STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

Policeman's Benevolent and Protective Association,	)	
Charging Party	)	
and	)	Case No. S-CA-09-245
County of Kane and Kane County Sherriff,	)	
Respondent	)	

ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION AND ORDER

On May 21, 2009, the Policeman's Benevolent and Protective Association (Charging Party) filed a charge with the State Panel of the Illinois Labor Relations Board (Board) pursuant to Section 11 of the Illinois Public Labor Relations Act, 5 ILCS 315 (2010) as amended (Act), and the Rules and Regulations of the Illinois Labor Relations Board, 80 Ill. Admin. Code, Parts 1200 through 1240, alleging that County of Kane and Kane County Sheriff (Respondent) violated Section 10(a)(1) of the Act. The charges were investigated in accordance with Section 11 of the Act and on June 4, 2010, the Executive Director of the Illinois Labor Relations Board issued a Complaint for Hearing.

A hearing in this case was held on September 28, 2010, in the Chicago office of the Illinois Labor Relations Board.[1] At that time, the Charging Party presented evidence in support of the allegations and all parties were given an opportunity to participate, adduce relevant

[1] This case was heard before Administrative Law Judge Colleen Harvey. Upon her leaving the Board's employment, it was administratively transferred to the undersigned. Prior to ALJ Harvey's departure, she drafted her opinion of credibility determinations based on the testimony and her observations of the witnesses during hearing. The undersigned gave full credence to ALJ Harvey's credibility assessment; however, independently determined any credibility issues relied upon when deciding this case.

evidence, examine witnesses, argue orally and file written briefs. After full consideration of the parties' stipulations, evidence, and arguments, and upon the entire record of the case, I recommend the following.

I. PRELIMINARY FINDINGS

The Parties stipulate and I find as follows:

1. At all times material, the County of Kane and Kane County Sheriff (Respondent) has been a public employer within the meaning of Section 3(o) of the Act.

2. At all times material, the Respondent has been subject to the jurisdiction of the Board's State Panel pursuant to Section 5(a) of the Act.

3. At all times material, the Respondent has been a unit of local government subject to the Act pursuant to Section 20(b) of the Act.

4. At all times material, American Federation of State, County and Municipal Employees (AFSCME) has been a labor organization within the meaning of Section 3(i) of the Act.

5. At all times material, Police Benevolent and Protective Association (Charging Party) has been a labor organization within the meaning of Section 3(i) of the Act.

6. At all times material, prior to December 29, 2008, AFSCME was the exclusive representative of a bargaining unit (Unit) composed of Respondent's court security officers.

7. On December 29, 2008, in Case No. S-RC-09-029, the Board certified the Charging Party as the exclusive representative of the Unit.

8. At all times material, Court Security Director Lloyd Fletcher has been an agent of the Respondent, authorized to act on its behalf.

9. At all times material, the Respondent has employed Michael Stuckert as a court security officer.

10. At all times material, Stuckert has been a public employee within the meaning of Section 3(n) of the Act.

11. In or about November 2008, Stuckert initiated a grievance under the collective bargaining agreement then in place between the Respondent and AFSCME.

II. ISSUES AND CONTENTIONS

At issue is whether the Respondent violated Section 10(a)(1) of the Act by investigating Michael Stuckert for having secondary employment, which ultimately led to two one-day suspensions for insubordination. The Charging Party contends that the Respondent violated the Act by retaliating against Michael Stuckert for filing several grievances on his behalf and the behalf of other officers. According to the Charging Party, the Respondent threatened Stuckert and shortly after, initiated an investigation into Stuckert's secondary employment in retaliation. The Charging Party maintains that Stuckert did in fact disclose his secondary employment and that no one else has even been investigated or disciplined for such.[2]

The Respondent contends that it did not retaliate against or threaten Stuckert for filing grievances. Instead, the Respondent maintains that it never threatened Stuckert and that the investigation of Stuckert's secondary employment was initiated because Stuckert mentioned his position as an elected official at a meeting sometime in March. The Respondent insists that it was not aware of Stuckert's secondary employment prior to that meeting. Lastly, the Respondent maintains that it has not treated Stuckert any differently than any other employee engaging in secondary employment without full compliance with its policies and procedures.

