STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

State of Illinois, Department of Central Management Services (Department of Employment Security),	)	
Employer	)	
and	)	Case Nos. S-DE-14-122
	)	S-DE-14-123
American Federation of State, County and Municipal Employees, Council 31,	)	S-DE-14-124
Labor Organization-Objector	)	
and	)	
Darnell Cloud, Kathleen Wilson, Valerie Okleshen, Algie Crivens, Mary Brown, Suprena Coleman, Kofi Curry, Dorothy Hawkins-Davis, Shirley Chung, and Lisa Winfrey,	)	
Employee-Objectors	)	

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

I. PETITION

On November 14, 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.[2] The petitions designate 74 positions at the Illinois Department of Employment Security (IDES) for exclusion from the self-organization and collective bargaining provisions of Section 6 of the Act.[3] The petition indicates that all of the positions qualify for designation under Section 6.1(b)(5). The petition indicates that the Public Service Administrator (PSA), Option 1 and SS1s positions at issue were certified on January 20, 2010 in Case No. S-RC-08-036; the PSA, Option 2 and 2Cs positions at issue were certified on November 18, 2009 in Case No. S-RC-07-048; and the Employment Security Field Office Supervisor position at issue was certified on March 23, 2009 in Case No. S-RC-09-006. In support of its petition, CMS provided position descriptions (CMS-104s) for each position and affidavits from individuals who supervise the listed positions.[4] CMS also provided

[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.

[2] On November 26, 2013, I consolidated Case Nos. S-DE-14-122, S-DE-14-123, and S-DE-14-124.

[3] CMS originally sought the exclusion of 75 positions in total. On December 10, 2013, CMS requested to withdraw without prejudice one position: 37015-44-14-310-00-01 (position number), Waleed Almousa (incumbent), Occupation/Wage Statistics Manager (working title). On December 11, 2013, AFSCME stated that it had no objection. On December 13, 2013, I granted the request. Accordingly, position number 37015-44-14-310-00-01 is not at issue in this case.

[4] On December 2, 2013, CMS filed a "correct" position description for position number 37015-44-54-220-00-01, currently occupied by Jack Borders. CMS noted that "due to an inadvertent error", the position description that was submitted with the designation petition was not the correct position description. On December 15, 2013, Borders notified the Board that the "corrected" version was still not

documentation identifying the position number, title, name of incumbent, bargaining unit, certification date and case number, statutory category that serves as the basis for the exemption, and a list of the job duties that support the presumption that the position is supervisory and/or managerial.

II. OBJECTIONS

On November 18, 2013, Kathleen Wilson, an employee in one of the designated positions, filed an objection to the exclusion of her position from collective bargaining rights. On November 20, 2013, Valerie Okleshen and Algie Crivens, employees in designated positions, filed objections to the exclusion of their positions from collective bargaining rights. On November 21, 2013, Mary Brown, Suprena Coleman, Kofi Curry, and Dorothy Hawkins-Davis, employees in designated positions, filed objections to the exclusion of their positions from collective bargaining rights. On November 25, 2013, Shirley Chung, Lisa Winfrey, Waleed Almousa, and Darnell Cloud, employees in designated positions, filed objections to the exclusion of their positions from collective bargaining rights. All of the individual objectors included personal statements with attachments.

On November 25, 2013, the American Federation of State, County and Municipal Employees, Council 31 (AFSCME) filed objections to the exclusion of all 74 positions.[5] In support of its objections, AFSCME provided affidavits from Tracy Abman, the Director of

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correct. He noted that the incorrect position number was listed on the job description (37015-44-54-200-00-01) as well as the incorrect working title ("Assistant Regional Manager"). He also stated that the job descriptions statement that he has 5 subordinates, which he asserts is not accurate. It should be noted that the position number "37015-44-54-200-00-01" and the title "Assistant Regional Manager" are listed under the category "Position Title and Number of Immediate Supervisor" on the position description. It should also be noted that the spreadsheet attached to CMS' petition indicates that the position number for Borders is 37015-44-54-220-00-01 and lists his position as "Employment Services Program Manager." Borders does not dispute the remainder of the corrected position description. Borders also did not testify at the hearing and AFSCME did not present any evidence on behalf of his position.

