

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

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| State of Illinois, Department of Central Management Services, |) | |
| |) | |
| |) | |
| Petitioner |) | |
| |) | |
| and |) | Case Nos. S-DE-14-092 |
| |) | S-DE-14-093 |
| 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 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, 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 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.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 allow the Governor 365 days from that date to make such designations. The Board promulgated rules to effectuate Section 6.1, which became effective on

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.

August 23, 2013, 37 Ill. Reg. 14070 (Sept. 6, 2013). These rules are contained in Part 1300 of the Board’s Rules and Regulations, 80 Ill. Admin. Code Part 1300.

On September 16, 2013, the Illinois Department of Central Management Services (CMS), on behalf of the Governor, filed the above-captioned designations pursuant to Section 6.1 of the Act and Section 1300.50 of the Board’s Rules.

The petitions designate the following twelve Private Secretary I positions at various agencies, set out below, for exclusion from the self-organization and collective bargaining provisions of Section 6 of the Act:

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|-----------------------|------------------------------|--------------------|-------------------------------------|
| 34201-11-01-000-00-01 | Agriculture | Kerry Lofton | Private Secretary I |
| 34201-44-00-000-00-01 | Employment Security | Lisbeth Leanos | Private Secretary |
| 34201-48-50-000-00-01 | Historic Preservation Agency | Katrina Weinert | Private Secretary |
| 34201-50-01-000-00-01 | Human Rights Commission | Lanade Bridges | |
| 34201-50-95-000-00-01 | Investment | Polly Smith | Private Secretary I |
| 34201-45-00-000-01-01 | Lottery | Beverly Womack | Private Secretary |
| 34201-50-80-000-00-04 | Pollution Control Board | Vacant established | Confidential Secretary |
| 34201-50-80-000-00-03 | Pollution Control Board | Sarah Shannon | Confidential Secretary |
| 34201-50-80-000-01-01 | Pollution Control Board | Vacant established | Confidential Secretary |
| 34201-50-80-000-01-03 | Pollution Control Board | Vacant established | Confidential Secretary |
| 34201-25-71-000-01-01 | Revenue | Nicole Dituri | Liquor Control Commission Secretary |

CMS’ petitions indicate that the positions at issue qualify for designation under Section 6.1(b)(3) of the Act by asserting that all the positions are completely exempt from jurisdiction B of the Personnel Code and all are Rutan-exempt. In support of its contentions, CMS filed position descriptions (CMS-104s) for each position and a spreadsheet in support of its petitions which confirm its assertion. All of the positions at issue have been certified in the bargaining

unit known as RC-62, which is represented by the American Federation of State, County and Municipal Employees, Council 31 (AFSCME).

On September 27, 2013, AFSCME filed objections to the designations pursuant to Section 1300.60(a)(3) of the Board's Rules. AFSCME objects to the designations generally, as well as specifically to the positions at the Pollution Control Board (PCB) and the Illinois Human Rights Commission (IHRC).

Generally, AFSCME argues that the designations violate due process and are arbitrary and capricious because all of the positions have previously been certified into a bargaining unit by the Board, the positions' job duties and functions have not changed since their certification, the positions' job duties and functions are similar to those of other titles represented in various bargaining units, and the positions are covered by a collective bargaining agreement which CMS entered into subsequent to the enactment of Section 6.1. AFSCME also argues that the designation of the positions would impair the contractual rights of the employees as beneficiaries of the collective bargaining agreement in violation of Section 16 of Article I of the Illinois Constitution and the United States Constitution. Ill. Const. art. I, § 16; U.S. Const. art. I, § 10. In addition, AFSCME argues that there is no rational basis for treating the positions at issue here differently than the many other positions which hold similar titles and perform similar duties. Lastly, AFSCME asserts that due process requires that the Board hold a hearing to determine whether there is a legal basis for the exclusion of the positions and the effect of such exclusion.

