

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

State of Illinois, Department of Central Management Services,	)	
	)	
Employer	)	
	)	
and	)	Case No. S-DE-14-017
	)	
American Federation of State, County and Municipal Employees, Council 31,	)	
	)	
Labor Organization-Objector	)	
	)	

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

Section 6.1 of the Illinois Public Labor Relations Act, 5 ILCS 315/6.1 (2012) *added by* Public Act 97-1172 (eff. April 5, 2013), allows the Governor of the State of Illinois to designate certain public employment positions with the State of Illinois as excluded from collective bargaining rights which might otherwise be granted under the Illinois Public Labor Relations Act (Act). There are three broad categories of positions which may be so designated: 1) positions which were first certified to be in a bargaining unit by the Illinois Labor Relations Board (Board) on or after December 2, 2008, 2) positions which were the subject of a petition for such certification pending on April 5, 2013 (the effective date of Public Act 97-1172), or 3) positions which have never been certified to have been in a collective bargaining unit. Only 3,580 of such positions may be so designated by the Governor, and, of those, only 1,900 positions which have already been certified to be in a collective bargaining unit.

Moreover, to be properly designated, the position must fit one of the following five categories:

- 1) it must authorize an employee in the position to act as a legislative liaison;
- 2) it must have a title of or authorize a person who holds the position to exercise substantially similar duties as a Senior Public Service Administrator, Public Information Officer, or Chief Information Officer, or as an agency General

Counsel, Chief of Staff, Executive Director, Deputy Director, Chief Fiscal Officer, or Human Resources Director;

- 3) it must be designated by the employer as exempt from the requirements arising out of the settlement of Rutan v. Republican Party of Illinois, 479 U.S. 62 (1990), and be completely exempt from jurisdiction B of the Personnel Code, 20 ILCS 415/8b through 8b.20 (2012), see 20 ILCS 415/4 through 4d (2012);
- 4) it must be a term appointed position pursuant to Section 8b.18 or 8b.19 of the Personnel Code, 20 ILCS 415/8b.18, 8b.19 (2012); or
- 5) it must authorize an employee in that position to have “significant and independent discretionary authority as an employee” by which the Act means the employee is either
  - (i) engaged in executive and management functions of a State agency and charged with the effectuation of management policies and practices of a State agency or represents management interests by taking or recommending discretionary actions that effectively control or implement the policy of a State agency; or
  - (ii) qualifies as a supervisor of a State agency as that term is defined under Section 152 of the National Labor Relations Act, 29 U.S.C. 152(11), or any orders of the National Labor Relations Board interpreting that provision or decisions of courts reviewing decisions of the National Labor Relations Board.

Section 6.1(d) creates a presumption that any such designation made by the Governor was properly made. It also requires the Illinois Labor Relations Board to determine, in a manner consistent with due process, whether the designation comports with the requirements of Section 6.1, and to do so within 60 days.<sup>1</sup>

As noted, Public Act 97-1172 and Section 6.1 of the Illinois Public Labor Relations Act became effective on April 5, 2013, and allow the Governor 365 days from that date to make such designations. The Board promulgated emergency rules to effectuate Section 6.1, which became

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<sup>1</sup> Public Act 98-100, which became effective July 19, 2013, added subsections (e) and (f) to Section 6.1 which shield certain specified positions from such Gubernatorial designations, but none of those positions are at issue in this case.

effective on April 22, 2013, 37 Ill. Reg. 5901 (May 3, 2013), and the Board promulgated permanent rules for the same purpose which became effective on August 23, 2013. These rules are contained in Part 1300 of the Board's Rules and Regulations, 80 Ill. Admin. Code Part 1300.

