158
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STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
LOCAL PANEL

City of Chicago, Employer, and Illinois Council of Police, Petitioner, and Service Employees International Union, Local 73, Incumbent, and International Brotherhood of Electrical Workers, Local 21 Incumbent.	)	Case No. L-RC-07-017

ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION AND ORDER

I. Background

On April 9, 2007, Illinois Council of Police (ICOP or Petitioner) filed a petition with the Illinois Labor Relations Board (Board). In that petition, ICOP sought an election pursuant to Section 9(a) of the Illinois Public Labor Relations Act (Act), 5 ILCS 315/9(a) (2010), to represent a group of approximately 240 individuals in the job classification Aviation Security Officer/Aviation Police Officer (ASO or APO),[1] employed by the City of Chicago (Employer or City). The petitioned-for employees are included in an existing bargaining unit of approximately 2000 "public safety" employees, known as "Unit II," which is jointly represented by Service

[1] The City and SEIU refer to the petitioned-for employees as ASOs while the Petitioner refers to them as APOs. In this Recommended Decision and Order I will refer to them as ASOs to preserve consistency with prior cases pertaining to the same class of employee and to avoid future confusion. In doing so, I make no determination as to the petitioned-for employees' peace officer status.

Employees International Union, Local 73 (SEIU), and International Brotherhood of Electrical Workers, Local 21 (IBEW) (collectively, Incumbents).

On March 20, 2008, the Executive Director of the Board's Local Panel dismissed ICOP's petition. On June 30, 2008, the Board reversed the Executive Director's dismissal and remanded the issue for hearing. Specifically, the Board stated, that "although we have previously analyzed this issue, there is enough merit to Petitioner's contention that over time since this unit was formed, the many changes in airline travel and airport security warrant its reexamination."

A hearing on the matter was conducted on September 21, 2010, and January 7, 2010, by Administrative Law Judge Deanna Rosenbaum. The case was transferred to the undersigned. SEIU, the City and ICOP elected to file post-hearing briefs.

II. Preliminary Findings

The parties stipulate and I find:

1. The City is a public employer within Section 3(o) of the Act.
2. The City is subject to the jurisdiction of the Local Panel of the Board pursuant to Section 5(b) and 20(b) of the Act.
3. ICOP is a labor organization within the meaning of Section 3(i) of the Act.
4. SEIU is a labor organization within the meaning of Section 3(i) of the Act.
5. IBEW is a labor organization within the meaning of Section 3(i) of the Act.
6. The working title of Aviation Security Officer (ASO) has changed to Aviation Police Officer (APO).

III. Issues and Contentions

The issue is whether ICOP has satisfied the first prong of the Board's severance test by demonstrating that the ASOs' authority and job duties have changed enough since 2001 such that ASOs no longer share a community of interest with the remaining Unit II public safety employees. [2]

[2] The ALJ noted in a prehearing Order, Sept 15, 2010, that "while global changes in airline travel and airport security are certainly important, changes in the petitioned-for employees' job duties because of these global changes is most relevant for a determination in this case." Accordingly, the ALJ directed the

ICOP argues that the ASOs' duties, authority and responsibilities have "definitively" changed since 2001. Further, ICOP states that the changes also render ASOs peace officers under Section 3(k) of the Act. ICOP concludes that the ASOs' alleged peace officer status is itself sufficient to satisfy the first prong of the severance test.

SEIU and the City argue that any changes in the ASOs' duties are de minimis and that the vast majority of the ASOs' duties have not change. Accordingly, they state that ASOs continue to share a community of interest with the other public safety employees in Unit II. SEIU and the City also argue that ICOP's evidence of changed circumstances largely addresses cosmetic differences which are irrelevant to the issue of severance. Finally, SEIU contends that ASOs are not peace officers under the Act, but that even if the Board determined otherwise, such a finding would not render the current unit inappropriate.

IV. Material Facts

This case concerns Aviation Security Officers (ASOs) who are members of Unit II, a historical bargaining unit represented jointly by SEIU and IBEW. Unit II is comprised of public safety employees including dispatchers, traffic control agents, animal control officers, detention aides, crossing guards, aviation communications operators and parking enforcement officers.[3]

All Unit II members are subject to the same type of disciplinary notice and investigation which is undertaken by the Inspector General. In addition, all Unit II employees receive the same percentage wage increases,[4] the same number of hours of reporting pay and the same leave benefits. Finally, they all wear uniforms, undergo uniform inspections and perform public safety functions.