Specifically, AFSCME asserts that Section 6.1 of the Act limits gubernatorial designations to state agencies that are "directly responsible to the Governor." AFSCME argues that pursuant to Section 3.1 of the Executive Reorganization Implementation Act, 15 ILCS 15 (2012) (ERIA), the PCB and the Fair Employment Practices Commission, now known as the IHRC, which AFSCME claims has the same authority pursuant to 775 ILCS 5/9-101, are not state agencies "directly responsible to the Governor," and thus the Governor does not have the authority to designate positions within those agencies. AFSCME contends that Section 3(q-5) of the Act, which provides a definition of state agency, specifically acknowledges that the PCB is not a state agency "directly responsible to the Governor." AFSCME notes that Section 3(q-5) does not include the IHRC. Nonetheless, AFSCME asserts that since Section 6.1 limits

designations only to state agencies “directly responsible to the Governor,” the Governor does not have the authority to designate positions at IHRC.

On October 2, 2013, I informed the parties that there were issues of law or fact for hearing regarding whether the positions within the PCB and the IHRC are properly designable due to the language in Section 6.1(a) of the Act, which states in relevant part, “the Governor is authorized to designate up to 3,580 State employment positions collectively within State agencies directly responsible to the Governor, and, upon designation, those positions and employees in those positions, if any, are hereby excluded from the self-organization and collective bargaining provisions of Section 6 of this Act.” I informed the parties that this was the sole issue for hearing in both cases. As such, on October 9, 2013, I consolidated Case Nos. S-DE-14-092 and S-DE-14-093 for hearing to determine whether the positions within the PCB and the IHRC are properly designable based on the language in Section 6.1(a) of the Act.

A hearing was held on October 16, 2013, by the undersigned, at which time all parties were given an opportunity to participate, to adduce relevant evidence, to examine witnesses, to argue orally and to file written briefs.² Based on my review of the designations, the documents submitted as part of the designations, the objections, the documents and arguments submitted in support of those objections, evidence presented at hearing, arguments and briefs, and upon the entire record of the case, I make two recommendations. First, I recommend that the Board find that the designation of the five positions within the PCB is not consistent with the requirements of Section 6.1 of the Act, and consequently I recommend that the petition be partially dismissed with respect to those positions.

Second, I recommend that the Board find that the designation of the following remaining seven positions comports with the requirements of Section 6.1 of the Act: 34201-11-01-000-00-01, Agriculture (Kerry Lofton); 34201-44-00-000-00-01, Employment Security (Lisbeth Leanos); 34201-48-50-000-00-01, Historic Preservation Agency (Katrina Weinert); 34201-50-01-000-00-01, Illinois Human Rights Commission (Lanade Bridges); 34201-50-95-000-00-01,

² At the hearing, Robb Craddock, the Deputy Director of Labor Relations for CMS, and Stephanie Barton (Shallenberger), the Deputy General Counsel of CMS Labor Relations from November 2009 through June 2012, testified on behalf of CMS. Michael Newman, the Associate Director of AFSCME, testified on behalf of AFSCME.

Investment (Polly Smith); 34201-45-00-000-01-01, Lottery (Beverly Womack); and 34201-25-71-000-01-01, Revenue (Nicole Dituri).

I. ISSUES AND CONTENTIONS FOR HEARING

AFSCME argues that the issue regarding the Governor’s authority to designate positions at the PCB and the IHRC is a purely legal issue to be determined based on the accepted principles of statutory construction, and thus it was unnecessary to hold a hearing. AFSCME notes that the day before the hearing, the Board issued a decision, which found that the PCB and certain other agencies were not state agencies “directly responsible to the Governor” as required by Section 6.1, and therefore the Governor did not have the authority to designate positions for exclusion at those agencies. AFSCME contends that the Board found that the language of Section 6.1 was unambiguous and therefore resort to extrinsic evidence was unnecessary and contrary to the principles of statutory construction. In the alternative, AFSCME contends that it is rational to contend that the Governor should not have the authority to designate positions within the PCB and IHRC given that these agencies are “independent agencies” as defined in the ERIA, and instead the legislature should have the ability to legislate that these independent agencies be subject to the other amendments of the Act.

CMS argues that the Governor properly designated the positions at the PCB and the IHRC because (1) the express language of the amendments to the Act and principles of statutory construction make clear that these agencies are “State agencies directly responsible to the Governor,” (2) the designations are presumed to be valid and AFSCME failed to present clear and convincing evidence at the hearing as required to rebut this presumption of validity, (3) the evidence presented at hearing “undisputedly” established that the PCB and IHRC are state agencies directly responsible to the Governor for purposes of the Act, and (4) the amendments to the Act were intended to bring the PCB and the IHRC under the jurisdiction of the Governor for purposes of making designations of positions as exempt from collective bargaining.

