

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

State of Illinois, Department of Central Management Services,	)	
	)	
Employer	)	
	)	
and	)	Case No. S-DE-14-031
	)	
American Federation of State, County and Municipal Employees, Council 31,	)	
	)	
Labor Organization-Objector	)	
	)	
	)	
Carol Gibbs,	)	
	)	
Employee-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. 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 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);
- 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>

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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.

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 effective on April 22, 2013, 37 Ill. Reg. 5901 (May 3, 2013), and the Board promulgated rules for the same purpose effective on August 23, 2013, 37 Ill. Reg. \_\_\_\_ (collectively referred to as the Board's rules). 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. 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. On August 22, 2013, Carol Gibbs, an employee of the State of Illinois who occupies one of the positions designated as excluded from collective bargaining rights, similarly filed an objection to the designation. 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 that the designation was properly submitted, that it is consistent with the requirements of Section 6.1 of the Act, and that the objections fail to raise an issue of law or fact that might overcome the presumption that the designation is proper. 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.

The following 17 positions are at issue in this designation. All are positions within the Illinois State Police.

40070-21-00-000-00-02	Vacant	Chief Public Safety
40070-21-00-040-00-01	Vacant	Chief of Staff
40070-21-00-110-00-01	BOND, MONIQUE	Chief PIO
40070-21-00-930-00-01	RAKERS, CAROL	Budget Chief
40070-21-12-000-00-01	YOKLEY, MICHAEL T	Chief Fiscal Officer
40070-21-42-000-10-01	Vacant	Info Serv Bureau Chief
40070-21-42-500-00-01	Vacant	ISB Asst Bureau Chief
40070-21-43-000-00-01	Vacant	BOI Bureau Chief

40070-21-43-310-00-01	KESTEL, TAMMI S	BOI Exec Ops Officer
40070-21-45-000-00-01	TRAME, JESSICA	Firearms Bureau Chief
40070-21-61-103-04-01	MACK, III, JOHN P	Operations Investigator
40070-21-69-000-00-01	Vacant	Communications Bureau Chief
40070-21-41-000-00-01	BURGARD, JAMES A	R/D Bureau Chief
40070-21-42-100-00-01	GIBBS, CAROL A	Leads Administrator
40070-21-43-100-00-01	Vacant	BOI Asst Bureau Chief
40070-21-43-500-00-01	Vacant	BOI Asst Bureau Chief
40070-21-50-300-00-01	Vacant	DII Admin Svc Admin

Gibbs objects to the designation of her own position. AFSCME objects to designation of the following four positions:

40070-21-42-500-00-01	Vacant	ISB Asst Bureau Chief
40070-21-43-000-00-01	Vacant	BOI Bureau Chief
40070-21-42-100-00-01	GIBBS, CAROL A	LEADS Administrator
40070-21-43-100-00-01	Vacant	BOI Asst Bureau Chief

CMS's petition indicates that the positions at issue qualify for designation under Section 6.1(b)(2) of the Act. CMS filed position descriptions (104s) for each position and a spreadsheet in support of its petition which indicate that the designated positions hold the Senior Public Service Administrator (SPSA) title.

**I. Gibbs's and AFSCME's Objections**

AFSCME objects to the designations on both procedural and substantive grounds. Procedurally, AFSCME argues 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.

Substantively, AFSCME separately objects to the designation of Gibbs's position and the designation of the vacant positions. With respect to Gibbs, AFSCME first argues that CMS erroneously represents that no labor organization has an interest in Gibbs's position and that it is not the subject of a pending petition. AFSCME asserts that the parties in fact stipulated to Gibbs's inclusion in the unit in Case No. S-RC-10-220 and concludes that the Board consequently certified AFSCME as Gibbs's collective bargaining representative when it issued

the certification in that case. However, AFSCME acknowledges that the Board inadvertently omitted Gibbs's position number from the Certification of Representative and similarly admits that the parties never filed a unit clarification petition to correct this error.

Second, AFSCME argues that it is arbitrary for the Board to exclude Gibbs's position when the parties stipulated to her inclusion.

Third, AFSCME asserts that the Board should not consider Gibbs an SPSA, within the meaning of the Act, based on the parties' stipulation to her inclusion in the unit. In support, AFSCME notes that the CMS class specification specifically excludes "positions subject to the provisions of collective bargaining contracts" from the SPSA classification and asserts that Gibbs cannot be an SPSA because she is covered by a collective bargaining agreement pursuant to the parties' stipulation.

