STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

State of Illinois, Department of Central Management Services, (Illinois Emergency Management Agency),	)	
Petitioner	)	
and	)	Case No. S-DE-14-063
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. 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 may be positions which have already been certified to be in a collective bargaining unit.

Moreover, to be properly designated, the position must fall into 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, an Agency General Counsel, Agency Chief of Staff, Agency Executive Director, Agency Deputy Director, Agency Fiscal

Officer, Agency Human Resources Director, Senior Public Service Administrator, Public Information Officer, or Chief Information Officer;

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, 497 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 either:
    (i) is 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.[1]

As noted, Public Act 97-1172 and Section 6.1 of the Illinois Public Labor Relations Act became effective on April 5, 2013, and allows 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

[1] 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.

permanent rules for the same purpose which became effective on August 23, 2013. 37 Ill. Reg. 14,070 (September 6, 2013). These rules are contained in Part 1300 of the Board's Rules and Regulations (Rules), 80 Ill. Admin. Code Part 1300.

On August 20, 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 Board's General Counsel granted three motions filed by the American Federation of State, County and Municipal Employees, Council 31 (AFSCME) seeking an extension of time in which to file objections pursuant to Section 1300.60(a)(3). The first order of the General Counsel, issued August 28, 2013, extended AFSCME's time in which to file objections in this matter to September 6, 2013. The second order, issued September 5, 2013, gave AFSCME an additional extension up to and including September 9, 2013. Finally, on September 9, 2013, the General Counsel issued an order moving this deadline from the close of business on September 9, 2013, up to and including 11:59 p.m. on that day. On September 9, 2013, AFSCME filed timely objections to the designation.

Based on my review of the designations, the documents submitted as part of the designation, the objections, and the arguments submitted in support of those objections, I have determined that AFSCME has failed to raise an issue that would require a hearing. Therefore, I find the designation to have been properly submitted and consistent with the requirements of Section 6.1 of the Act and I recommend that the Executive Director certify the designation of the position 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 this position within any collective bargaining unit.

I. ISSUES AND CONTENTIONS

The instant petition designates one position at the Illinois Emergency Management Agency (IEMA) for exclusion from the self-organization and collective bargaining provisions of Section 6 of the Act. CMS states that this position qualifies for designation under Section 6(b)(5). CMS also states that this position is not currently represented for the purposes of collective bargaining, though it was subject to a petition for certification in a bargaining unit in Case No. S-RC-08-036 that was pending on April 5, 2013. In support of these contentions, CMS has provided a spreadsheet showing the classification of this position and indicating that it is

currently not represented for the purposes of collective bargaining. Additionally, CMS has filed CMS-104 documents containing the position description for the designated position.

AFSCME objects to this designation on the grounds that CMS has failed to meet its burden of showing that the position at issue has significant and independent discretionary authority as that term is used in Section 6.1(b)(5) and defined in Section 6.1(c) of the Act. AFSCME alleges that the documents filed by CMS, particularly the CMS-104, do not show that the instant position requires the use of discretion or independent judgment. Furthermore, AFSCME argues that a hearing is necessary to resolve the fact-intensive questions of whether the position requires the use of discretion or independent judgment. Finally, AFSCME states that it cannot file meaningful objections because CMS has provided no notice of the basis for its designation, a number of petitions were filed in a short time frame, and there are no discovery procedures by which AFSCME can obtain additional information on which to base its objections. Taken together, AFSCME argues that these circumstances amount to a denial of due process.

II. FINDINGS OF FACT

The position designated by CMS is an employee at the IEMA in the working title of Training and Exercise Program Manager. The position is classified as a Public Service Administrator (PSA) Option 1 by the employer. The designated position is not currently represented for purposes of collective bargaining, however, it is subject to a pending petition for certification in a bargaining unit filed by AFSCME in Case No. S-RC-08-036. On December 23, 2009, the Board issued a decision in Case No. S-RC-08-036 in which it concluded that a hearing was necessary to determine whether the designated position is supervisory as that term is defined in Section 3(r) of the Act. No hearing has been held to determine this position's supervisory status.

On August 27, 2013, AFSCME filed with the Board's General Counsel a motion to extend its time in which to file objections in this and 32 other designations to September 17, 2013. This motion was granted in part as to this designation, and AFSCME was given until September 6, 2013, to file objections. On September 5, 2013, AFSCME filed a motion requesting that the time in which it must file objections in this and 15 other designations be extended until September 9, 2013. This motion was granted as to this designation, and AFSCME was given until September 9, 2013, to file objections. On September 9, 2013, AFSCME filed and the Board's General Counsel granted as to this designation a motion to extend AFSCME's

time in which to file objections up to and including 11:59 p.m. on September 9, 2013. Thus, AFSCME was given a total of 19 days from the filing date of this designation in which to file objections.