[5] On November 29, 2013, Olga Washington, an employee who occupies one of the positions designated as excluded from collective bargaining rights, filed an objection to the designation. On December 3, 2013, Cheryl Bradfield, an employee who occupies one of the positions designated as excluded from collective bargaining rights, similarly filed an objection to the designation. On December 3, 2013, AFSCME requested that Bradfield be allowed to participate in the hearing since AFSCME had timely objected on her behalf, or alternatively that AFSCME be allowed to present an information form received from her (or other late-received forms). On December 4, 2013, I informed AFSCME and Bradfield that pursuant to Section 1300.60(a)(3) of the Board's Rules, Bradfield's objection was late, having been due by November 25, 2013, and would not be considered. I find that Washington's objection was also untimely and will not be considered. However, it should be noted that AFSCME's timely objection did object to the designation of all 74 positions.

Organizing for AFSCME, and information forms completed by Kofi Curry, Mary Brown, Suprena Coleman, Valerie Okleshen, Luis Gonzalez, Algie Crivens, Dorothy Hawkins-Davis, Kathleen Wilson, Ewa Gallagher, and Darnell Cloud.

AFSCME generally objects to the petitions arguing that Section 6.1 of the Act violates due process, the separation of powers doctrine of the Illinois Constitution, equal protection under Article I, Section 2 of the Illinois Constitution and the Fifth and Fourteenth Amendments of the United States Constitution, and the prohibition against impairment of contracts of the Illinois Constitution.

AFSCME also objects to the use of position descriptions to support the petitions and to the allocation of the burden of proof. AFSCME asserts that the evidence submitted by CMS in the form of position descriptions, organizational charts, and affidavits merely acknowledges the position's potential responsibilities. Likewise, AFSCME argues that CMS has failed to provide specific evidence that the positions at issue have actual authority to perform the listed job duties. As such, AFSCME argues that the employees in the positions at issue were never informed of their significant and independent discretionary authority to perform supervisory or managerial functions and CMS has not met its burden of demonstrating that the positions possess the requisite significant and independent discretionary authority. In addition, AFSCME argues that the positions at issue are professional and not managerial. AFSCME also maintains that to the extent the affidavits state an employee at issues effectuates policies or is authorized to effectuate policy, and the position description does not define a policy, there can be no showing that the employee is managerial, and the burden is on CMS to show why different duties should not apply to others holding the same title. Therefore, AFSCME maintains that the positions at issue are neither supervisory nor managerial within the meaning of Section 6.1 of the Act.

AFSCME specifically objects to the positions held by Ewa Gallagher, Darnell Cloud, Kathleen Wilson, Algie Crivens, Dorothy Hawkins-Davis, Kofi Curry, Mary Brown, Suprena Coleman, Valerie Okleshen, Rochelle Lockhart-Bedford, Luis Gonzalez, Jack Borders, Edward Dennis, Robert Hegland, and to vacant position number 37015-44-57-220-00-01.[6] AFSCME

[6] In its objections, AFSCME misidentifies this position as position number 37015-44-56-220-00-01. It is clear from AFSCME's objections, in which it states that the position title is "Southern Region Employment Services Program Manager" that AFSCME is referring to vacant position number 37015-44-57-220-00-01.

provided written statements as evidence in support of the conclusion that the positions at issue are not managerial or supervisory within the meaning of the Act. AFSCME asserts that there is a high likelihood that all the position descriptions are inaccurate because specific individuals identified inaccuracies in their own position descriptions. On that basis, AFSCME asserts that the Board should order a hearing on all positions at issue because to decline to do so would compel speech in violation of the First Amendment. As noted above, Cloud, Wilson, Crivens, Hawkins-Davis, Winfrey, Chung, Curry, Coleman, Brown, and Okleshen also filed individual objections.

After reviewing the designations, I determined that an issue of fact and/or law had been raised with respect to the 16 positions held by Ewa Gallagher, Darnell Cloud, Kathleen Wilson, Algie Crivens, Dorothy Hawkins-Davis, Lisa Winfrey, Shirley Chung, Kofi Curry, Suprena Coleman, Mary Brown, Valerie Okleshen, Rochelle Lockhart-Bedford, Luis Gonzalez, Jack Borders, Edward Dennis, and Robert Hegland. I determined that there were no issues of law or fact for hearing with respect to the remaining positions. On December 16 and 17, 2013, a hearing was conducted concerning the significant and independent discretionary authority of the 16 positions.[7]

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, and the evidence presented at hearing, I find that the designations have been properly submitted and are consistent with the requirements of Section 6.1 of the Act. 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 the existing inclusion of these positions within any collective bargaining unit.