II. DISCUSSION AND ANALYSIS

A. Hearing requirement

Initially, AFSCME argues that it was unnecessary to hold a hearing to determine the Governor’s authority to designate positions at the PCB and the IHRC because this is a purely legal issue. The Board has found however that “while issues of law do not need factual

development and therefore do not logically call for an evidentiary hearing [citation omitted], Board Rule 1300.60(d)(2)(B) provides that where an ALJ finds that objections raise an ‘issue of law or fact that might overcome the presumption that the designation is proper under Section 6.1 of the Act, the Administrative Law Judge will order a hearing to be held to determine whether the designation is proper.’ State of Ill., Dep’t of Cent. Mgmt. Servs., _ PERI _ Cons. Case Nos. S-DE-14-047, S-DE-14-083, S-DE-14-086 (IL LRB-SP Oct. 15, 2013). Thus, it was necessary to hold a hearing in this case because AFSCME’s objections raised an issue of law or fact that might overcome the presumption that the designation was proper.

B. The Governor’s authority to designate positions at the PCB and the IHRC

The Governor’s authority to designate positions under Section 6.1 does not extend to positions within the PCB, and therefore those positions are not properly designable.³ However, ASFCME has failed to show that Section 6.1 limits the Governor’s authority to designate positions at the IHRC.

1. PCB

CMS argues that the express language of the amendments to the Act and principles of statutory construction “make clear” that the PCB is a “State agency directly responsible to the Governor.” However, this argument was rejected by the Board in State of Illinois, Department of Central Management Services, _ PERI _ Cons. Case Nos. S-DE-14-047, 083, 086 (IL LRB-SP Oct. 15, 2013). In that case, the Board specifically examined whether Section 6.1 of the Act authorizes the Governor to designate positions within the PCB. The Board stated: “the Governor’s authority to designate positions under Section 6.1 is limited to ‘State agencies directly responsible to the Governor,’ and finding that language to be unambiguous, we conclude that the attempt to designate positions within the Illinois Commerce Commission, the Illinois Workers’ Compensation Commission, and the Illinois Pollution Control Board, which under ERIA are not ‘directly responsible to the Governor,’ is contrary to the intent of the legislature, as expressed in the clear and unambiguous language of Section 6.1(a) of the Act.” Id. Thus, the Governor’s authority to designate positions within the PCB does not extend to the five positions within the PCB designated in this case.

³ For this reason, I will not address AFSCME’s alternative objections with regard to the positions within the PCB.

CMS also argues that the designations made by the Governor for positions within the PCB is presumed to be valid, and AFSCME has failed to present clear and convincing evidence as required to rebut this presumption. As noted above, Section 6.1(d) does provide a presumption that any designation is presumed to have been properly made. However, in this case, the presumption of appropriateness is rebutted by the clear statutory language expressing the limits on the Governor's authority to designate positions at the PCB. *Id.* ("CMS's position suggests that the presumption of appropriateness cannot be rebutted, even by clear statutory language expressing limits on the Governor's authority. CMS's position with respect to the presumption is extreme, cannot be reflective of legislative intent, and is rejected.")

In addition, CMS argues that the amendments to the Act intended to bring the PCB under the jurisdiction of the Governor for purposes of making designations of positions as exempt from collective bargaining. This argument was rejected by the Board: "the attempt to designate positions within . . . the Illinois Pollution Control Board, which under ERIA [is] not 'directly responsible to the Governor,' is contrary to the intent of the legislature, as expressed in the clear and unambiguous language of Section 6.1(a) of the Act." *Id.*

2. IHRC

Where an enactment is clear and unambiguous, the Board is not at liberty to depart from the plain language and meaning of the statute by reading into it exceptions, limitations, or conditions that the legislature did not express. *Id.*, citing *Kraft, Inc. v. Edgar*, 138 Ill. 2d 178, 189 (1990). The Board has found that the language within Section 6.1(a) is "not at all ambiguous." *State of Ill., Dep't of Cent. Mgmt. Servs., _ PERI _ Cons. Case Nos. S-DE-14-047* etc.

Section 6.1(a) of the Act authorizes the Governor to "designate . . . positions collectively within State agencies directly responsible to the Governor[.]"