III. POSITION DESCRIPTION

A CMS-104 issued March 1, 2009, describes the following relevant responsibilities of the position:

1) Recommends and implements policy for the total management process of the training program, including the Emergency Management and Hazmat training programs, along with the State Exercise Program;
2) Organizes the goals and objectives and evaluates the output of the agency training programs by preparing annual budgets, course schedules, quarterly and annual reports, and annual scopes of work;
3) Recommends and implements sound administrative operations for the total management of the program;
4) Confers and coordinates with agency management to ensure the integration of program activities with other agency programs and resolve administrative problems;
5) Coordinates with federal, state, local, and private agencies to develop, maintain, and implement all agency training and exercise programs;
6) Supervises staff, assigns work, approves time off, provides guidance and training, gives oral reprimands, effectively recommends grievance resolutions, completes and signs performance evaluations, establishes annual goals and objectives, counsels staff on problems with productivity, quality of work, or conduct, and determines staffing needs to achieve objectives; and
7) Assists in the development and implementation of the agency administrative rules relating to the Emergency Management and HazMat Training Programs, along with the State Exercise Program.

CMS issued a new CMS-104 for this position on December 1, 2010. The new CMS-104 states that the subordinates of the instant position had changed since the March 1, 2009, document, but the duties of the position remained the same and thus were not listed. The December 1, 2010, CMS-104 lists eight subordinates for this position.

IV. DISCUSSION AND ANALYSIS

As stated above, a position is properly designable, among other circumstances, if: (1) it is subject to a petition for certification in a bargaining unit pending on April 5, 2013, the effective date of P.A. 97-1172; and (2) it authorizes an employee in that position to have significant and independent discretionary authority as an employee. 5 ILCS 315/6.1 (2012). Additionally, it is presumed that any designation made by the Governor under Section 6.1 of the Act is properly made. 5 ILCS 315/6.1(d) (2012). Rule 1300.60(d)(2)(A) permits an Administrative Law Judge (ALJ) to find that a designation is proper based solely on the information submitted to the Board in cases in which no objections sufficient to overcome this presumption are filed. 80 Ill. Admin. Code 1300.60(d)(2)(A). CMS's initial filing clearly indicates, and AFSCME does not contest, that the designated position was subject to a petition for certification in a bargaining unit pending on April 5, 2013. AFSCME's substantive objections allege that CMS's initial filing nonetheless fails to meet CMS's burden of demonstrating that the position authorizes an employee to have significant and independent discretionary authority. AFSCME has also raised several procedural objections which it states have resulted in a denial of its right to due process in the instant matter. I will examine AFSCME's substantive and procedural objections in turn.

AFSCME'S SUBSTANTIVE OBJECTIONS

A position is properly designable under Section 6.1(b)(5) if it authorizes an employee in that position to exercise significant and independent discretionary authority. 5 ILCS 315/6.1(b)(5) (2012). An employee has significant and independent discretionary authority if: (1) he or she is 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 he or she represents management interests by taking or recommending discretionary actions that effectively control or implement the policy of a State agency; or (2) he or she qualifies as a supervisor of a State agency as that term is defined under Section 152 of the National Labor Relations Act (NLRA) or any orders of the National Labor Relations Board (NLRB) interpreting that provision or any decision of courts reviewing decisions of the NLRB. 5 ILCS 315/6.1(d) (2012).

AFSCME objects to this designation on the grounds that CMS has failed to meet its burden of showing that the position at issue has significant and independent discretionary authority as that term is defined in Section 6.1(c) of the Act. AFSCME alleges that the

documents filed by CMS, particularly the CMS-104s, do not show that the instant position requires the use of discretion or independent judgment. Furthermore, AFSCME argues that a hearing is necessary to resolve the fact-intensive questions of whether the position requires the use of discretion or independent judgment. AFSCME's contentions on this matter fail for several reasons.