On August 9, 2013, the Illinois Department of Central Management Services (CMS), on behalf of the Governor, filed the above-captioned designation pursuant to Section 6.1 of the Act and Section 1300.50 of the Board's Rules. The designation pertains to positions within the Department of Public Health. On August 22, 2013, the American Federation of State, County and Municipal Employees, Council 31 (AFSCME) filed objections to the designation pursuant to Section 1300.60(a)(3) of the Board's Rules. Based on my review of the designations, the documents submitted as part of the designation, the objections, and the documents and arguments submitted in support of those objections, I find the designation to have been properly submitted and consistent with the requirements of Section 6.1 of the Act and consequently I recommend that the Executive Director certify the designation of the positions at issue in this matter as set out below and, to the extent necessary, amend any applicable certifications of exclusive representatives to eliminate any existing inclusion of these positions within any collective bargaining unit:

**Chief of Staff** (position no. 40070-20-01-020-00-81); **Program Policy Advisor** (position no. 40070-20-01-030-00-01); **Community PH Outreach Manager** (position no. 40070-20-01-100-20-81); **General Counsel** (position no. 40070-20-02-000-00-01); **two Deputy General Counsel jobs occupied by Allan Abinoja and Bridget Degen** (position no. 40070-20-02-100-00-81); **Department Attorney** (position no. 40070-20-02-100-10-81); **Deputy General Counsel** (position nos. 40070-20-02-150-00-81; 40070-20-02-300-00-01); **Section Chief** (position no. 40070-20-03-000-00-81); **Deputy Director** (position nos. 40070-20-04-000-00-81; 40070-20-09000-00-01; 40070-20-20-000-00-82; 40070-20-30-000-00-01; 40070-20-40-000-00-81; 40070-20-50-000-00-01; 40070-20-60-000-00-81); **Regional Health Officer** (position nos. 40070-20-06-201-00-11; 40070-20-06-204-00-41; 40070-20-06-205-00-51; 40070-20-06-206-00-61; 40070-20-06-207-00-71; 40070-20-06-208-00-81); **Division Chief** (position nos. 40070-20-07-100-00-01; 40070-20-09-100-00-01; 40070-20-09-200-00-01; 40070-20-09-300-00-01; 40070-20-13-000-00-01; 40070-20-21-000-00-81; 40070-20-22-000-00-01; 40070-20-30-100-00-01; 40070-20-32-000-00-01; 40070-20-34-000-00-81; 40070-20-37-000-00-01; 40070-20-41-000-00-01; 40070-20-42-000-00-01; 40070-20-44-000-00-02; 40070-20-44-400-00-01; 40070-20-44-660-00-21; 40070-20-46-000-00-01; 40070-20-49-000-00-01; 40070-20-51-000-00-01; 40070-20-51-310-00-01; 40070-20-52-000-00-01; 40070-20-54-000-00-01; 40070-20-61-000-00-81; 40070-20-62-000-00-01; 40070-20-90-200-00-01); **Assistant Deputy Director** (position no. 40070-20-20-100-00-01); **Section Chief** (position nos. 40070-20-20-100-10-01; 40070-20-21-100-00-01; 40070-20-22-100-00-01; 40070-20-40-200-00-01; 40070-20-43-000-00-01; 40070-20-44-200-00-01; 40070-20-45-000-00-01; 40070-20-49-200-00-81; 40070-20-50-200-00-81; 40070-20-51-100-00-01; 40070-20-51-200-00-01; 40070-20-51-500-00-81); **Assistant Division Chief** (position nos. 40070-20-24-200-00-01; 40070-20-55-020-00-81); **Section Manager** (position

nos. 40070-20-32-400-00-01; 40070-20-90-150-00-01; 40070-20-90-212-00-01); **Regional Supervisor** (position nos. 40070-20-44-500-00-01; 40070-20-44-610-00-71; 40070-20-44-650-00-51); **Field Supervisor** (position no. 40070-20-44-670-00-91); **Supervisor of Field Operation** (position no. 40070-20-49-230-00-81); **State Public Health Veterinarian** (position no. 40070-20-51-000-50-01); **Fiscal Chief** (position no. 40070-20-50-100-00-01); **IS Manager** (40070-20-90-260-00-01); **the job currently occupied by Cheri Hoots** (position no. 40070-20-32-400-00-01); and **two vacant positions** (position nos. 40070-20-44-680-00-91 and 40070-20-49-100-00-01).