III. FINDINGS OF FACT

Background

Michael Stuckert is a Court Security Officer employed by the Respondent. During his employment, Stuckert has been a member of the union. In December 2008, the union petitioned to decertify from American Federation of State, County and Municipal Employees and elected

[2] The Charging Party also argues that being an elected official is not considered secondary or outside employment per the Respondent's policies and procedures. The Respondent maintains that its secondary employment policy does not exempt elected officials. The issue before the Board is limited to whether the investigation into Stuckert's secondary employment violated the Act. The intent of the Respondent's secondary employment policy is not at issue, and therefore will not be decided.

the Policemen's Benevolent Labor Committee as its exclusive representative. That same month, Stuckert was elected president of the union. In December 2008, Stuckert states that he also disclosed to his superior, Lieutenant Wallace Faulkner, that he was the president of the union.

Prior to hire, and continuing afterward, Stuckert has been an elected official for DeKalb County. The Respondent learned of Stuckert's elected position during the background investigation conducted prior to his hire. Stuckert states that he informed Lieutenant Grangler and Lieutenant Faulkner of his elected position during his initial interview. Faulkner denies ever having knowledge of Stuckert's elected position.

Lieutenant Wallace Falkner is Stuckert's secondary supervisor. Falkner reports to Director Lloyd Fletcher. Falkner is in charge of the court security division and his duties include payroll, courtroom assignments and monitoring sick time, vacations, and other forms of compensation. Falkner assigns security officers to six different court houses within the County of Kane. These assignments are made once a year, but are subject to change.

On October 22, 2008, Stuckert requested sick leave for a doctor's appointment. Stuckert tendered a doctor's note for his absence seeking sick pay. His request for sick pay was denied. Falkner denied the request because Stuckert's doctor's note did not conform with the rules and policies because it lacked any information identifying the patient. Stuckert grieved the denial of sick pay and it was denied at every step. Director Fletcher denied the grievance at the second step because Stuckert knew of the appointment two weeks before and did not request leave and because the doctor's note did not identify a patient.

On or about November 13, 2008, Falkner issued court assignments for fiscal year 2009. These assignments became effective as of December 1, 2008. Initially Stuckert was assigned to Courtroom 005. Shortly after this assignment Falkner transferred Stuckert to Officer Degard's

post because she was no longer able to work near metal detectors or screening areas due to her pregnancy. A week or so later Stuckert was transferred back to his originally assigned location.

On December 29, 2008, Stuckert was again transferred. This time he was transferred to the Juvenile Justice Center. The Juvenile Justice Center is located 300-400 yards from Stuckert's former courthouse and the Kane County Justice Center. Officer Stuckert felt that, as president of the union, the transfer affected his day-to-day contact with a bulk of the bargaining unit members. Because of this transfer Stuckert was made aware of union issues from members through e-mail, phone calls and text messages, but he was unable to address issues as they arose. According to Falkner, this transfer was necessary due to the health issues of another officer.

In December 2009, Stuckert assisted Officer Degard in filing a grievance because she had been denied overtime.[3] On January 27, 2009, Stuckert filed another grievance because he and other officers at the Juvenile Justice Center were not receiving an uninterrupted lunch period, in accordance with the collective bargaining agreement. Stuckert complained that there were not enough officers to cover the courtrooms and therefore he and others had to work during lunch, sometimes eating while working.