CMS does not have the burden of showing that the designated position has significant and independent discretionary authority. In contending that CMS does, AFSCMEs misconstrues Section 6.1 in two ways. First, a position need merely *authorize* an employee to have significant and independent discretionary authority in order to qualify for designation. Second, it is not CMS's burden to prove that a designation is proper. AFSCME correctly notes that CMS would have the burden of showing in a representation case that the designated position qualifies for exclusion from the Act's protections under the provisions for managerial employees and supervisors. Chief Judge of the Circuit Court of Cook Co., 18 PERI 2016 (IL LRB-SP 2002). However, the allocation of this burden to the party asserting an exclusion is designed to serve the State's public policy in favor of granting employees full freedom of association, self-organization, and designation of representatives of their own choosing. Id. (citing Chief Judge of the 18th Judicial Circuit, 14 PERI ¶ 2032 (IL SLRB 1998), aff'd sub nom, Chief Judge of the 18th Judicial Circuit v. Illinois State Labor Relations Board, 311 Ill. App. 3d 808 (2nd Dist. 2000)). Section 6.1 meanwhile deals with the authority of the Governor, upon designation, to restrict the rights of a position to engage in self-organization and collectively bargaining. Thus, the public policy that supports placing the burden of proof on the party asserting an exclusion in a representation case does not apply to Gubernatorial designations. Instead, the legislature provided a presumption in Section 6.1(d) that governs the instant designation and clearly states that CMS enjoys a presumption that this designation is proper. Therefore, AFSCME has the burden, as objector, of demonstrating that the designated position is not authorized to have the significant and independent discretionary authority.

Furthermore, AFSCME has not only the burden of proof in this matter but also the burden of production. Rule 1300.60(d) provides that a hearing will be held to determine whether a designation is proper only if the objections submitted raise an issue of fact or law that might overcome the presumption stated in Section 6.1(d); where the objections fail to overcome this presumption, an Administrative Law Judge (ALJ) may make factual findings that the designation

is proper without a hearing. 80 Ill. Admin. Code 1300.60(d). Assuming, *arguendo*, that the requirements of Section 6.1(b) require a fact-intensive inquiry, AFSCME nonetheless must show some evidence that it might successfully overcome the presumption that the requisite authority exists before a hearing is necessary. In this case, AFSCME has made no factual allegations beyond conclusory statements that the designated position does not have significant and independent discretionary authority. I find that these conclusions raise no issue of fact or law sufficient to overcome the presumption that this designation is proper.

Finally, despite AFSCME's contentions to the contrary, CMS's initial filing does tend to support the presumption that the designated position is authorized to have significant and independent discretionary authority. Section 6.1(c) provides that a position has significant and independent discretionary authority if an employee in that position has either what I will refer to as managerial authority under Section 6.1(c)(i) or supervisory authority under Section 6.1(c)(ii). The CMS-104s support the presumption that the designated position has both.

An employee has managerial authority under Section 6.1(c)(i) if he or she: (1) is authorized to be engaged in executive and management functions of a State agency and to be charged with the effectuation of management policies and practices of that agency; or (2) is authorized to represent management interests by taking or recommending discretionary actions that effectively control or implement the policy of a State agency. The Board has held, while interpreting similar language in Section 3(j), that "executive and management functions" amount to the running of an agency, such as establishing policies and procedures, preparing a budget, or otherwise assuring that an agency or department runs effectively. Department of Central Management Services/Illinois Commerce Commission (ICC) v. Illinois Labor Relations Board, 406 Ill. App. 3d 766, 778 (4th Dist. 2010) (citing, American Federation of State, County and Municipal Employees, Council 31, 25 PERI ¶ 68 (IL LRB-SP 2009); City of Freeport, 2 PERI ¶ 2052 (IL SLRB 1986)). Other executive and management functions include using independent discretion to make policy decisions as opposed to following established policy, changing the focus of an employer's organization, being responsible for day to day operations, negotiating on behalf of an employer with its employees or the public, and exercising authority to pledge an employer's credit. Circuit Clerk of Champaign County, 17 PERI ¶ 2032 (ILRB SP 2001); City of Chicago (Chicago Public Library), 10 PERI ¶ 3016 (IL LLRB 1994); State of Illinois (Department of Central Management Services), 8 PERI ¶ 2052 (IL SLRB 1992). Likewise, an

employee directs the effectuation of management policies and practices if he or she oversees or coordinates policy implementation through development of means and methods of achieving policy objectives, determines the extent to which policy objectives will be achieved, and is empowered with a substantial amount of discretion to determine how policies will be effected. ICC at 775. An employee does not have to have final responsibility and independent authority in order to direct the effectuation of management policies and practices; it is sufficient if his or her recommendations are effective. Id. at 775. In this case, the CMS-104s state that an employee in the designated position "recommends and implements policy," "organizes the goals and objectives" of agency training programs and is responsible for evaluating their output by "preparing annual budgets," "recommends and implements sound administrative operations for the total management of the program," and "assists in the development and implementation of agency administrative rules." Thus, CMS's initial filings indicate that the employee in the instant position is authorized to engage in several executive and management functions, including recommending policies, establishing procedures, assisting with the promulgation of agency rules, and preparing a budget. Likewise, the filings indicate that the employee in this position is authorized to be charged with directing the effectuation of management policies and practices by implementing policy, procedures, and administrative rules. The CMS-104s contain no express limitations on this authority. Furthermore, AFSCME has failed to allege any fact or raise any argument that may demonstrate either that an employee in this position does not have the authority demonstrated in the CMS-104 or that such authority is not sufficient to meet the definition of significant and independent discretionary authority. Therefore, I find that an employee in the designated position is authorized to have significant and independent discretionary authority as that term is defined in the Section 6.1(c) provisions for managerial authority.