## **I. AFSCME's Objections**

AFSCME makes several general objections and also specifically objects to the designation of specific positions. Generally, AFSCME claims that the Board denied it due process because the Board failed to provide AFSCME adequate time to file objections and likewise failed to provide any means by which AFSCME could obtain information to support its position.

Specifically, AFSCME claims that two of the positions designated in this petition have already been included in the RC-10 bargaining unit in Case No. S-RC-10-156. AFSCME alleges that the parties stipulated the position occupied by Antoinette Murphy (Department Attorney) was included in the RC-10 bargaining unit and the Administrative Law Judge recommended that the position occupied by Allan Abinoja (Deputy General Counsel) be included in RC-10 bargaining unit.

AFSCME alleges that CMS was required to list all SPSA Opt. 3 positions during the proceedings in Case No. S-RC-10-220 but failed to list a position currently occupied by Charles Hurst (Division Chief) and three vacant positions (two Section Manager positions and one IS Manager position), all designated in this petition. AFSCME also claims that CMS did not note that these four positions are subject to a pending petition. AFSCME claims that it is arbitrary to designate these four SPSA positions as exempt from the Act while including other positions that perform substantially similar work in collective bargaining units.

Finally, AFSCME claims that these four positions should not be classified as SPSAs. AFSCME alleges that the SPSA class specification states that positions subject to the provisions of a collective bargaining agreement are not properly SPSA positions. AFSCME argues that the Board can allow employers and exclusive representatives to exclude SPSA positions even if they are not appropriately classified. However, AFSCME claims that excluding SPSA positions performing work not within a bargaining unit would not address the issue of erosion of non-SPSA bargaining unit work. AFSCME further argues that matters concerning erosion of

bargaining unit work involve contract interpretation and must therefore be determined by an arbitrator, not the Board.

## **II. Discussion and Analysis**

### **a. Procedural Objections**

The Board did not deny AFSCME due process when it applied its rules, which required AFSCME to file objections to the designation within 10 days, and when it allegedly failed to provide AFSCME an avenue by which it could obtain information to support its objections.

Due process requires notice and an opportunity to be heard. East St. Louis Fed'n of Teachers, Local 1220 v. East St. Louis School Dist. No. 189 Financial Oversight Panel, 178 Ill. 2d 399, 419-20 (1997). Although due process applies to administrative hearings<sup>2</sup> and requires a “fair hearing” and “rudimentary elements of fair play,” “[a]n administrative agency has broad discretion to reasonably regulate the time periods afforded parties to present evidence.” Clark v. Bd. of Directors of the School Dist. of Kansas City, 915 S.W. 2d 766, 772-73 (Mo. App. W.D. 1996).

Administrative rules and regulations have the force and effect of law and must be construed under the same standards which govern the construction of statutes. Northern Ill. Automobile Wreckers and Rebuilders Ass'n v. Dixon, 75 Ill. 2d 53 (1979); DeGrazio v. Civil Service Comm'n., 31 Ill. 2d 482, 485 (1964). Like a statute, an administrative rule or regulation enjoys a presumption of validity. Northern Ill. Automobile Wreckers and Rebuilders Ass'n v. Dixon, 75 Ill. 2d 53 (1979). A court will set aside an administrative rule only if the court finds it clearly arbitrary, unreasonable or capricious. Pauly v. Werries, 122 Ill. App. 3d 263 (4th Dist. 1984); Aurora East Public School District No. 131 v. Cronin, 92 Ill. App. 3d 1010 (1981).

Here, the Board's Rules, which specify time limits for filing objections, do not deprive AFSCME of due process because they are reasonable in light of the short statutory time frame in which the Board must process designation petitions and the high volume of such petitions the Board is expected to receive. The Act provides that the Board has a mere 60 days to determine whether the designation comports with the requirements of Section 6.1 of the Act. 5 ILCS 315/6.1(b)(5) (2010). In that 60 days, the Board must allow time (1) for parties to file objections,

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<sup>2</sup> Dep't of Cent. Mgmt. Services/III. Commerce Comm'n v. Ill. Labor Rel. Bd., State Panel, 406 Ill. App. 3d 766, 769-70 (4th Dist. 2010) (denial of an “oral hearing” is not necessarily the denial of a “hearing” because written arguments could suffice as a hearing in the administrative context).