Finally, AFSCME and Gibbs both argue that Gibbs should not be subject to designation based on her job duties and other characteristics of her position. In particular, AFSCME asserts that Gibbs performs bargaining unit work because the parties stipulated to her inclusion in the unit. As such, AFSCME argues that the Board should not permit CMS to designate Gibbs because the Board, in doing so, would erode "non-SPSA bargaining unit" by permitting a non-bargaining unit member (Gibbs) to perform bargaining unit work.<sup>2</sup> Gibbs notes that her position holds less authority and responsibility than the other positions designated in this petition. She similarly states that her position is more akin to the two positions which the Board added to the unit in Case No. S-RC-10-220.<sup>3</sup> Finally, she notes that she is not Rutan-exempt.

AFSCME advances similar arguments with respect to the vacant positions. First, AFSCME asserts that CMS erroneously noted that the vacant positions are not part of a pending petition. In support, AFSCME states that it petitioned for all SPSA Option 3s in Case No. S-RC-10-220 and that the case is still pending before the Board on remand from the Appellate Court. As such, AFSCME concludes that the vacant positions are in fact the subject of a pending petition.

Second, AFSCME asserts that it would be arbitrary for the Board to permit the designation of the vacant titles when the duties of the future position-holders would likely be

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<sup>2</sup> 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.

<sup>3</sup> These positions are not subject to this designation.

similar to the job duties of individuals in the occupied SPSA Option 3 titles which the Board has already included in the unit.<sup>4</sup>

Third, on that basis, AFSCME asserts that the Board should not permit CMS to designate the vacant titles as excluded from collective bargaining because to do so would erode “non-SPSA bargaining unit.”<sup>5</sup>

Finally, AFSCME contends that the Board should not consider the vacant positions to be SPSAs within the meaning of the Act, despite their formal classification as such. AFSCME explains that employees who later assume those vacant positions may perform duties similar to the duties currently performed by bargaining unit employees. As such, the designated positions might be eligible for inclusion in the unit. If the Board did include those positions in the unit, they would not be SPSAs because the CMS class specification document provides that positions “subject to the provisions of a collective bargaining contract” are “specifically excluded” from the SPSA classification.

## **II. Discussion and Analysis**

### **a. Procedural Issues**

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>6</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.

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<sup>4</sup> AFSCME argues that there is insufficient time to determine whether the duties of the vacant positions are the same or similar to the duties of employees holding positions in SPSA Option 3 bargaining unit titles.

<sup>5</sup> AFSCME states that issues concerning the erosion of bargaining unit work involve the interpretation of collective bargaining agreements and should be resolved pursuant to the terms of those agreements.

<sup>6</sup> Dep’t of Cent. Mgmt. Services/Ill. 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).

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 Com., 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) (2012). In that 60 days, the Board must allow time (1) for parties to file objections, (2) for an Administrative Law Judge (ALJ) to hold a hearing (if deemed necessary) and 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’s General Counsel 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>7</sup> and (6) for the Board to rule on the ALJ’s decision concerning the designation. In addition, the Board 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 thus does not deprive AFSCME of due process.

Second, the Board has not deprived 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 Emergency Rules provides that a party

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<sup>7</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 (2012).

may ask the Board to issue subpoenas for witnesses and documents. See 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 thus does not deprive AFSCME of due process. Compare 80 Ill. Admin. Code 1300.110 with 80 Ill. Admin. Code 1200.90.

In sum, the Board did not deprive AFSCME of due process in applying its rules here.

b. Substantive Issues

i. Gibbs

CMS's designation of Gibbs is properly made.

As noted above, 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.

Here, Gibbs's position falls into one of the three broad designatable categories because the Board never certified Gibbs's position into a bargaining unit. Similarly, her 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.

None of the objections advanced by AFSCME or Gibbs alter this conclusion. First, there is no error in the designation petition because CMS accurately represented that Gibbs's position has not been certified into a collective bargaining unit. Indeed, AFSCME admits as much because it notes that the Board inadvertently omitted Gibbs's title from the certification and likewise admits that the parties never filed a unit clarification petition to correct the error. Illinois Secretary of State, 29 PERI ¶ 28 (IL LRB-SP 2012) (a unit clarification petition is the appropriate method for adding positions to an existing bargaining unit if the exclusion from the unit at the time was unintentional or inadvertent). As such, CMS correctly stated that Gibbs's position is not covered by any Certification of Representative.

Second, contrary to AFSCME's contention, it is not arbitrary for the Board to exclude Gibbs's position, even though the parties had agreed to her inclusion, 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)).