An employee has supervisory authority under Section 6.1(c)(ii) if he or she qualifies as a supervisor of a State agency as that term is defined under Section 152 of the NLRA or any orders of the NLRB interpreting that provision or decisions of courts reviewing decisions of the NLRB. Section 152 of the NLRA provides:

> "The term 'supervisor' means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in the connection

with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but require the use of independent judgment." 29 U.S.C. §152 (11).

"Employees are statutory supervisors if (1) they hold the authority to engage in any 1 of the 12 listed supervisory functions, (2) their 'exercise of such authority is not of a merely routine or clerical nature, but require the use of independent judgment,' and (3) their authority is held 'in the interest of the employer.'" NLRB v. Kentucky River Community Care, Inc., 532 U.S. 706, 713 (2001) (quoting NLRB v. Health Care & Retirement Corp. of America, 511 U.S. 571, 573-74 (1994)); See also Oakwood Healthcare, Inc., 348 NLRB 686, 687 (2006).

The term "assign" means "the act of designating an employee to a place (such as a location, department, or wing), appointing an employee to a time (such as a shift or overtime period), or giving significant overall duties, i.e., tasks, to an employee." Oakwood Healthcare, Inc., 348 NLRB at 689. A position has the responsibility to direct an employee in that position has subordinates, decides what jobs his subordinates should perform next, and who should perform those tasks. Id. at 691-92. To be considered a supervisor with responsibility to direct, there must be accountability on the supervisor's part if the directed task is not performed properly. Id. Finally, the authority to discipline other employees can be established by the initiation thereof. See Mountainee Park, 343 NLRB 1473 (2004) (authority to write up employees for proposed discipline and initiate disciplinary process constitutes authority to discipline); Progressive Transportation Services, 340 NLRB 1044, 1045-46 (dispatcher, by issuing and signing notices describing incidents, initiates disciplinary process even though higher supervisor approves discipline; effectively recommends discipline); and Sheraton Universal Hotel, 350 NLRB 1114, 1115-18 (2007) (front desk supervisor in hotel possessed authority to effectively recommend discipline where he initiated disciplinary process by counseling subordinates and effectively recommending issuance of a written warning to higher management).

In this case, the CMS-104s state that an employee in the designated position assigns work, approves time off, provides guidance and training, gives oral reprimands, effectively recommends grievance resolutions, completes and signs performance evaluations, counsels staff on problems with productivity, work quality, and conduct, and determines staffing needs. Thus, CMS's initial filings suggest that the employee in the instant position is authorized to engage at least four of the enumerated supervisory functions: assigning, disciplining other employees,

directing, and adjusting grievances. There is no express limitation on the authority to suggest that an employee in this position would not be required to use independent judgment or act in the interest of the IEMA in performing these functions. Furthermore, AFSCME has failed to allege any fact or raise any argument that may demonstrate either that an employee in this position does not have the authority demonstrated in the CMS-104 or that such authority is not sufficient to meet the definition of significant and independent discretionary authority. Therefore, I find that an employee in the designated position is authorized to have significant and independent discretionary authority as that term is defined in the Section 6.1(c) provisions for supervisory authority.

AFSCME'S PROCEDURAL OBJECTIONS

In its remaining objections, AFSCME essentially argues that the procedures provided do not, under the circumstances, comport with the requirements of due process. For the reasons that follow, AFSCME's contentions on this issue must fail.

Adequate notice of a proposed governmental action and a meaningful opportunity to be heard are the fundamental prerequisites of due process. Peacock v. Bd. of Tr. of the Police Pension Fund, 395 Ill. App. 3d 644, 654 (1st Dist. 2009) (citing Goldberg v. Kelly, 397 U.S. 254, 267-68 (1970)). In this instance, AFSCME argues that the alleged deficiencies in CMS's initial filing and in the Board's procedure deprived AFSCME of a meaningful opportunity to be heard. In order to satisfy this requirement, the Board must provide a party affected by its proceedings with a meaningful procedure to assert his or her claim prior to the deprivation or impairment of a right. Peacock, 395 Ill. App. 3d at 654 (citing Matthews v. Eldridge, 424 U.S. 319, 332 (1976) and Wendl v. Moline Police Pension Board, 96 Ill. App. 3d 482, 486 (3rd Dist. 1981)). AFSCME's complaints relate three circumstances surrounding the Gubernatorial designation process and the instant designation, which together, it claims, have prevented AFSCME from filing timely specific objections to this designation. Thus, AFSCME has essentially argued that it has not had a meaningful opportunity to assert its claims and has thus been deprived of the due process right to be heard. I will examine each complained-of circumstance in turn.