Meeting Related To Grievances

On or around January 28, 2009, Director Fletcher and Lieutenant Falkner had a meeting with Stuckert in Fletcher's office. Stuckert recalled being told by Sheriff Undesser that Dir. Fletcher wanted to speak with him. Stuckert testified to walking into the office and seeing both Falkner and Fletcher. Stuckert specifically recalled Fletcher asking him "what's your problem" and "why are you filing all these grievances?" Stuckert asked if the meeting was going to be a discipline issue and if so requested union representative. Stuckert testified that neither Falkner

[3] The Respondent admits that it was not hearing grievances during this time because the collective bargaining agreement had expired. By the time of the hearing in this case, this grievance had been resolved.

nor Fletcher answered his question. Stuckert also testified that Fletcher stated that no other officers complained about uninterrupted lunch periods and threatened that if he didn't stop filing grievances, "things were going to get worse." When asked if his job was being threatened, Stuckert recalled Fletcher repeating that things would get worse for him if he didn't stop filing the grievances, and that his wife being a judge would not make a difference. Stuckert characterized the meeting as aggressive and hostile. Stuckert also testified that the threats curtailed his enforcement of the collective bargaining agreement.

According to Fletcher, this meeting was called to discuss and resolve grievances. Fletcher could not recall most of the conversation but testified to partially remembering discussing the grievance regarding Stuckert's sick day request and informing Stuckert that he did not have enough sick time for that day. Fletcher was unsure as to whether he told Stuckert that if he kept filing grievances things would get worse for him, but did remember feeling belittled by Stuckert and telling him that he would not receive special treatment just because his wife was a judge. Fletcher testified that his and Stuckert's voices were raised.

Lt. Falkner could not recall why the meeting was called, who called the meeting or when the meeting was held. On cross-examination, Falkner admitted that the meeting was called to discuss grievances. Falkner did not recall or discern the tone of meeting or of Fletcher and Stuckert's voices. Falkner did not identify whether either of them were upset or whether Fletcher was upset about Stuckert filing grievances. Falkner did remember Fletcher mentioning Stuckert's wife being a judge and refusing to give him special treatment because of it.

Investigation into Stuckert's Secondary Employment

Lieutenant Christopher Collins works in the Office of Professional Standards. The Office of Professional Standards investigates complaints and officers internally, and conducts

background investigations. Lt. Collins conducted the background investigation on Stuckert prior to Stuckert's hire. Sometime before March 18, 2009, Lt. Collins received, from Director Fletcher, a complaint against Stuckert for failing to disclose secondary employment, failing to fill out a request for secondary employment form and insubordination. According, Lt. Collins sustained the charges of failing to complete a secondary employment form and insubordination.

Lt. Collins testified that, according to the records from the initial investigation into Stuckert's background, it was disclosed that Stuckert was an elected official for the DeKalb County Board. Collins also stated that neither Fletcher nor Faulkner were privy to this information. Although it was Collins who discovered this information initially, he testified that he did not recall it or review the initial background investigation before he began the investigation into Stuckert's secondary employment.

Lt. Collins acknowledges that in his position he has access to all pending and past internal affairs investigations. Collins also testified that, "although it might be a somewhat arduous process, they are able to go back and review and determine from previous investigations if charges have been brought and what the outcome was." When asked if he researched previous investigations related to secondary employment, Collins stated that he did complete an "audit" regarding investigative files but that it was not specific to secondary employment. Collins was not aware of any other employee being investigated for failure to disclose secondary employment. In making his findings that Stuckert's position as a DeKalb County Board member was considered secondary employment, Collins testified that he relied on his independent research using the Webster's Dictionary and he consulted with the Sheriff's representative, who was previously an attorney with the civil division at the State's Attorney's Office.

On March 18, 2009, Stuckert was served a summons from the Sheriff to appear for an investigative interview related to the complaint. According to Stuckert, an investigative interview is a fact-finding investigation to determine if the subject under charge of investigation had committed any violations of company policy, general orders or law. Stuckert testified that shortly before he received the summons Falkner required him to fill out a request for secondary employment form and he advised Falkner that he did not have any secondary employment.

In May 2009, two of the three charges against Stuckert were sustained. Stuckert was ultimately assessed two one-day suspensions for insubordination because he failed and refused to fill out the secondary employment form. Stuckert ultimately filled out the form and grieved his suspensions. On July 1, 2009, Undersheriff Steve Ziman, issued Stuckert a letter granting Stuckert's request for outside employment and specifically stating, "I hope that you have found that you were not singled out as an officer or union member." Ziman testified that neither he nor the Sheriff were aware of any employees working outside employment without filling out a request for secondary employment. Stuckert testified that he believes the Respondent was retaliating against him for filing grievances.