(2) for an Administrative Law Judge (ALJ) to draft, issue and serve the decision on the parties, (3) for the parties to file exceptions to the ALJ's Recommended Decision and Order (RDO), (4) for the Board and its staff to review the RDO in light of the exceptions and draft a recommendation to the Board, (5) for the Board to set an agenda for the Board meeting pursuant to the requirements of the Open Meetings Act<sup>3</sup> and (6) for the Board to rule on the ALJ's decision concerning the designation. In addition, the Board is expected to receive a high volume of these petitions because the Governor is statutorily permitted to designate up to 3,580 positions for exclusion. Taken together, these factors demonstrate that the Board's 10 day time limit for filing objections is reasonable and therefore does not deprive AFSCME of due process.

Second, the Board did not deprive AFSCME of due process by failing to provide a means by which AFSCME may obtain information to support its position because it did provide such a means. Indeed, Section 1300.110 of the Board's Rules provides that a party may ask the Board to issue subpoenas for witnesses and documents. 80 Ill. Admin. Code 1300.110. While this subpoena power is only available to the parties after the ALJ determines that there are issues of fact for an oral hearing, the subpoena power available to the parties is identical to that available to the parties in all other proceedings before the Board and therefore does not deprive AFSCME of due process. See 80 Ill. Admin. Code 1200.90.

**b. Substantive Objections**

i. Antoinette Murphy

AFSCME claims that the position held by Antoinette Murphy (Department Attorney) was included in the RC-10 bargaining unit by stipulation of the parties in Case No. S-RC-10-156, even though the Board never certified Murphy's position as part of the RC-10 bargaining unit. AFSCME provides no additional argument or language in the Act to support its apparent position that this stipulation makes Murphy's position inappropriate for designation. To qualify for designation under Section 6.1 of the Act, the position in question must fall into one of the three broad categories of designatable positions and must likewise fall into one of the five categories which describe its classification, title or characteristics. Murphy's position falls into one of the three broad designatable categories because it has a pending petition for certification in a

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<sup>3</sup> The Open Meetings Act provides that "an agenda for each regular meeting shall be posted at the principal office of the public body and at the location where the meeting is to be held at least 48 hours in advance of the holding of the meeting." 5 ILCS 120/2.02 (2010).

bargaining unit. Similarly, Murphy's position falls within one of the five categories which describe the nature of the position because she holds the title of Senior Public Service Administrator (SPSA).

Here, AFSCME appears to argue that because the parties agreed Murphy's position was included in a bargaining unit, it is inappropriate for designation. However, this does not address the Board's sole inquiry in this particular case. Here, the Board must determine whether the designated position meets the criteria set forth in Section 6.1 of the Act. Section 6.1(b)(2) provides in relevant part that for a position to be designatable, "it must have a title of... Senior Public Service Administrator." In this case, it is clear that Murphy's position falls into one of the three broad designatable categories. Similarly, it is undisputed that CMS has classified Murphy's position as an SPSA position. Accordingly, the sole inquiry here is whether the designation comports with the requirements of the Act. CMS followed the requirements of the Act in designating Murphy's position. The fact that the parties stipulated that Murphy's position was covered by the Act in a different case is not material in light of the Act's clear language which, in this case, permits designation of a position based solely on classification and without regard to the parties' stipulations in another case before the Board. CMS's designation of Murphy's position is properly made.

ii. Allan Abinoja

AFSCME claims that the position held by Allan Abinoja (Deputy General Counsel) was included in the RC-10 bargaining unit by the decision of the ALJ in Case No. S-RC-10-156, even though the Board never certified Abinoja's position as part of the RC-10 bargaining unit. AFSCME provides no additional argument or language in the Act to support its apparent position that the ALJ's decision makes Abinoja's position inappropriate for designation. To qualify for designation under Section 6.1 of the Act, the position in question must fall into one of the three broad categories of designatable positions and must likewise fall into one of the five categories which describe its classification, title or characteristics. Abinoja's position falls into one of the three broad designatable categories because it has a pending petition for certification in a bargaining unit. Similarly, Abinoja's position falls within one of the five categories which describe the nature of the position because he holds the title of Senior Public Service Administrator.

