STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
LOCAL PANEL

Theresa Kyriazes,	)	
	)	
Petitioner	)	
	)	
and	)	
	)	
Park Ridge Park District,	)	
	)	Case No. S-RD-14-003
Employer	)	
	)	
and	)	
	)	
Service Employees International Union, Local 73,	)	
	)	
Incumbent	)	

ORDER

On April 24, 2014, Administrative Law Judge Martin Kehoe, 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 June 3, 2014 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the parties have waived their exceptions to the Administrative Law Judge's Recommended Decision and Order, and this non-precedential Recommended Decision and Order is final and binding on the parties to this proceeding.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 4th day of June, 2014.

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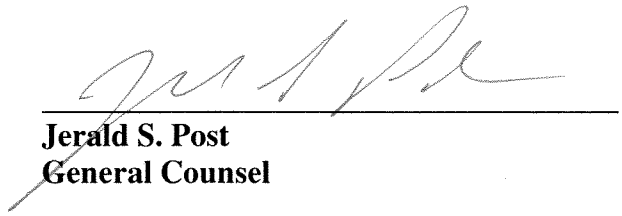

Jerald S. Post
General Counsel

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ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION AND ORDER

On October 15, 2013, Theresa Kyriazes (Petitioner) filed a decertification petition with the State Panel of the Illinois Labor Relations Board (Board), seeking an election to determine whether a bargaining unit of employees of the Park Ridge Park District (Employer) desired continued representation by the Service Employees International Union, Local 73 (Incumbent). On October 30, 2013, the Incumbent filed an unfair labor practice charge involving the same unit in Case No. S-CA-14-073 and requested that the Board, pursuant to Section 9(a) of the Illinois Public Labor Relations Act, 5 ILCS 315 (2012) as amended (Act), hold the election in abeyance until such time as that unfair labor practice charge is resolved. The Employer responded to the Incumbent's request on December 12, 2013. Subsequently, on January 29, 2014, the Board's Executive Director issued a complaint for hearing.

I, the undersigned administrative law judge, issued an initial recommended decision and order (RDO) for the instant case on February 24, 2014. The parties did not file exceptions to the RDO and the Board declined to take up the matter on its own motion. Accordingly, the Board's General Counsel issued an order effectuating the RDO on April 1, 2014, thereby holding the instant petition in abeyance. On April 16, 2014, the Employer submitted a letter requesting that the Board process the petition and schedule a decertification election.[1] After full consideration of the record, I recommend the following.

I. ISSUES AND CONTENTIONS

The February 24, 2014 RDO recommended that the instant petition be held in abeyance until the charge in Case No. S-CA-14-073 was resolved. It also recommended that the Petitioner's failure to timely request that the petition be reopened within 15 days after service of the Board's disposition of that charge would result in the dismissal of the petition. The Petitioner did not request that the petition be reopened.[2] In sum, the Employer's April 16, 2014 letter contends that that fact alone should not result in the dismissal of the petition.

II. DISCUSSION AND ANALYSIS

In part, Section 1200.135(b)(5) of the Rules and Regulations of the Board, 80 Ill. Admin. Code, Parts 1200 through 1240 (Rules), states that, if no exceptions to an RDO have been filed within the prescribed time period, the parties will be deemed to have waived their exceptions,

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[1] In an April 4, 2014 e-mail message, I invited the parties to present written arguments regarding the ultimate disposition of this case. The Petitioner and the Incumbent did not respond.

[2] In a March 19, 2014 letter, the Board's Executive Director acknowledged that, on March 14, 2014, the Incumbent withdrew the charge underlying Case No. S-CA-14-073. The Board notified the Petitioner of that result on March 18, 2014. In a March 31, 2014 e-mail message, the Petitioner informed the Board that it would not be necessary for the Board to reopen her case.

and the RDO will be "final and binding" on the parties to the proceeding. As indicated, the parties to the instant case did not file exceptions to the February 24, 2014 RDO. It follows, therefore, that they are bound by the recommendations noted above, and a straightforward application of those recommendations logically results in the dismissal of the instant case. The Employer seeks the opposite result.

In part, the Employer contends that, "as a procedural matter, there is no statutory or regulatory basis permitting withdrawal of a decertification petition by an individual petitioner." It also contends that compliance with the Act and the Rules requires the Board to continue processing the decertification petition and reject the Petitioner's "attempted withdrawal." Additionally, the Employer contends that "the question concerning representation raised by a valid decertification petition is not extinguished on the stated whims of a petitioner" and can only be resolved via an election. According to the Employer, the Petitioner cannot speak on behalf of the employees who submitted evidence constituting the case's showing of interest and to hold otherwise undermines the employees' right to select their own representative.

Though the Employer raises a number of appreciable concerns, I ultimately disagree with its contentions, and, as outlined above, find that compliance with the Act, the Rules, and the binding "law of the case" (that the Employer overlooks) demands a dismissal in this instance. Separately, I also find, contrary to the Employer, that policy largely favors the effectuation of a petitioner's "genuine voluntary desire" to terminate decertification proceedings. See County of Cook (Department of Central Services), 17 PERI ¶3009 (IL LRB-LP 2001) (acknowledging petitioner's voluntary withdrawal of decertification petition); Chief Judge of the Circuit Court of Cook County, 7 PERI ¶2013 (IL SLRB 1991) (wherein petitioner's failure to request petition be reopened would result in dismissal); Circuit Clerk of Stephenson County, 15 PERI ¶2043 (IL

SLRB G.C. 1999); Morton College, 2 PERI ¶1107 (IL ELRB ALJ 1986); Transportation Maintenance Services, L.L.C. v. National Labor Relations Board, 275 F.3d 112, 114, 348 U.S.App.D.C. 333, 335 (2002); Battle Creek Health System, 341 NLRB 882 (2004). Moreover, I find that effectuation of the Petitioner's apparent desire to withdraw her petition furthers one of the primary purposes of the Act, namely that of promoting stability in bargaining relationships. See County of Lake and Sheriff of Lake County, 29 PERI ¶165 (IL LRB-SP 2013); Niles Township High School District No. 219, 21 PERI ¶103 (IL ELRB 2005); Transportation Maintenance Services, L.L.C., 328 NLRB 691 (1999).

III. RECOMMENDED ORDER

IT IS HEREBY ORDERED that the instant petition be dismissed

IV. EXCEPTIONS

Pursuant to Section 1200.135 of the Board's Rules, parties may file exceptions to the Administrative Law Judge's Recommended Decision and Order and briefs in support of those exceptions no later than 14 days after service of this Recommendation. Parties may file responses to exceptions and briefs in support of the responses no later than 10 days after service of the exceptions. In such responses, parties that have not previously filed exceptions may include cross-exceptions to any portion of the Administrative Law Judge's Recommendation. Within 5 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 with the General Counsel of the Illinois Labor Relations Board at 160 North LaSalle Street, Suite S-400, Chicago, Illinois 60601-3103 and served on all other parties. Exceptions, responses, cross-

exceptions, and cross-responses will not be accepted at the Board's Springfield office. The 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. The exceptions and/or cross-exceptions will not be considered without that statement. If no exceptions have been filed within the 14-day period, the parties will be deemed to have waived their exceptions.

Issued in Chicago, Illinois this 21st day of April 2014.

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

Martin Kehoe

Martin Kehoe
Administrative Law Judge