Section 3.1 of the ERIA indicates that certain agencies are *not* State agencies "directly responsible to the Governor," and then sets forth a list of those ten agencies.⁴ 15 ILCS 15/3.1

⁴ Section 3.1 of ERIA states:

"Agency directly responsible to the Governor" or "agency" means any office, officer, division, or part thereof, and any other office, nonelective officer, department, division, bureau, board, or commission in the executive branch of State government, except that it does not apply to any agency whose primary function is service to the General Assembly or the Judicial Branch of State government, or to any agency administered by the Attorney General, Secretary of State, State Comptroller or State Treasurer. In addition the

(2012). The IHRC is not one of the ten listed agencies. Nonetheless, AFSCME argues that the IHRC should be read to be included in the list of agencies not directly responsible to the Governor because the IHRC was formerly known as the Fair Employment Practices Commission. It is true that the Fair Employment Practices Commission is included in the list of ten agencies that are “not directly responsible to the Governor.” However, as CMS points out, the IHRC is not the Fair Employment Practices Commission.⁵ Under the clear language of the ERIA, the term “agency directly responsible to the Governor” applies to the IHRC because the agency is not included in the list of agencies to which the definition does *not* apply. Thus, the Governor’s authority to designate positions extends to positions at the IHRC.

C. Designability

The Governor’s designation of the positions at the IHRC, Agriculture, Employment Security, Historic Preservation Agency, Investment, Lottery, and Revenue were properly made.

As stated previously, a position is properly designable if: (1) it was first certified to be in a bargaining unit by the Board on or after December 2, 2008; and (2) it is both a Rutan-exempt position, as designated by the employer, and completely exempt from Jurisdiction B of the Personnel Code. 5 ILCS 315/6.1 (2012). The Act presumes that any designation made by the Governor under Section 6.1 is properly made. 5 ILCS 315/6.1(d) (2012). Rule 1300.60(d)(2)(A) of the Board’s Rules permits an administrative law judge to find that a designation is proper

term does not apply to the following agencies created by law with the primary responsibility of exercising regulatory or adjudicatory functions independently of the Governor:

- (1) the State Board of Elections;
- (2) the State Board of Education;
- (3) the Illinois Commerce Commission;
- (4) the Illinois Workers' Compensation Commission;
- (5) the Civil Service Commission;
- (6) the Fair Employment Practices Commission;
- (7) the Pollution Control Board;
- (8) the Department of State Police Merit Board;
- (9) the Illinois Racing Board;
- (10) the Illinois Power Agency.

⁵ The Illinois Human Rights Act, adopted in 1979, consolidated a “patchwork of antidiscrimination law” in Illinois by repealing various acts but incorporating their “principal design, purpose or intent.” Blount v. Stroud, 232 Ill. 2d 302 (2009). The Fair Employment Practices Act, which created the Fair Employment Practices Commission, was among the acts repealed. Micro Switch, Inc. v. Human Rights Com’n of the State of Ill., 164 Ill. App. 3d 582 (1st Dist. 1987). The Illinois Human Rights Act created the Department of Human Rights and the Human Rights Commission. 775 ILCS 5 (2012),

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).

Here, CMS' petitions indicate, and AFSCME does not contest, that the seven positions were certified into a bargaining unit by the Board on or after December 2, 2008. Further, CMS' petitions indicate, and AFSCME does not contest, that each position is both Rutan-exempt, as designated by CMS, and completely exempt from Jurisdiction B of the Personnel Code. Since the evidence submitted indicates that the seven designated positions meet the requirements of Section 6.1(b)(3) and no objections sufficient to overcome the presumption have been raised, I find that the designation of these positions is proper.

AFSCME argues that the exclusion of the seven positions based solely on their designation by the Governor would be arbitrary. In support of its contention, AFSCME states that each position has previously been certified into a bargaining unit by the Board, the positions' job duties and functions have not changed since their certification, the positions' job duties and functions are similar to those of other titles represented in various bargaining units, and the positions are covered by a collective bargaining agreement which CMS entered into subsequent to the enactment of Section 6.1.

An agency's action is arbitrary and capricious 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). In addition, an agency must follow its own rules. Dep't of Cent. Mgmt. Servs./Ill. Commerce Comm'n v. Ill. Labor Relations Bd., 406 Ill. App. 3d 766, 771 (4th Dist. 2010). Here, the plain language of the statute permits the designation of a position based solely on its Rutan-exempt and Jurisdiction B-exempt status. In addition, AFSCME does not contend that the Board has failed to follow its own Rules regarding the designation of the seven positions. Therefore, it is not arbitrary for the Board to permit designation of the seven positions because in doing so the Board is adhering to its own rules and the plain language of the statute. In sum, AFSCME's argument fails in light of the Act's clear language, which, in this case, permits designation of the seven positions based solely on Rutan-exempt and Jurisdiction B-exempt status.