Here, the Board’s rules provide that the procedures set forth in those rules are the “exclusive means by which a public employer may recognize a labor organization” as the representative of its employees. 80 Ill. Admin. Code 1210.10; see also City of Chicago, 5 PERI ¶3006 (IL LLRB 1989) (Board does not recognize informal accretion of a new title). Thus, the Board’s refusal to include Gibbs in the unit is not arbitrary, despite the parties’ earlier stipulation, because the parties never invoked the Board’s unit clarification procedures to correct a prior error.<sup>8</sup>

Third, assuming, *arguendo*, that the language of the CMS class specification document could undermine Gibbs’s SPSA classification, that language does not apply to Gibbs’s position. Here, the class specification provides that “positions subject to the provisions of collective bargaining contracts” are “specifically excluded from this class.” However, as discussed above, Gibbs is not in fact subject to a collective bargaining agreement because the Board never included her in the bargaining unit. As such, Gibbs’s position is not excluded from the CMS SPSA class specification.<sup>9</sup>

Finally, the remaining arguments, presented by AFSCME and Gibbs, are inapposite because they focus on Gibbs’s job duties, or other characteristics of her position, and do 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

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<sup>8</sup> It is unnecessary to determine whether Gibbs’s position would be subject to designation if she were included in the bargaining unit.

<sup>9</sup> As such, it is unnecessary to determine whether Gibbs’s position would be subject to designation if she were included in the bargaining unit and covered by a collective bargaining agreement.

Public Service Administrator.” In this case, it is clear that the Gibbs’s position falls into one of the three designatable categories. Similarly, it is undisputed that CMS has classified Gibbs’s position as an SPSA position. Accordingly, the sole inquiry here is whether CMS erroneously identified Gibbs as an SPSA. Yet here, AFSCME and Gibbs instead argue that the Board should not consider Gibbs an SPSA, despite her classification, because she allegedly performs non-SPSA duties, does not share the level of responsibility granted to other SPSAs, performs work more akin to that performed by SPSAs already in the bargaining unit, and is not Rutan-exempt. However, as discussed above, these arguments must fail in light of the Act’s clear language which, in this case, permits designation of the position based solely on classification and without regard to job duties.

ii. Vacant positions

The designation of the vacant positions is properly made.

Here, the vacant positions fall into one of the three broad designatable categories because the positions are either (i) subject to a pending petition as of April 5, 2013 or (ii) have never been certified into a collective bargaining unit. Similarly, the vacant positions fall within one of the five categories which describe the nature of the positions because they hold the SPSA title.

None of AFSCME’s objections alter this conclusion. First, it is immaterial that CMS failed to indicate that the vacant positions are subject to a currently-pending petition, as AFSCME asserts they are,<sup>10</sup> because the positions nevertheless fall within one of the three designatable categories and AFSCME has cited to no rule which requires the Board to dismiss a designation where CMS has made a clerical error in completing the form. Here, by AFSCME’s own admission, the designated positions fit one of the designatable categories because they are the subject of a petition for certification which was pending on April 5, 2013. To illustrate, AFSCME filed a petition on April 5, 2010, in Case No. S-RC-10-220, seeking the inclusion of all SPSA Option 3s. That petition was pending on April 5, 2013 because it is still unresolved. Further, while the Board’s rules provide that “failure to fully complete the form could result in rejection of the filing of the designation by the Board,” the Rules do not mandate dismissal

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<sup>10</sup> AFSCME accurately states that it petitioned for all SPSA Option 3s in Case No. S-RC-10-220, a case which is still pending before the Board “and in the Appellate Court based on the exclusion of certain positions by the Board.” Arguably, however, these vacant positions are not in fact at issue because they are not part of the list of positions submitted by CMS to the Board.

where CMS has made a clerical error, as CMS may have done in this case. 80 Ill. Admin. Code 1300.50(b). Accordingly, the Board should not dismiss this petition even though CMS failed to indicate that the designated vacant positions are subject to a pending petition.

Second, contrary to AFSCME's contention, it is not arbitrary for the Board to permit designation of these vacant positions, even though CMS has agreed to include other SPSA Option 3 positions in the unit, because the Board is adhering to its own rules and the plain language of the statute in doing so. As noted above, "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, 337 Ill. App. 3d at 302 (4th Dist. 2003). For example, an agency's decision is arbitrary and capricious if it fails to adhere to the statute at issue or fails to follow its own rules. Dep't of Cent. Mgmt Serv./Ill. Commerce Com'n, 406 Ill. App. 3d at 771 (agency must follow its own rules); Crane by Crane, 975 F.2d at 1320 (7th Cir. 1992) (agency acts arbitrarily and capriciously when it fails to follow its own rules); Steinhouse, 247 F. Supp. 2d at 210 (agency's failure to adhere to statute at issue is arbitrary and capricious). Here, the Board's decision to permit designation of these vacant positions is reasonable because it has adhered to the language of the statute, which requires the Board to grant the designation petition if the positions meet the statutory criteria, and its own rules, which implement the Act. As discussed above, the designated positions meet the statutory criteria in this case. The mere fact that CMS agreed to the inclusion of some SPSA Option 3 positions does not alter this conclusion. Consequently, the Board's designation of these positions is reasonable.