Lt. Falkner denied ever being informed that Stuckert held a position as elected official with DeKalb County prior to his hire. Falkner testified that he became aware of Stuckert's position when Stuckert alluded to it in a negotiations meeting sometime in March. According to Falkner, all officers in his command are required to submit a request for secondary employment. Falkner denies directing anyone, formally or informally, to investigate Stuckert or having knowledge that Stuckert was being investigated. Falkner stated that he received the orders to discipline Stuckert in May of 2009, had them signed and returned them to the Sheriff without reviewing them.

Director Fletcher also denies initiating, formally or informally, an investigation against Stuckert but on cross-examination admits to being the person who signed the complaint that was given to the Office of Professional Standards that began the investigation into Stuckert's secondary employment.

Sheriff Patrick Perez testified that he denied Stuckert's sick day grievance because the medical note did not have Stuckert's name on it and because he knew of the appointment two weeks in advance and failed to inform his supervisor. Perez also denied Stuckert's insubordination grievance because he failed to comply with a lawful order. He testified that these denials were not to punish Stuckert. Perez acknowledged that officers Kevin Tindall and Chris Ruchaj maintain positions as elected officials and that they filled out requests for secondary employment. He contends that no one is exempt from this requirement when seeking secondary employment. On cross-examination Sheriff Perez admits that he knew Officer Pat Keddy held secondary employment as an elected official but admitted that he was unaware as to whether he filled out a form requesting such. Perez stated that that he didn't confirm whether Keddy had filled out the form requesting secondary employment because he had no reason to do so.

IV. DISCUSSION AND ANALYSIS

The Respondent violated Section 10(a)(1) of the Act when it investigated Stuckert's secondary employment in retaliation for his engaging in protected activity. This investigation ultimately led to the two one-day suspensions assessed to Stuckert. Under Section 6 of the Act, public employees are guaranteed "the right of self-organization, and may form, join or assist any labor organization, [and the right] to bargain collectively through representatives of their own choosing on questions of wages, hours and other conditions of employment." Section 10(a)(1) of

the Act makes it an unfair labor practice for an employer or its agents to interfere with, restrain or coerce public employees in the exercise of their Section 6 rights. Moreover, proof of illegal motivation is unnecessary in establishing a 10(a)(1) violation. Green and Warns and City of Chicago, 3 PERI ¶ 3011 (IL LLRB 1987); Gale and Chicago Housing Authority, 1 PERI ¶ 3010 (IL LLRB 1985).

Here, however, since Charging Party alleges that certain acts were committed because of, and in retaliation for, a bargaining unit member's exercise of protected rights, the Respondent's motivation shall be examined according to Section 10(a)(2) of the Act. County of Jersey, 7 PERI 2023 (IL SLRB 1991), aff'd by unpub order County of Jersey v. Illinois State Labor Relations Board, 8 PERI ¶ 4015 (4th Dist. 1992); Chicago Housing Authority, 6 PERI ¶ 3013 (IL LLRB 1990). To establish a prima facie case, the Charging Party must make some showing that it (1) engaged in protected, concerted activity, (2) the Respondent knew of that activity and (3) the Respondent took adverse action as a result of the involvement in that activity. Gale and Chicago Housing Authority, 1 PERI ¶ 3010 (IL LLRB 1985); City of Burbank v. Illinois State Labor Relations Board, 128 Ill. 2d 335, 345 (1989).

It is undisputed that Stuckert engaged in protected activity by filing grievances on his behalf, and the behalf of others, between November 2008 and January 2009. It is also uncontested that Respondent was aware of Stuckert's protected activity. Lastly, the Respondent took adverse action against Stuckert when it transferred Stuckert's work location and initiated the investigation into his secondary employment. The issue that remains to satisfy a prima facie case is whether the Respondent took said adverse action against Stuckert as a result of his engagement in protected activity.