First, AFSCME states that it has been denied a meaningful opportunity to assert its claims in this matter because CMS's initial filing included no information identifying the basis upon which this position qualifies for designation. This is simply not true. While CMS did fail to check the box for 6.1(b)(5) on the Board's form to indicate the statutory category under which

the position qualifies for designation, CMS's additional filings included a chart on which 6.1(b)(5) was listed as the statutory category on which this exclusion is based. Thus, even a cursory review of CMS's initial filings would disclose that this position has been designated under Section 6.1(b)(5) of the Act. Furthermore, CMS has fulfilled its statutory obligation of providing in writing the job title and duties of a designated position, the name of the employee currently occupying that position, and the category under which the position qualifies for designation in its initial filing. 5 ILCS 315/6.1(b) (2012).

Second, AFSCME alleges that it has been denied a meaningful opportunity to assert its claims in this matter because CMS filed a large number of the permitted 3,580 designations within the seven weeks preceding the issuance of this RDO. Presumably, AFSCME's complaint on this point is that it has been unable to review so many designations to discern what, if any, objections it may assert. AFSCME cites no authority in support of this contention. Furthermore, Section 6.1 of the Act authorizes the Governor to designate up to 3,580 positions, with the only time constraint being that all must be filed within one year of the effective date of P.A. 97-1172. Therefore, the quantity of designations filed by CMS constitutes a valid use of the Governor's authority under Section 6.1. Absent authority to the contrary, where the use of this authority has complied with the statute, I will not find a violation of due process.

Third, AFSCME complains that there is no procedure by which it may obtain additional information on which to base its objections. This allegation has no basis in fact. There are several procedures by which AFSCME could have obtained information that would support an assertion that the positions at issue are not properly designable. Certain information can be obtained by written request under the Freedom of Information Act, 5 ILCS 140, with a response from the receiving public body due within five business days of the receipt of such a request. 5 ILCS 140/3(d)(5) (2012). Additionally, any employee affected by a gubernatorial designation may inspect his or her personnel file within seven working days of a request, and obtain a copy thereof, under the Personnel Record Review Act. 820 ILCS 40/2 (2012). The designated position is also subject to a pending petition for certification in a collective bargaining unit in which AFSCME is the petitioner. It is reasonable to presume that AFSCME is able to obtain, if not already in possession of, additional information with respect to the position at issue in that petition. Finally, the instant designation was also served on Gene Felchner, the employee who currently holds the designated position. AFSCME could have requested information from

Felchner to serve as a basis for specific objections in this matter. In light of the multiple means both AFSCME and the incumbent employees had to obtain information relevant to this issue, I find that the lack of additional discovery procedures has not deprived AFSCME of a meaningful opportunity to assert its claims in violation of due process.

V. CONCLUSION OF LAW

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

VI. RECOMMENDED ORDER

Unless this Recommended Decision and Order Directing Certification of the Designation is rejected or modified by the Board, the following positions at the Department of Commerce and Economic Opportunity are excluded from the self-organization and collective bargaining provisions of Section 6 of the Illinois Public Labor Relations Act:

37015-50-17-500-10-01 Training and Exercise Program Manager

VII. EXCEPTIONS

Pursuant to Section 1300.90 and Section 1300.130 of the Board's Rules and Regulations, 80 Ill. Admin. Code Part 1300,[2] parties may file exceptions to the Administration Law Judge's recommended decision and order, and briefs in support of those exceptions, not later than three 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 sent to ILRB.Filing@Illinois.gov. Each party shall serve its exception 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 26th day of September, 2013

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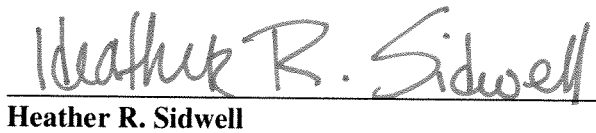

Heather R. Sidwell
Administrative Law Judge

[2] Available at http://www.state.il.us/ilrb/subsections/pdfs/Section%201300%20Illinois%20Register.pdf