Third, as discussed above, AFSCME's remaining arguments are inapposite because they are founded on the positions' job duties and do not address the Board's sole inquiry in this particular case. Here, it is undisputed that the positions at issue fall within one of the three designatable categories and that they hold the SPSA title. Accordingly, the sole inquiry here is whether CMS misidentified the vacant positions as SPSAs. AFSCME has presented no evidence that CMS has made such an error. Instead, AFSCME argues that the Board should not consider these vacant positions to be SPSAs, despite their classification as such, based on the job duties that future holders of the positions might perform. For example, AFSCME argues that they might perform bargaining unit work, would be properly included in the unit, would be covered by a collective bargaining agreement, and thus would be excluded from the SPSA classification

pursuant to the CMS class specification document. Similarly, AFSCME argues that they might perform bargaining unit work and that their inclusion in the unit might erode non-SPSA bargaining unit work.

As a preliminary matter, it is well-established that the Board does not rule on the unit inclusion of vacant positions because there is a lack of evidence as to the actual duties of any employee who may someday hold the disputed title. City of Chicago, 23 PERI ¶ 145 FN 16 (IL LRB-LP 2007); State of Ill. Dep't of Cent. Mgmt. Serv., 20 PERI ¶ 105 (IL LRB-SP 2004); State of Ill., Dep't of Central Mgmt. Serv., 2 PERI ¶ 2027 (IL SLRB 1986). Yet AFSCME's objections urge the Board to make just such ruling.

More importantly, however, AFSCME's argument here, based on job duties, is beside the point because the Act unambiguously and unqualifiedly permits designation of SPSA positions based solely on title without regard to job duties. Thus, AFSCME may not divest positions of their SPSA classification based on the positions' job duties (speculative or not).

In sum, the designations of the vacant position are 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 Directing Certification of the Designation is rejected or modified by the Board, the following positions are excluded from the self-organization and collective bargaining provisions of Section 6 of the Illinois Public Labor Relations Act:

40070-21-00-000-00-02	Vacant	Chief Public Safety
40070-21-00-040-00-01	Vacant	Chief of Staff
40070-21-00-110-00-01	BOND, MONIQUE	Chief PIO
40070-21-00-930-00-01	RAKERS, CAROL	Budget Chief
40070-21-12-000-00-01	YOKLEY, MICHAEL T	Chief Fiscal Officer
40070-21-42-000-10-01	Vacant	Info Serv Bureau Chief
40070-21-42-500-00-01	Vacant	ISB Asst Bureau Chief
40070-21-43-000-00-01	Vacant	BOI Bureau Chief
40070-21-43-310-00-01	KESTEL, TAMMI S	BOI Exec Ops Officer

40070-21-45-000-00-01	TRAME, JESSICA	Firearms Bureau Chief
40070-21-61-103-04-01	MACK, III, JOHN P	Operations Investigator
40070-21-69-000-00-01	Vacant	Communications Bureau Chief
40070-21-41-000-00-01	BURGARD, JAMES A	R/D Bureau Chief
40070-21-42-100-00-01	GIBBS, CAROL A	Leads Administrator
40070-21-43-100-00-01	Vacant	BOI Asst Bureau Chief
40070-21-43-500-00-01	Vacant	BOI Asst Bureau Chief
40070-21-50-300-00-01	Vacant	DII Admin Svc Admin

**V. Exceptions**

Pursuant to Section 1300.90 and 1300.130 of the Board’s Rules and Regulations, 80 Ill. Admin. Code Parts 1300,<sup>11</sup> parties may file exceptions to the Administrative Law Judge's recommended decision and order, and briefs in support of those exceptions, not 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](mailto: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 29th day of August, 2013**

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

*/s/ Anna Hamburg-Gal*

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**Anna Hamburg-Gal  
Administrative Law Judge**

<sup>11</sup> Available at <http://www.state.il.us/ilrb/subsections/pdfs/Section%201300%20Illinois%20Register.pdf>.