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parties to "present evidence of any changed job duties of the Aviation Security Officer[s] since 2001." Pursuant to the ALJ's instruction, ICOP did not introduce evidence concerning the second prong of the severance test. However, as demonstrated below, no further evidence is necessary to resolve this matter and dispose of this petition because ICOP has not satisfied the first prong of the severance test.

[3] SEIU represents the following classifications: Crossing Guard; Community Service Aide, District Coordinator Beat Program; Animal Control Officer; Animal Control Officer Aide; Animal Control Inspector; Parking Enforcement Aide; Traffic Control Aide; Senior Public Safety Aide; Detention Aide; Field Supervisor I – Parking Enforcement; Field Supervisor II – Parking Enforcement; Aviation Security Officer; Supervising Traffic Control Aide; Traffic Control Aide – Hourly; and Aviation Security Officer – Hourly. IBEW represents the following classifications: Aviation Communications Operator; Police Communications Operator I; Police Communications Operator II.

[4] The contract contains some additional wage adjustments and alternate benefit provisions specifically for Crossing Guards.

The ASOs work at Midway and O'Hare airports. They perform duties "land side," the area open to the public, including the roads which abut the airports, and "air side," any location past Transportation Security Administration (TSA) security, within the perimeter of the airport.

1. Access control

The ASOs' primary current function is access control; it has been their historical primary function since 1982. The ASOs performed the following duties prior to 2001 and continue to do so today: ASOs secure air side and land side areas including airport terminals, airport roadways and department facilities. They patrol the airport roadways and the airport perimeters, man checkpoints where authorized vehicles enter the airport, prepare reports on security activities, conduct safety inspections, conduct cargo checks, inventory property and check security badges/IDs of individuals who enter the airport property. Since 1990, ASOs have also confiscated invalid or deactivated security badges and IDs.

After Sept 11, 2001, Congress passed the Aviation Transportation and Security Act (ATSA) which established the Transportation and Security Administration (TSA). The TSA took over screening responsibilities for personnel and baggage at all regulated airports in the United States. It issued new security directions which expanded the ASOs' access control duties and responsibilities.

Pursuant to the new regulations, ASOs now check all incoming vehicles for unauthorized individuals who may be hidden in trunks or passenger compartments; prior to 2001, ASOs made only random checks of vehicles that entered the airfield. In addition, ASOs are required to search vehicles not regularly assigned to the airfield for improvised explosive devices (IEDs); prior to 2001, ASOs' vehicle searches were less intrusive and did not require an investigation of a vehicle's undercarriage. Finally, ASOs now set up roadside checks to detect radiological or biological hazards; prior to 2001, ASOs performed no such checks.

In addition, ASOs also conduct periodic, random checks of employees' badges[5] in the cargo area to ensure the badges are authentic and that the employees are authorized to access the area. Similarly, ASOs now perform random checks of buses coming from the employee lot into the air field to ensure that they are likewise badged.

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[5] Since 2001, the Department has also switched to biometric (fingerprint identification) badges. Accordingly, the ASOs now use different technology to check the badges.

Since 2001, the ASOs have also assumed some of the Chicago Police Department's (CPD) duties and undertake more joint operations with other agencies. For example, ASOs are now dispatched land side to check suspicious bags and vehicles; prior to 2001, these calls were assigned to the CPD. Similarly, ASOs now perform stairwell checks to remove homeless people; prior to 2001, such checks were also performed by the CPD. In addition, ASOs perform joint inspections of cargo and airport post entryways with the CPD and other agencies.

2. Law enforcement

The State of Illinois first recognized the Department of Aviation as a law enforcement agency in 1993. ASOs have possessed the following law enforcement authorities and duties since that time: On airport property, while in uniform and on duty, ASOs have all the powers possessed by CPD officers including the authority to make arrests when they identify violations of state statutes and city or county ordinances; ASOs are often listed as the arresting officer on official forms.[6] ASOs carry ASPs (tactical batons) and handcuffs which they may use to effectuate those arrests. ASOs are dispatched in response to air side incidents, air side traffic control calls and 911 calls made from O'Hare.[7] They conduct preliminary incident investigations, participate in operations with the CPD, and may be required to testify in court on related matters. ASOs also have the power to enforce Department of Aviation commercial vehicle regulations and Federal Aviation Administration regulations.