III. DISCUSSION

A. Constitutional Arguments

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

[7] The following individuals did not testify at hearing: Lisa Winfrey (37015-44-13-620-00-01), Rochelle Lockhart-Bedford (37015-44-51-210-00-01), Jack Borders (37015-44-54-220-00-01), Edward Dennis (37015-44-55-220-00-01), and Robert Hegland (37015-44-56-220-00-01).

States and Illinois constitutions." State of Ill., Dep't of Cent. Mgmt. Servs., 30 PERI ¶ 80 (IL LRB-SP 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.") Thus, AFSCME's constitutional arguments are not addressed in this decision.

B. Non-Constitutional General Objections

AFSCME's remaining general objections are without merit and do not raise issues of fact or law that might rebut the presumption that the designations have been properly made. First, the Board has previously rejected AFSCME's objections concerning the statutorily-mandated presumption, the burden of proof, and the manner in which ALJs have applied them. State of Ill., Dep't of Cent. Mgmt. Servs., 30 PERI ¶ 80 ("Submission of position descriptions that are consistent with the designation made, combined with the presumption of appropriateness, and in the absence of any contrary evidence from objectors like AFSCME that might demonstrate that the designation is inappropriate, leads to the conclusion that the designation comports with the requirements of Section 6.1.") AFSCME's arguments regarding the use of position descriptions, organizational charts, and affidavits to support the petition; the burden of proof; and CMS' failure to provide specific evidence that the positions at issue have actual authority to perform the listed job duties must be rejected because these arguments ignore the presumption and misallocate the burden, which is on AFSCME not CMS.

The Board has also rejected AFSCME's objections relating to the distinction between managerial and professional status. State of Ill., Dep't of Cent. Mgmt. Servs. (Dep't of Commerce & Econ. Opportunity, 30 PERI ¶ 86 (IL LRB-SP 2013). The terms managerial and professional are not mutually exclusive and "there certainly is no exception for professional employees in the language of Section 3(c)(i)." Id. Accordingly, the Board has held that a position may be appropriately designated for exclusion if it meets one of the two alternative tests set out in Section 3(c)(i), regardless of whether the position is also professional, and even if the position fails to meet the definition of a managerial employee in Section 3(j) of the Act. Id.

In sum, AFSCME's general objections do not raise issues of fact or law that might rebut the presumption that the designations were properly made.

C. Designation under Section 6.1(b)(5)

A position is properly designable under Section 6.1(b)(5) if it authorizes an employee in that position to have "significant and independent discretionary authority as an employee." The Act provides three tests by which a person can be found to have "significant and independent discretionary authority." Section 6(c)(i) sets forth two tests. Section 6(c)(ii) sets forth the third.

The first test in Section 6(c)(i) is substantively similar to the traditional test for managerial status articulated in Section 3(j). Section 6.1(c)(i) provides that a position authorizes an employee to have significant and independent discretionary authority if 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." Though similar to the Act's general definition of a managerial employee in Section 3(j), the Section 6.1(c)(i) definition is broader in that it does not include a predominance requirement and requires only that the employee is "charged with the effectuation" of policies, not that the employee is responsible for "directing the effectuation." An employee directs the effectuation of management policy when he or she oversees or coordinates policy implementation by developing the means and methods of reaching policy objectives, and by determining the extent to which the objectives will be achieved. Ill. Dep't of Cent. Mgmt. Servs. (Ill. State Police), 30 PERI ¶ 109 (IL LRB-SP 2013), citing Cnty. of Cook (Oak Forest Hospital) v. Ill. Labor Rel. Bd., 351 Ill. App. 3d 379, 387 (1st Dist. 2004); State of Ill., Dep't of Cent. Mgmt. Servs. (Healthcare & Family Servs.), 23 PERI ¶ 173 (IL LRB-SP 2007). However, in order to meet the first test set out in Section 6.1, a position holder need not develop the means and methods of reaching policy objectives. It is sufficient if the position holder is charged with carrying out the policy in order to meet its objectives.