The Charging Party has established a casual connection between Stuckert's engagement in protected activities and the adverse action taken by the Respondent. The existence of such a causal link is a fact based inquiry and may be inferred from direct or circumstantial evidence including the following: proximity in time between the employee's protected activities and the disciplinary action; an employer's expressed hostility towards unionization or grievance filing, together with knowledge of the employee's protected activities; inconsistencies between the proffered reason for discipline and other actions of the employer; shifting explanations for the discipline or discharge of the employee; and disparate treatment of employees or a pattern of conduct which targets union supporters for adverse employment action. City of Burbank v. ISLRB, 128 Ill. 2d 335, 5 PERI ¶ 4013 (1989).

The following evidence supports an inference of an unlawful motive: proximity in time, expressed hostility, shifting explanations and inconsistencies between the proffered reason for discipline and other actions, and disparate treatment by the Respondent.

Proximity in Time

Here, the timing of the grievances Stuckert filed to the Respondent's reassigning of work location, hostile expressions and investigation into his secondary employment supports the Charging Party's case. The record indicates, and it is uncontested, that Stuckert filed several grievances between November 2008 and January 2009. It is also undisputed that Stuckert was transferred from his work location twice in December 2009. Also Stuckert was asked to meet with Faulkner and Fletcher at the end of January 2009. Stuckert claims at this meeting he was threatened by the Respondent to stop filing grievances or things would get worse for him. By March 18, 2009, Stuckert was informed of the investigation against him regarding his secondary employment. The record establishes that this investigation began sometime before March 18,

2009. Stuckert was threatened and investigated within only weeks after filing a grievance regarding uninterrupted lunch periods. While the Board has held that a termination occurring four months after an employee's last concerted activity is not sufficient to establish retaliation, County of Cook, 11 PERI ¶ 3012 (IL LLRB 1995), here, the difference of several weeks is sufficiently proximate in time. However, the mere coincidence of the employee's union activity to his or her discipline, alone, will not support a charge of retaliation. County of Williamson, 13 PERI ¶ 2015 (IL SLRB 1997); see also Broadway Motors Ford, Inc. v. National Labor Relations Board, 395 F.2d 337, 340 (8th Cir. 1968). City of Kewanee, 23 PERI ¶ 110 (IL LRB-SP 2007).

Expressed Hostility

The Respondent's comments threatening Stuckert are evidence of expressed hostility. Although the witnesses' testimony is inconsistent, I find Stuckert's testimony to be more credible. Both of the Respondent's witnesses testified that they did not recall most of what was stated at the meeting. Moreover, Fletcher never denied stating that if Stuckert "did not stop filing grievances things would get worse for him." He simply testified that he was unsure as to whether he made the statements. Fletcher also admitted the meeting was called to discuss grievances, that his and Stuckert's voices were raised and that he told Stuckert that he would not receive special treatment because his wife was a judge. Lastly, Stuckert's testimony was less evasive, more forthcoming and he relied on contemporaneous notes taken right after the meeting to refresh his memory of what was exactly communicated at the meeting.[4] The Board has found direct threats or admissions establish expressed hostility. See Village of Lyons, 5 PERI ¶ 2007 (IL SLRB 1989) (direct admissions by an employer that a discharge was related to union activity

[4] ALJ Harvey also concluded that Stuckert's testimony was more credible than that of the Respondent's witnesses for similar reasons.

will establish illegal motive). Here, the direct threats from the Respondent support a finding of unlawful motive due to the Respondent's expressions of hostility.