Unlike Chicago Police, ASOs have no arrest powers when they leave the premises and they are not permitted to carry firearms while on duty.[8] If a criminal offense at the airport involves the use of a firearm, the Chicago Police are dispatched, not ASOs.

Since 2001, ASOs have had the power to enforce the TSA's post-2001 regulations and TSA-approved security programs. ASOs also participate in joint operations with the TSA and are now considered first responders to suicide bomber attacks and other explosions.

In addition, ASOs are newly empowered to perform warrant checks on the drivers of vehicles that enter the airfield.[9] The ASO calls the individual's name into the communication

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[6] Maurer testified that ASOs performed more arrests after 2001 because there were fewer Chicago Police officers working at the airports. However, there was other testimony that the number of police on duty at the airports remained the same.

[7] They use patrol cars and radios in the ordinary course of their duties.

[8] However, they may legally possess and register guns while off duty.

[9] ASOs perform warrant checks concurrently with badge checks.

center and asks the operator to ascertain (via a database search) whether the individual has an outstanding warrant for his arrest. If the operator confirms the existence of such a warrant, the ASO may arrest the individual in question. ASOs' authority to arrest or detain an individual who is subject to an outstanding warrant has not changed over time.

3. Training

Since 1993, the Aviation Department has required ASOs to be state certified by the Illinois Local Government Law Enforcement Officers Training Board. Accordingly, ASOs must complete the Chicago Police Academy Training Course and a 40-hour firearms training course.

Since 2001, the State and Federal government have imposed additional training requirements for ASOs. First, the State requires ASOs to maintain their certification to qualify with a firearm annually and requires ASOs to pass a recertification test each year. Second, the Federal government requires ASOs to complete National Incident Management System (NIMS) training. While the City offers ASOs other new training seminars, they are optional.

4. Traffic enforcement

Prior to 2001, ASOs performed only air side traffic enforcement. After 2001, fourteen ASOs were also charged with land side traffic enforcement at O'Hare. Those ASOs issued traffic citations for violations of the Illinois Vehicle Code, directed traffic to and from accident sites, processed DUI offenders who were stopped for probable cause, conducted background checks on individuals pulled over for traffic citations,[10] filled out Chicago Police case reports as "complaining officers," and were required to support their traffic citations in court at the Daley Center. They also helped the Civilian Traffic Division (land side) and the Safety Section (air side) investigate traffic and safety accidents.

ASOs never performed landside traffic enforcement at Midway. Since October 2010, ASOs no longer perform land side traffic enforcement at all.

5. Public Order and Incident teams

ASOs have always been charged with maintaining land side public order and performing crowd control. They have historically operated in incident teams where they pose as passengers

[10] Formerly, ASO's only ran background checks air side.

and target law violators including those who pan-handle, pick pocket, steal luggage and solicit individuals for transportation. Since 2001, ASOs have engaged in more incident team activities. They also perform more land side crowd control near the security checkpoints and the passenger drop-off areas.

6. "Swearing In"

James Maurer, Managing Deputy Commissioner for the Department of Aviation from 2005 to 2009, instituted a swearing-in ceremony for new ASOs at his office because he considered them to be police officers and sought to raise ASO morale. The City did not require that these officers be sworn, but City officials were apprised of Maurer's actions.

Maurer's successor did not continue this practice. Since Maurer's retirement, close to 20 new ASOs were hired by the Department; none were sworn in. The new, non-sworn, ASOs perform the same duties and possess the same authority as those officers who were sworn in by Maurer during his tenure.

7. Change in Title

Since 2001, the ASOs' working title has changed from Aviation Security Officer to Aviation Police Officer. This change is reflected in the employees' badges, patches and ID cards, assorted internal documents,[11] traffic complaint tickets, Public Safety announcements, newsletters and the Chicago Police Department's Daily Bulletin which all refer to the petitioned-for employees as "police." In addition, ASOs' badges are now star-shaped instead of egg-shaped. There has been no change in the physical characteristics of the department's patrol cars since 9/11/2001 except for the decal which states "Aviation Police."

