raising additional concerns over the list's reliability is the fact that, though the Union asserts that sergeants no longer have authority to issue a verbal reprimand, the list does not identify a single incident of a sergeant recommending a verbal reprimand.

Even if the Union's list is complete and reliable, it does not suggest that the material facts have changed since the sergeants' supervisory status was first adjudicated. A recommendation is not ineffective "simply because it is not rubber-stamped." City of Peru v. Ill. State Labor Rel. Bd., 167 Ill. App. 3d 284, 290 (3d Dist. 1988). Furthermore, simply "because the particular method and extent of discipline recommended was not carried out does not defeat a finding that the recommendation was effective." City of Chicago (Dep't of Pub. Health), 17 PERI ¶ 3016 (IL LRB-LP 2001) citing Eastern Greyhound Lines v. NLRB, 337 F. 2d 84 (6th Cir. 1964). Thus, in order for a disciplinary recommendation to be effective, discipline must occur, though implementation at the recommended severity level is not required. The Union's list illustrates that while the Department has not always adopted the recommended disciplinary method, in nearly every identified instance where a sergeant recommended discipline of an officer, the officer received discipline. Thus, the material facts that supported the ALJ's conclusion that sergeants effectively recommend written reprimands and suspensions have not changed.

Finally, the Union's contention that the chief suspended an officer without a sergeant recommendation does not raise a question of representation. ALJ Wells found that sergeants performed the supervisory indicium of effectively recommending discipline, whether other employees also effectively recommend discipline does not affect the sergeants' supervisory authority to make such recommendations.

## **2. Direct**

In order to be a statutory supervisor solely based on an employee's authority to direct, the employee must possess significant discretionary authority to affect their subordinates' terms and conditions of employment in areas such as discipline, transfer, promotion, or hiring. Vill. of Bellwood and Metro. Alliance of Police, Bellwood Command Chapter No. 339, 19 PERI ¶106 (IL LRB-SP 2003); see City of Freeport v. Ill. Labor Rel. Bd., 135 Ill. 2d 499, 518-519 (1990); Am. Fed'n of State, Cnty., and Mun. Emps, Council 31 and State of Ill., Dep't of Cent. Mgmt. Serv., (Dep't of Emp. Sec.), 11 PERI ¶2021 (IL SLRB 1995) (finding that a purported supervisor's disciplinary authority extended to instances of non-performance or poor performance of duties constituted oversight, which falls under the supervisory indicia of

direction); City of Sparta and Ill. Frat. Order of Police Labor Council, 9 PERI ¶2029 (IL SLRB 1993). Direction becomes supervisory where, in addition to the supervisor being responsible for his subordinates' proper performance, the employer relies upon the supervisor to exercise significant discretionary authority, which affects the subordinates' employment, in order to carry out that responsibility and to effectuate the employer's policies. City of Naperville and Service Emp. Int'l Union, Local No. 1, AFL-CIO, 8 PERI ¶2016 (IL SLRB 1992). ALJ Wells found that sergeants possessed the authority to direct and linked the authority to direct with their authority to discipline because the record demonstrated that poor performance and failing to follow assignments are grounds for discipline, and sergeants exercise significant discretionary authority to impose or recommend such discipline. Niles, Case No. S-RC-04-121 (IL LRB-SP ALJ 2005).

#### A. Assignments

The Union does not identify facts that have changed with respect to the sergeants' exercise of direction when they give assignments to their subordinate officers; rather, the Union implies that such actions do not constitute authority to direct. However, the ALJ's legal conclusions are final and binding on the parties and can only be disturbed if the factual bases for the conclusion have changed. The Union has not identified a change in the manner sergeants change officers' beats or the manner in which sergeants direct officers at crime scenes.

#### B. Evaluations

The Union's position regarding the sergeants' evaluations is similarly flawed. The Union asserts that sergeants submit the officers' evaluations for review through the chain of command prior to submitting them to the officers, and that this is a substantial change. ALJ Wells found that the evaluations were always subject to review prior to discussing them with the officer, and she identified at least one instance where the commander directed a sergeant to modify an evaluation prior to discussing it with the officer. Niles, Case No. S-RC-04-121 (IL LRB-SP ALJ 2005). Whether the chief reviews the evaluation prior to it being presented to the officer is not material change, because the chief was always required to review the evaluation prior to the evaluation being sent to the Village's personnel director, and the sergeant was always required to get a superior's approval prior to discussing it with the officer. Thus, adding an additional review level is not a material change from the facts ALJ Wells considered.

Furthermore, ALJ Wells found that evaluations could affect an officer's promotability and his ability to receive special assignments that result in additional pay. Niles, Case No. S-RC-04-121 (IL LRB-SP ALJ 2005). The Union provided no evidence that facts have change undermining this finding.

C. Other Duties

The Union alleges that sergeants are no longer authorized to approve patrol officers' time off, cannot reward officers, and do not approve overtime for missing a lunch. However, these changes, even if true, do not raise a question of representation, because ALJ Wells did not conclude that sergeants exercised supervisory direction on when they performed these tasks. See Niles, Case No. S-RC-04-121 (IL LRB-SP ALJ 2005).

In Case No. S-RC-04-121, the Board provided the Union and the Village full opportunity to participate, adduce relevant evidence, examine witnesses, argue orally, and file written briefs in support of their arguments as to the status of the petitioned-for sergeants in this case. After fully considering the matter, ALJ Wells excluded the sergeants from the bargaining unit as supervisors, and neither party excepted to that determination. I find that the Union's presented evidence is substantially similar to the evidence ALJ Wells relied upon in her decision. Therefore, I find that the Union has presented insufficient insufficient evidence to raise a question of representation regarding the same employment position.

**IV. CONCLUSIONS OF LAW**

The petition is inappropriate because here have been no material changes to the previous factual findings that could affect a determination of the sergeants' supervisory status.

**V. RECOMMENDED ORDER**

IT IS HEREBY ORDERED that the representational petition filed in the above-captioned Case No. S-RC-15-067 is dismissed.

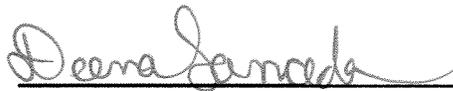
**VI. EXCEPTIONS**

Pursuant to Section 1200.135 of the Board's Rules and Regulations, 80 Ill. Admin. Code Parts 1200-1240, the parties may file exceptions to this recommendation and briefs in support of those exceptions no later than 14 days after service of this recommendation. Parties may file

responses to any exceptions, and briefs in support of those responses, within 10 days of service of the exceptions. In such responses, parties that have not previously filed exceptions may include cross-exceptions to any portion of the recommendation. Within five days from the filing of cross-exceptions, parties may file cross-responses to the cross-exceptions. Exceptions, responses, cross-exceptions, and cross-responses must be filed, if at all, with Kathryn Nelson, General Counsel of the Illinois Labor Relations Board, 160 North LaSalle Street, Suite S-400, Chicago, Illinois 60601-3103. Exceptions, responses, cross-exceptions, and cross-responses will not be accepted in the Board's Springfield office. Exceptions and/or cross-exceptions sent to the Board must contain a statement listing the other parties to the case and verifying that the exceptions and/or cross-exceptions have been provided to them. If no exceptions have been filed within the 14-day period, the parties will be deemed to have waived their exceptions.

**Issued at Chicago, Illinois this 21st day of July, 2015.**

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



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**Deena Sanceda  
Administrative Law Judge**