Here, AFSCME appears to argue that because the ALJ recommended that Abinoja's position be included in a bargaining unit, it is inappropriate for designation. However, this does not address the Board's sole inquiry in this particular case. Here, the Board must determine whether the designated position meets the criteria set forth in Section 6.1 of the Act. Section 6.1(b)(2) provides in relevant part that for a position to be designatable, "it must have a title of... Senior Public Service Administrator." In this case, it is clear that Abinoja's position falls into one of the three broad designatable categories. Similarly, it is undisputed that CMS has classified Abinoja's position as an SPSA position. Accordingly, the sole inquiry here is whether the designation comports with the requirements of the Act. CMS followed the requirements of the Act in designating Abinoja's position. The fact that the ALJ recommended that Abinoja's position was covered by the Act in a different case is not material in light of the Act's clear language which, in this case, permits designation of a position based on solely on classification and without regard to an ALJ's recommendations in another case. CMS's designation of Abinoja's position is properly made.

iii. Charles Hurst and Vacant Positions

AFSCME claims that CMS failed to list the positions held by Charles Hurst (Division Chief) and three vacant positions (two Section Manager positions and one IS Manager position) as SPSA positions during the proceedings in Case No. S-RC-10-220. AFSCME provides no additional argument or language in the Act to support its apparent position that CMS's failure to identify these four positions as SPSA positions in a different case makes these positions inappropriate for designation. To qualify for designation under Section 6.1 of the Act, the position in question must fall into one of the three broad categories of designatable positions and must likewise fall into one of the five categories which describe its classification, title or characteristics. Hurst's position and the three vacant positions fall into one of the three broad designatable categories because they are subject to a pending petition for certification in a bargaining unit. Similarly, the four positions fall within one of the five categories which describe the nature of the position because they all have the title of Senior Public Service Administrator.

Here, AFSCME appears to argue that because CMS failed to identify these four positions as SPSAs, they are now inappropriate for designation. However, this does not address the Board's sole inquiry in this particular case. Here, the Board must determine whether the designated

position meets the criteria set forth in Section 6.1 of the Act. Section 6.1(b)(2) provides in relevant part that for a position to be designatable, “it must have a title of... Senior Public Service Administrator.” In this case, it is clear that the four positions fall into one of the three designatable categories. Similarly, it is undisputed that CMS has classified the four positions as SPSA positions. Accordingly, the sole inquiry here is whether the designation comports with the requirements of the Act. The fact that CMS failed to identify these four positions as SPSAs in a different case is not material in light of the Act’s clear language which, in this case, permits designation of a position based solely on classification and without regard to the parties’ statements in another case.

AFSCME also claims that CMS failed to indicate that there is a petition pending for three vacant positions and Hurst’s position. The petition form asks the Petitioner to indicate whether there is a petition pending for the designated positions. In response to this question, CMS submitted a spreadsheet and answered “no” for the three vacant positions and Hurst’s position. However, Section 6.1(b) does not require the Petitioner to provide this information. Furthermore, Section 6(d) of the Act creates a presumption that any such designation made by the Governor was properly made. AFSCME provides no additional argument or language in the Act to support its apparent position that CMS’ failure to identify these four positions as subject to a pending petition makes their designation inappropriate. However, this does not address the Board’s sole inquiry in this particular case. Here, the Board must determine whether the designated position meets the criteria set forth in Section 6.1 of the Act. Section 6.1(b)(2) provides in relevant part that for a position to be designatable, “it must have a title of... Senior Public Service Administrator.” In this case, it is clear that the four positions fall into one of the three designatable categories. Similarly, it is undisputed that CMS has classified the four positions as SPSA positions. Accordingly, the sole inquiry here is whether the designation comports with the requirements of the Act. The fact that the Petitioner failed to identify these four positions as SPSAs in a different case is not material in light of the Act’s clear language which, in this case, permits designation of a position based solely on classification and without regard to the parties’ statements in another case before the Board. CMS’s designations of Hurst’s position and three vacant positions are properly made.