V. Discussion and Analysis

The Board has established a two-part test to sever employees out of an existing bargaining unit. The petitioner must show that the employees to be severed 1) share a significant and distinct community of interest; and that 2) they have a demonstrated conflict with other segments of the existing bargaining unit, or that their interests have been ineffectively

[11] These include fax letterheads, attendance sheets, EMS instruction sheets, memoranda, notices of progressive discipline, field car assignment sheets, vacation preference sheets, watch signature sheets, post-relief schedule sheets and case reports.

represented by an unresponsive bargaining agent. Chicago Park Dist., 6 PERI ¶ 3006 (IL LLRB 1990).

Under the first prong, the appropriate inquiry is whether the group to be severed is so distinct, homogenous and singular so as to have a separate identity and community of interest from the employees in the already existing larger bargaining unit. Ill. Council of Police v. Ill. Labor Rel. Bd., Local Panel; Metro. Water Reclamation Dist. of Greater Chicago, 387 Ill. App. 3d 641, 666 (1st Dist. 2008) (citing, Chicago Park Dis., 6 PERI ¶ 3006 (IL LLRB 1990). The petitioner must demonstrate that the employees have "much in common among themselves but very little in common with the other contingent of the existing bargaining unit." City of Chicago ("Independent Bridge Tenders"), 2 PERI ¶ 3022 (IL LLRB 1986). In other words, the petitioner must not only establish that the proposed unit is appropriate, but also that the existing bargaining unit is not. See Ill. Fraternal Order of Police Labor Council, 319 Ill. App. 3d at 743. However, as long as the existing unit is appropriate, it need not be the *most* appropriate one. Id. Accordingly, the first prong is not met where the petitioned-for group still "share[s] a broad-based functional purpose and common employment conditions" or benefits with the existing unit and where any differences among members of the existing unit are minor. Metro. Water Reclamation Dist. of Greater Chicago, 387 Ill. App. 3d at 666. (citing, County of Cook (Oak Forest Hospital), 16 PERI ¶ 3003 (IL LLRB 1991) and Chicago Crossing Guards Ass'n, 2 PERI ¶ 3009 (IL LLRB 1986); County of Cook (Oak Forest Hospital)/National Pharmacists Ass'n, 7 PERI ¶ 3028 (IL SLRB 1991).

In this case, the first prong is somewhat more difficult for ICOP to satisfy: Here, ICOP must overcome a prior Board determination of unit appropriateness by demonstrating that circumstances have changed. City of Chicago (Dep't of Aviation), 16 PERI ¶ 3016 (IL LRB-LP 2000), aff'd Illinois Fraternal Order of Police v. Ill Local Labor Rel. Bd., 319 Ill. App. 3d 729, 744 (1st Dist. 2001) (holding ASOs' inclusion in Unit II appropriate). In addition, ICOP must distinguish the many Board cases which uniformly rejected severance of Unit II.[12] Finally,

[12] City of Chicago, 26 PERI ¶ 44 (IL LRB-LP 2010), aff'd by unpub. ord. No. 1-10-1671 (Ill App. 1st Dist. 2011) (dismissing petition to sever Police Communications Operators and Aviation Communications Operators from Unit II which was based on petitioner's allegation that circumstances had changed since the last time the Board deemed their inclusion to be appropriate); City of Chicago, 16 PERI ¶ 3016 (IL LRB-LP 2000) aff'd Illinois Fraternal Order of Police v. Ill. Local Labor Rel. Bd., 319 Ill. App. 3d 729 (1st Dist. 2001) (rejecting petition to hold election among a subset of Unit II employees); City of Chicago (Aviation Security Officers), 9 PERI ¶ 3008 (IL LRB-LP 1993) (dismissing petition

ICOP must instead show that this case is more factually similar to the Board's benchmark severance case which "involves exceptional circumstances [that]...limit its precedential effect." City of Chicago ("Independent Bridge Tenders"), 2 PERI ¶ 3022 (IL LLRB 1986) (the only case in which the Board has ever granted severance). As explained below, ICOP has not met any of these requirements.

First, ICOP has not demonstrated that circumstances have changed enough since 2001 to warrant ASOs' severance from Unit II. Instead, ICOP has shown that (1) ASOs' new duties and authorities are consistent with their historical functions as quasi-law enforcement public safety personnel and that any changes in ASOs' duties are minor; (2) that ASOs continue to perform their pre-2001 duties, albeit with an eye toward enforcing new laws; and (3) that the Department changed the ASOs' working title.