The test in Section 6.1(i) is unlike the traditional test where a position is deemed managerial only if it is charged with "directing the effectuation" of policies. Under the traditional test, for example, "where an individual merely performs duties essential to the employer's ability to accomplish its mission, that individual is not a managerial employee," Ill. Dep't of Cent. Mgmt. Servs. (Dep't of Revenue), 21 PERI ¶ 205 (IL LRB-SP 2005), because "he does not determine the how and to what extent policy objectives will be implemented and the authority to oversee and coordinate the same." Healthcare & Family Servs., 23 PERI ¶ 173, citing City of Evanston v. Ill. Labor Rel. Bd., 227 Ill. App. 3d 955, 975 (1st Dist. 1992).

However, under Section 6.1(c)(i), a position need not determine the manner or method of management policies. Performing duties that carry out the agency or department's mission is sufficient to satisfy the second prong of the first managerial test.

The Board may consider case precedent pertaining to the traditional managerial exclusion set forth in Section 3(j) to the extent that the precedent explains the meaning of terms commonly used in both Section 3(j) and Section 6.1(b)(5). Dep't of Commerce & Econ. Opportunity, 30 PERI ¶ 86, citing City of Bloomington v. Ill. Labor Relations Bd., 373 Ill. App. 3d 599, 608 (4th Dist. 2007) ("When statutes are enacted after judicial opinions are published, it is presumed that the legislature acted with knowledge of the prevailing case law.") For example, "executive and management functions," which case law has long explained refers to matters which "specifically relate to running a department and include such activities as formulating department policy, preparing the budget, and assuring efficient and effective operations of the department." Dep't of Commerce & Econ. Opportunity, 30 PERI ¶ 86, quoting Vill. of Elk Grove Vill. v. Ill. State Labor Relations Bd., 245 Ill. App. 3d 109, 121-22 (1st Dist. 1993).

The second test under Section 6.1(c)(i) also relates to the traditional test for managerial status by reflecting the manner in which the courts have interpreted that test. A designation is proper under this test if the position holder "represents management interests by taking or recommending discretionary actions that effectively control or implement the policy of a State agency." The Illinois Appellate Court has observed that the definition of a managerial employee in Section 3(j) is very similar to the definition of managerial employee set out in the Supreme Court's decision in National Labor Relations Board v. Yeshiva University, 444 U.S. 672 (1980). Dep't of Cent. Mgmt. Servs./Ill. Commerce Comm'n v. Ill. Labor Rel. Bd., 406 Ill. App. 766, 776 (4th Dist. 2010), citing Yeshiva, 444 U.S. at 683. Further, the Appellate Court noted that the ILRB, like its federal counterpart, "incorporated 'effective recommendation' into its interpretation of the term 'managerial employee.'" ICC, 406 Ill. App. at 776. Indeed, the Court emphasized that "the concept of effective recommendations . . . [set forth in Yeshiva] applies with equal force to the managerial exclusion under the Illinois statute." Id.

In light of this analysis, the second test under Section 6.1(c)(i) is similar to the expanded traditional test of Section 3(j) because the second test is virtually identical to the statement of law in Yeshiva, which the Illinois Appellate Court and the Illinois Supreme Court have incorporated

into the traditional managerial test. Id., quoting Chief Judge of the Sixteenth Judicial Circuit v. Ill. State Labor Rel. Bd., 178 Ill. 2d 333, 339-40 (1997).

The third test under Section 6.1(c)(ii) provides that an employee has "significant and independent discretionary authority" if he or she qualifies as a "supervisor" within the meaning of the National Labor Relations Act. The NLRA defines a supervisor as "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 connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment." 29 U.S.C. Section 152(11). Thus, employees are supervisors if (1) they hold the authority to engage in any of the 12 listed supervisory functions, (2) their exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment, and (3) their authority is held in the interest of the employer. State of Ill., Dep't of Cent. Mgmt. Servs. (Dep't of Public Health), Case No. S-DE-14-111 (IL LRB-SP November 27, 2013), citing NLRB v. Kentucky River Cmty. Care, Inc., 532 U.S. 706, 713 (2001), and Oakwood Healthcare, Inc., 348 NLRB 686, 687 (2006). Unlike the definition of supervisor in Section 3(r) of the Act, Section 6.1(c)(ii) does not require that the individual devote a preponderance of their employment to exercising their supervisory authority.