Next, AFSCME argues that it is not rational to treat the seven positions at issue here differently than similar non-designated positions. AFSCME also argues that Public Act 97-1172 violates the impairment of contract prohibitions of the Illinois and United States Constitutions. Both of these arguments speak to the constitutionality of Public Act 97-1172, and it is beyond the Board's capacity to "rule that the Illinois Public Labor Relations Act, as amended by Public Act 97-1172, either on its face or as applied violated provisions of the United States and Illinois constitutions." State of Ill., Dep't of Cent. Mgmt. Servs., _ PERI _ Cons. Case Nos. S-DE-14-005 etc. (IL LRB-SP Oct. 7, 2013), citing Goodman v. Ward, 241 Ill. 2d 398, 411 (2011) ("Administrative agencies . . . have no authority to declare statutes unconstitutional or even to question their validity. [citations omitted] When they do so, their actions are a nullity and cannot be upheld.")

Finally, AFSCME asserts that it is necessary to have a hearing in order to determine whether there is a legal basis for the exclusion of the seven positions and the effect of such exclusion. However, as stated previously, Section 1300.60(d)(2)(A) of the Board's Rules permits an administrative law judge to find that a designation is proper based solely on the information submitted to the Board where no objections sufficient to overcome this presumption are filed. As discussed, AFSCME's objections regarding the designation of these positions are not sufficient to overcome the presumption, and therefore a hearing into their designability is unnecessary. CMS provided documentation indicating that the positions meet the requirements for designability under Section 6.1(b)(3), and AFSCME was given an opportunity to raise its objections to the designation. Thus, AFSCME has been provided with adequate notice and a meaningful opportunity to be heard as required by due process. See Peacock v. Bd. of Trs. of the Police Pension Fund, 395 Ill. App. 3d 644, 54 (1st Dist. 2009), citing Goldberg v. Kelly, 397 U.S. 254, 67-68 (1970).

III. CONCLUSIONS OF LAW

The Governor's designation of the five positions within the Pollution Control Board is not consistent with the requirements of Section 6.1 of the Act. The Governor's designation of the remaining seven positions was properly made.

IV. RECOMMENDED ORDER

Unless this Recommended Decision and Order is rejected or modified by the Board, I recommend the following:

The petition is partially dismissed with respect to the five positions within the Pollution Control Board: 34201-50-80-000-00-01, Nancy Miller; 34201-50-80-000-00-04, Vacant established; 34201-50-80-000-00-03, Sarah Shannon; 34201-50-80-000-01-01, Vacant established; and 34201-50-80-000-01-03, Vacant established.

The designation of the following positions was proper and the positions are excluded from the self-organization and collective bargaining provisions of Section 6 of the Illinois Public Labor Relations Act:

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|-----------------------|------------------------------|-----------------|-------------------------------------|
| 34201-11-01-000-00-01 | Agriculture | Kerry Lofton | Private Secretary I |
| 34201-44-00-000-00-01 | Employment Security | Lisbeth Leanos | Private Secretary |
| 34201-48-50-000-00-01 | Historic Preservation Agency | Katrina Weinert | Private Secretary |
| 34201-50-01-000-00-01 | Human Rights Commission | Lanade Bridges | |
| 34201-50-95-000-00-01 | Investment | Polly Smith | Private Secretary I |
| 34201-45-00-000-01-01 | Lottery | Beverly Womack | Private Secretary |
| 34201-25-71-000-01-01 | Revenue | Nicole Dituri | Liquor Control Commission Secretary |

V. EXCEPTIONS

Pursuant to Section 1300.90 and Section 1300.130 of the Board's Rules and Regulations, 80 Ill. Admin. Code Part 1300,⁶ 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.

⁶ Available at <http://www.state.il.us/ilrb/subsections/pdfs/Section%201300%20Illinois%20Register.pdf>

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 28th day of October, 2013

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

/s/ Michelle Owen

**Michelle Owen
Administrative Law Judge**