The ASOs' new duties reinforce rather than erode ASOs' previously-established community of interest with Unit II employees because they further ASOs' historical primary function—to guard the safety of passengers, airport property, and airline employees. City of Chicago, 16 PERI ¶ 3016 (IL LRB-LP 2000) (identifying ASOs' primary function and finding Unit II appropriate) aff'd Ill. Fraternal Order of Police v. Ill Local Labor Rel. Bd., 319 Ill. App. 3d 729 (1st Dist. 2001). Here, ASOs' new duties include first-responder responsibilities during terrorist attacks, roadside checks for radiological and biological hazards, stairway sweeps for homeless people, checks of suspicious land side baggage or vehicles, and air side warrant checks.[13] Such duties are consistent with ASOs' historical public safety functions: As first-responders, ASOs protect passengers and personnel; ASOs' stairwell, warrant,[14] baggage and vehicle checks likewise guard passengers and airport property; ASOs' roadside checks promote airport security.

Notably, these new tasks constitute only a minor change in ASOs' overall responsibilities because they do not significantly differ from the ASOs' pre-2001 activities which include patrolling the airport property, performing background/badge/ ID checks air side, conducting

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seeking to sever Aviation Security Officers based on their alleged peace officer status); and City of Chicago (Security Guards), 2 PERI ¶ 3015 (IL LRB-LP) (rejecting decertification petition seeking to sever Animal Control Officers from Unit II).

[13] While some ASOs also engaged in land side traffic enforcement for a period of time and concurrently performed land side background checks while issuing citations, they no longer do so. These activities would anyway not support severance because fewer than 10% of ASOs actually performed them.

[14] Notably, the ASOs' new ability to request warrant checks for air side drivers does not alter or expand ASOs' broader authority to arrests individuals on airport property who have outstanding warrants.

safety inspections and completing cargo checks. City of Chicago (Dep't of Aviation), 9 PERI ¶ 3008 (IL LLRB 1993) (holding that minor changes in job duties and employment circumstances are insufficient to demonstrate that the employees in question lack community of interest with the existing unit). While arguably ASOs' first-responder status does not share the same preventative character as their historical security duties, it nevertheless serves to protect the public and therefore does not upset ASOs' community of interest with Unit II employees.

Similarly, the ASOs' authority to enforce new rules and regulations merely illustrates the consistent manner in which the duties of aviation security personnel have historically evolved to accommodate new laws. In 2002, ALJ Kazanjian acknowledged that ASOs were authorized to enforce newly-passed ordinances with fines and arrest. City of Chicago (Dep't of Aviation), 18 PERI ¶ 3024 (IL LRB-LP G.C. Ord. 2002). The ASOs' authority to enforce TSA's post-2001 regulations and implement new security directions is no different. Accordingly, these changes demonstrate continuity in the ASOs' job duties, not differences which might alter ASOs' existing community of interest with Unit II. The ALJ's analysis in City of Chicago supports this conclusion because he did not consider such changes in his own community of interest analysis and even deemed them inconsequential to the employees' peace officer status. City of Chicago (Dep't of Aviation), 18 PERI ¶ 3024 (IL LRB-LP G.C. Ord. 2002) (rejecting standalone unit for unrepresented Aviation Security Sergeants[15] and accreting them to Unit II).[16]

Finally, neither the Department's designation of ASOs as Aviation Police nor the assorted internal documents and paraphernalia that reflect this change have any bearing on ASOs' actual authority or their job duties. County of Woodford, 15 PERI ¶ 2046 (IL SLRB 1999) (Employer's designation of employee as peace officer had no connection to the duties he actually performed). Accordingly, such changes are also irrelevant to the question of severance. Moreover, contrary to ICOP's contention, the labels bestowed on ASOs by the Department and the characteristics of their professional "trappings" (badges, uniforms etc.) are not even

[15] This case concerned Aviation Security Sergeants, not ASOs. However, ASOs' job duties were at issue because the parties stipulated that the Sergeants had no greater police powers than the ASOs.