Shifting Explanation & Inconsistent Reasons

The Respondent's witnesses also gave shifting explanations and inconsistent reasons for investigating Stuckert's secondary employment. The Respondent maintains that all individuals who maintain secondary employment must fill out a request. However, the Respondent did not investigate Pat Keddy when it knew he was an elected official but was unsure whether he filled out a form. In addition, Sgt. Collins, or anyone else privy to Stuckert's background file, never informed Stuckert of the need or requirement to fill out the form prior to his hire. Moreover, the Respondent maintains that the investigation was initiated because of Stuckert's admission to Falkner at a negotiations meeting, but this explanation was offered without any corroborating evidence. Falkner could not recall when the meeting was held or who was in attendance. The Respondent failed to establish a timeline regarding the meeting, how Fletcher became aware of Stuckert's secondary employment and when a complaint was filed with the Office of Professional Standards, only noting that it all occurred prior to March 18, 2009, when Stuckert was served the summons. I find this testimony evasive because when the negotiations meeting took place, who attended the meeting and exactly when the (presumably dated) complaint was filed, are relatively simple ways of establishing a timeline and providing corroborating evidence.

Sgt. Collins testified that he did not review Stuckert's file prior to issuing the charges in the complaint against Stuckert. Collins reasoned that it is not always appropriate to start an investigation with the individuals' file prior to issuing charges. Because Stuckert was charged with failure to disclose secondary employment, this seems to be the logical first step when deciding whether the charges rendered are consistent with the facts of the complaint. Further,

Stuckert had been an officer for over two years and had never been disciplined until after he became union president and assisted with filing grievances. Thus, the Respondent's shifting explanations and inconsistent reason for investigating Stuckert support a finding of unlawful motive.

Disparate Treatment

There is also evidence of the Respondent's disparate treatment of Stuckert. In order to prove disparate treatment giving rise to an inference of unlawful animus, the charging party bears the burden of demonstrating that employees who allegedly committed similar offenses, but had not engaged in union or protected, concerted activity, were not similarly disciplined. City of Decatur, 14 PERI ¶2004 (IL SLRB 1997), citing American Federation of State, County and Municipal Employees, Council 31 v. Illinois State Labor Relations Board, 175 Ill. App. 3d 191, 197, (1st Dist. 1988). The Respondent maintains that all employees have to fill out a form for secondary employment and have it approved. However, there is no evidence of the Respondent ever investigating or disciplining any other employee for such. Instead, Sheriff Perez testified to knowing that Officer Pat Keddy (also in the union) was an elected official and not initiating an investigation into whether he filled out a form because he had no reason to do so. Ironically, the Respondent argues that the mere knowledge of Stuckert being an elected official was the sole reason why it initiated the investigation into his secondary employment.

For the above stated reasons, I find there is sufficient evidence to infer that the Respondent had an unlawful motive for investigating Stuckert's secondary employment. Therefore, the Charging Party has established a prima facie case in support of a 10 (a)(1) violation. Having established a prima facie case, the burden now shifts to the Respondent to demonstrate, by a preponderance of evidence, that the adverse action would have occurred

notwithstanding the protected activity. City of Burbank v. ISLRB, 128 Ill. 2d 335, 346 (1989). However, it must be determined that the Respondent's reasons are bona-fide or pretextual to met his or her burden. If the reasons offered are mere litigation figments or were not relied upon, then the reasons offered will be found to be pretext and the inquiry is over. Id.

As the Respondent relies on the same evidence that is considered shifting explanations and inconsistent reasons, the Respondent has failed to provide a bona-fide or pretextual reason to meet its burden. It is clear that if filling out a secondary employment form was mandatory, the Respondent would have acknowledged such requirement upon hiring Stuckert. It is not mere happenstance that the Respondent investigated Stuckert two years later, after he became union president and began filing grievances.

V. CONCLUSIONS OF LAW

I find that the Respondent violated Section 10(a)(1) of the Act when it investigated Stuckert's secondary employment, which ultimately led to his discipline.