iv. SPSA Positions

AFSCME claims that it is arbitrary to include the SPSA positions at issue in this case based solely on their status and classification as SPSAs when other positions in the SPSA classification are included in collective bargaining units. In this case it is not arbitrary for the Board to exclude the SPSA positions at issue in this case by designation because the Board is merely adhering to its own rules. “Agency action is arbitrary and capricious only if the agency contravenes the legislature’s intent, fails to consider a crucial aspect of the problem, or offers an explanation which is so implausible that it runs contrary to agency expertise.” Deen v. Lustig, 337 Ill. App. 3d 294, 302 (4th Dist. 2003). For example, an agency’s decision is arbitrary and capricious if it fails to follow its own rules or fails to adhere to the statute at issue. Dep’t of Cent. Mgmt. Serv./Ill. Commerce Com’n v. Ill. Labor Rel. Bd., 406 Ill. App. 3d 766, 771 (4th Dist. 2010)(agency must follow its own rules); Crane by Crane v. Indiana High School Athletic Ass’n., 975 F. 2d 1315, 1320 (7th Cir. 1992)(agency acts arbitrarily and capriciously when it fails to follow its own rules); Steinhouse v. Ashcroft, 247 F. Supp. 2d 201, 210 (D. Conn. 2003)(agency’s failure to adhere to statute at issue is arbitrary and capricious)(citing Yousefi v. INS, 260 F. 3d 318, 328 (4th Cir. 2001).

AFSCME also claims that the jobs designated by CMS in this petition should not be classified as SPSA positions because there are jobs that perform the same duties currently in collective bargaining units. AFSCME supports this position by citing the SPSA classification which states that positions subject to a collective bargaining agreement are not SPSA positions. These, and AFSCME’s remaining arguments, focus on employees’ job duties or other characteristics of their positions and do not address the Board’s sole inquiry in this particular case. Here, the Board must determine whether the designated positions meet the criteria set forth in Section 6.1 of the Act. Section 6.1(b)(2) provides in relevant part that for a position to be designatable, “it must have a title of... Senior Public Service Administrator.” In this case, it is clear that the positions at issue fall into one of the three designatable categories. Similarly, it is undisputed that CMS has classified the positions at issue as SPSA positions. Accordingly, the sole inquiry here is whether the designation comports with the requirements of the Act. AFSCME’s various arguments regarding SPSAs’ job duties and other rules regarding their inclusion in bargaining units are not material to determining whether the positions at issue in this

position are designatable. In light of the Act's clear language which, in this case, permits designation of a position based on solely on classification, the actual job duties of employees classified as SPSAs do not matter. All the employees fulfill the requirements established by the Act. Therefore, CMS's designation of the SPSA positions at issue in this case is properly made.

### **III. Conclusions of Law**

The Governor's designation in this case is properly made.

### **IV. Recommended Order**

Unless this Recommended Decision and Order is rejected or modified by the Board, the following positions in the Department of Public Health are excluded from the self-organization and collective bargaining provisions of Section 6 of the Illinois Public Labor Relations Act:

**Chief of Staff** (position no. 40070-20-01-020-00-81); **Program Policy Advisor** (position no. 40070-20-01-030-00-01); **Community PH Outreach Manager** (position no. 40070-20-01-100-20-81); **General Counsel** (position no. 40070-20-02-000-00-01); **2 Deputy General Counsel jobs occupied by Allan Abinoja and Bridget Degnen** (position no. 40070-20-02-100-00-81); **Department Attorney** (position no. 40070-20-02-100-10-81); **Deputy General Counsel** (position nos. 40070-20-02-150-00-81; 40070-20-02-300-00-01); **Section Chief** (position no. 40070-20-03-000-00-81); **Deputy Director** (position nos. 40070-20-04-000-00-81; 40070-20-09000-00-01; 40070-20-20-000-00-82; 40070-20-30-000-00-01; 40070-20-40-000-00-81; 40070-20-50-000-00-01; 40070-20-60-000-00-81); **Regional Health Officer** (position nos. 40070-20-06-201-00-11; 40070-20-06-204-00-41; 40070-20-06-205-00-51; 40070-20-06-206-00-61; 40070-20-06-207-00-71; 40070-20-06-208-00-81); **Division Chief** (position nos. 40070-20-07-100-00-01; 40070-20-09-100-00-01; 40070-20-09-200-00-01; 40070-20-09-300-00-01; 40070-20-13-000-00-01; 40070-20-21-000-00-81; 40070-20-22-000-00-01; 40070-20-30-100-00-01; 40070-20-32-000-00-01; 40070-20-34-000-00-81; 40070-20-37-000-00-01; 40070-20-41-000-00-01; 40070-20-42-000-00-01; 40070-20-44-000-00-02; 40070-20-44-400-00-01; 40070-20-44-660-00-21; 40070-20-46-000-00-01; 40070-20-49-000-00-01; 40070-20-51-000-00-01; 40070-20-51-310-00-01; 40070-20-52-000-00-01; 40070-20-54-000-00-01; 40070-20-61-000-00-81; 40070-20-62-000-00-01; 40070-20-90-200-00-01); **Assistant Deputy Director** (position no. 40070-20-20-100-00-01); **Section Chief** (position nos. 40070-20-20-100-10-01; 40070-20-21-100-00-01; 40070-20-22-100-00-01; 40070-20-40-200-00-01; 40070-20-43-000-00-01; 40070-20-44-200-00-01; 40070-20-45-000-00-01; 40070-20-49-200-00-81; 40070-20-50-200-00-81; 40070-20-51-100-00-01; 40070-20-51-200-00-01; 40070-20-51-500-00-81); **Assistant Division Chief** (position nos. 40070-20-24-200-00-01; 40070-20-55-020-00-81); **Section Manager** (position nos. 40070-20-32-400-00-01; 40070-20-90-150-00-01; 40070-20-90-212-00-01); **Regional Supervisor** (position nos. 40070-20-44-500-00-01; 40070-20-44-610-00-71; 40070-20-44-650-00-51); **Field Supervisor** (position no. 40070-20-44-670-00-91); **Supervisor of Field Operation** (position no. 40070-20-49-230-00-81); **State Public Health Veterinarian** (position no. 40070-20-51-000-50-01); **Fiscal Chief** (position no. 40070-20-50-100-00-01); **IS Manager** (40070-20-90-260-00-01); **the job currently occupied by Cheri Hoots** (position no. 40070-20-32-400-00-01); **two vacant positions** (position nos. 40070-20-44-680-00-91 and 40070-20-49-100-00-01).

**V. Exceptions**

Pursuant to Section 1300.90 and 1300.130 of the Board's Rules and Regulations, 80 Ill. Admin. Code Parts 1300<sup>4</sup>, parties may file exceptions to the Administrative Law Judge's recommended decision and order, and briefs in support of those exceptions, no later than 3 days after service of the recommended decision and order. All exceptions shall be filed and served in accordance with Section 1300.90 of the Board's Rules. Exceptions must be filed by electronic mail to ILRB.Filing@illinois.gov. Each party shall serve its exceptions on the other parties. If the original exceptions are withdrawn, then all subsequent exceptions are moot. A party not filing timely exceptions waives its right to object to the Administrative Law Judge's recommended decision and order.

**Issued at Chicago, Illinois, this 3<sup>rd</sup> day of September, 2013.**

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

*Thomas R. Allen*

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**Thomas R. Allen  
Administrative Law Judge**

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<sup>4</sup> Available at [www.state.il.us/ilrb/subsections/pdfs/Section](http://www.state.il.us/ilrb/subsections/pdfs/Section) 1300 Illinois Register.pdf