[16] By the same token, neither a substantial increase in the frequency with which ASOs perform their historical duties nor the fact that they have collaborated more with outside agencies erodes their community of interest with Unit II. City of Chicago, 18 PERI ¶ 3024 (IL LRB-LP G.C. Ord. 2002) (noting that such factors did not constitute changed circumstances which might render petitioned-for employees peace officers; likewise ignoring these factors when assessing employees' community of interest with Unit II).

controlling to determine ASOs' peace officer status. County of Du Page v. Ill. Labor Rel. Bd., 395 Ill. App. 3d. 49, 75 and 77.

Second, ICOP has not argued why the alleged need for severance in this case outweighs the Board's policy against fragmentation and its corresponding reluctance to sever Unit II.[17] Instead, ICOP argues that the Board must sever ASOs from the Unit because they are peace officers and the other members of Unit II are not. As a preliminary matter, the Board has determined that a mixed unit may be proper as long as the Employer and the *incumbent* union have consented to it. City of Chicago, 9 PERI ¶ 3008 (IL LLRB 1993). Moreover, the Employer and incumbent may be deemed to consent to such a mixed unit even while maintaining that the petitioned-for employees are not peace officers at all. Id. Further, the Court has explicitly rejected the proposition that the Board is required to sever a unit simply when the petitioner demonstrates it contains both peace officers and non-peace officers. Metro. Water Reclamation Dist. of Greater Chicago, 387 Ill. App. 3d at 666. Finally, while peace officer status is relevant to showing that the petitioned-for employees form a distinct, homogenous and separate identity, it is by no means sufficient to prove it. County of St. Clair, 18 PERI ¶ 2015 (IL LRB-SP 2002); Ill. Council of Police v. Ill. Labor Rel. Bd., Local Panel and Metro. Water Reclamation Dist. of Greater Chicago, 387 Ill. App. 3d 641, 666 (1st Dist. 2008). Given the limited change in ASOs' duties in this case, I find it unnecessary to determine whether the ASOs are peace officers.[18]

Finally, the record demonstrates that ASOs continue to share significant commonalities with the rest of Unit II, including centralized personnel administration, common conditions and benefits and responsibility for dealing with the public in a law enforcement related capacity. City of Chicago (Security Guards), 2 PERI ¶ 3015 (IL LLRB 1986) (finding those characteristics the "hallmark of Unit II"); Cf. City of Chicago ("Independent Bridge Tenders"), 2 PERI ¶ 3022 (IL LLRB 1986). Specifically, the Collective Bargaining agreement provides that all employees

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[17] See cases cited above.

[18] Notably, the Board has thoroughly addressed this matter already, most recently in 2009, and has also explicitly held that the identical facts ICOP presents in this case do not render aviation security personnel peace officers. City of Chicago, 25 PERI ¶ 77 (IL LRB-SP 2009). (Board considered Aviation Security Sergeants "special police" even though (1) Managing Deputy Commissioner of the Aviation Department (Maurer) 'swore-in' all the ASOs, Sergeants and Shift Supervisors; (2) ASOs and Sergeants wore patches stating "Department of Aviation Police -- City of Chicago" (3) their picture IDs referred to them as 'Police Officer'; and (4) Aviation Security internally called itself 'Department of Aviation Police' on various documents and forms). As such, the matter warrants no reexamination.

in Unit II are subject to the same type of disciplinary notice and investigation, undertaken by a common entity—the Inspector General; all employees receive the same percentage wage increases,[19] the same number of hours of reporting pay and the same leave benefits; and all employees wear uniforms and undergo uniform inspections. Therefore, ICOP has presented no evidence to support severing ASOs from Unit II.

VI. Conclusions of Law

ASOs job duties and responsibilities have not change significantly since 2001. Thus ASOs still share a significant community of interest with the employees whose titles are represented by Unit II.

VII. Recommended Order

IT IS HEREBY ORDERED that the instant petition be dismissed.

VIII. 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 the Board's General Counsel, Jerald Post, 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

[19] While the contract contains some additional wage adjustments and alternate benefits provisions specifically for Crossing Guards, the Board has held that such small discrepancies do not erode the community of interest among Unit II employees. City of Chicago (Security Guards), 2 PERI ¶ 3015 (IL LLRB 1986) (community of interest found in Unit II where employees had similar benefits even where there were some separate provisions for Crossing Guards). Moreover, those differences existed long before 2001 and do not constitute changed circumstances.

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 7th day of September, 2011

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
LOCAL PANEL

Anna Hamburg-Gal
Administrative Law Judge