VI. RECOMMENDED ORDER

The Board's policy in unfair labor practice cases is to order a make-whole remedy and restore the status quo ante, that is, to place the parties in the same positions they would have been in had the unfair labor practice not been committed. Village of Dolton, 17 PERI ¶ 2017 (IL LRB-SP 2001). On the basis of the foregoing findings of fact, conclusions of law, and the entire record, issuance of the following Order is recommended:

Order

IT IS HEREBY ORDERED that the County of Kane and Kane County Sheriff, its officers and agents, shall:

1. Cease and desist from retaliating against public employees for engaging in protected union activities.

2. Take the following affirmative action designed to effectuate the purpose and policies of the Act:

   a. Make Michael Stuckert whole for any losses incurred for the suspensions issued, including back pay with interest computed at the rate of seven percent per annum as allowed by the Act.

   b. Post at all places where notices to employees are normally posted, copies of the notice attached hereto and marked "Addendum." Copies of this Notice shall be posted, after being duly signed, in conspicuous places, and be maintained for a period of 60 consecutive days. Respondent will take reasonable efforts to ensure that the notices are not altered, defaced or covered by any other material.

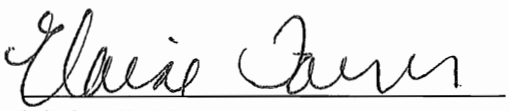
   c. Notify the Board in writing, within 20 days from the date of this Decision, of the steps Respondent has taken to comply herewith.

VII. 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 30 days after service of this Recommendation. Parties may file responses to exceptions and briefs in support of the responses no later than 15 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 7 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 Board's General Counsel 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 this statement. If no exceptions have been filed within the 30 day period, the parties will be deemed to have waived their exceptions.

Issued at Chicago, Illinois, this 20th day of July, 2012.



Elaine L. Tarver
Administrative Law Judge
Illinois Labor Relations Board

NOTICE TO EMPLOYEES

FROM THE
ILLINOIS LABOR RELATIONS BOARD

Case No. S-CA-09-245

The State Panel of the Illinois Labor Relations Board has found that the County of Kane and Kane County Sherriff violated the Illinois Public Labor Relations Act and has ordered us to post this Notice. We hereby notify you that:

WE WILL NOT retaliate against public employees in the exercise of their rights guaranteed in the Act by failing to advance their grievances.

WE WILL make Michael Stuckert whole for any losses occurred due to the suspensions issued in retaliation for his engaging in protected, concerted activity.

This notice shall remain posted for 60 consecutive days at all places where notices to employees are regularly posted.

_____	_____
Date of Posting	County of Kane and Kane County Sherriff (Employer)

ILLINOIS LABOR RELATIONS BOARD

320 West Washington, Suite 500
Springfield, Illinois 62701
(217) 785-3155

160 North LaSalle Street, Suite S-400
Chicago, Illinois 60601-3103
(312) 793-6400

THIS IS AN OFFICIAL GOVERNMENT NOTICE AND MUST NOT BE DEFACED.

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

Policemen's Benevolent and Protective Association,	)	
Charging Party	)	
And	)	Case No. S-CA-09-245
County of Kane and Kane County Sheriff,	)	
Respondent	)	

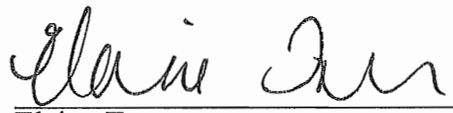
AFFIDAVIT OF SERVICE

I, Elaine Tarver, attorney, certify that I have this 20th day of JULY, 2012, served the attached **ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION AND ORDER** issued in the above-captioned case on each of the parties listed herein below by depositing, before 5:00 p.m., copies thereof in the United States mail at 100 West Randolph Street, Chicago, Illinois, addressed as indicated and with postage for regular mail.

Mr. Timothy D. O'Neil
Foote, Meyers, Mielke & Flowers
3 North Second Street
Suite 300
St. Charles, Illinois 60174

Mr. Joseph Lulves
Kane County State's Attorney
100 South Third Street
Fourth Floor
Geneva, Illinois 60134

Mr. Carl Tominberg
Laner, Muchin, Dombrow, Becker, Levin & Tominberg, Ltd.
515 North State Street
Suite 2800
Chicago, Illinois 60654-4854



Elaine Tarver
Administrative Law Judge
Illinois Labor Relations Board