A position has the responsibility to direct if the position holder has subordinates, decides what jobs his or her subordinates should perform next, and who should perform those tasks. Oakwood Healthcare, 348 NLRB at 691-92. The position holder must also be accountable for his or her subordinates' work and must carry out such direction with independent judgment. Id. In other words, "it must be shown that the employer delegated to the putative supervisor the authority to direct the work and the authority to take corrective action, if necessary," and that "there is a prospect of adverse consequences for the putative supervisor," arising from his direction of other employees. Id. In applying the second portion of the "responsibly direct" test, the statutory presumption that the designation is proper places the burden on the objector to demonstrate that there is not a prospect of adverse consequences for the position holder if he does not direct the work or does not take corrective action where necessary.

1. 58 positions: No Issue of Fact and/or Law was Raised to Rebut the Presumption

CMS' designation of 58 of the positions is proper because the designations are presumed to be properly made and no specific evidence has been introduced by AFSCME or incumbent employees to suggest that the positions at issue do not have "significant and independent discretionary authority as an employee." AFSCME has not raised issues of fact for hearing simply by asserting that there is a "high likelihood" that the position descriptions are inaccurate because AFSCME has not specifically identified any such alleged inaccuracies. State of Ill., Dep't of Cent. Mgmt. Servs. (Dep't of Revenue), 30 PERI ¶ 110 (IL LRB-SP 2013) (general statement that position description is inaccurate does not raise issues of fact for hearing). Since no evidence was provided that contradicts the positions' job duties and responsibilities, AFSCME has failed to raise an issue that overcomes the presumption that the designation of these 58 positions is proper. As such, there is no evidence that the positions do not have significant independent and discretionary authority when performing the tasks set forth in the position descriptions. Thus, CMS properly designated these positions.

2. 16 Remaining Positions

a. Department Overview

IDES has two major components: the Unemployment Insurance Program and the Employment Services Program. The Unemployment Insurance Program pays benefits to eligible unemployment insurance claimants. The Employment Services Program provides job assistance to individuals who are seeking employment. IDES also maintains employment statistics and labor market information for Illinois. The statistical databases contain data that IDES collects from its own systems, from statistical programs it administrators for the U.S. Department of Labor (USDOL), and from secondary sources.

b. Economic Information & Analysis Division

1. Ewa Gallagher

Gallagher is an Economist for the Economic Information & Analysis Division of IDES. She is responsible for making economic projections and predictions using unemployment insurance statistical forecasting models. These models are used in part to determine whether the Unemployment Insurance (UI) Trust Fund will remain solvent in the future. Unemployment insurance benefits are paid from the UI Trust Fund. Gallagher is authorized to choose which

forecasting model is the most appropriate model for a given data set. She then reviews her decision with her direct supervisor, the Industry and Occupation Statistics Manager, for final approval before she runs the model, and makes her projection. Gallagher has no subordinates.

Gallagher is authorized to have significant and independent discretionary authority as an employee because she represents management interests by taking or recommending discretionary actions that effectively control or implement the policy of IDES. She represents IDES' interest in maintaining the solvency of the UI Trust Fund. As noted, unemployment insurance benefits are paid out of the UI Trust Fund, and paying out benefits to claimants is one of IDES' core components. Gallagher thus takes or recommends discretionary action that effectively controls or implements the policy of IDES when she makes choices that will affect her projections regarding the solvency of the fund. Specifically, she chooses which model she believes is the most appropriate, and presents that recommendation to her supervisor before running the model. Her recommendations are presumed effective because the evidence did not establish that they have not been followed most of the time. Thus, the designation of her position is proper.

2. Darnell Cloud

Cloud is an Employment Projections Manager for the Economic Information & Analysis Division. He manages the Industrial & Occupational Short and Long Terms Projections Program. He performs statistical analysis of data and database management. He performs similar duties as Gallagher, but with a focus on employment projections. Gallagher and Cloud testified that they perform essentially the same duties for IDES. Cloud has one subordinate, Nancy Carlson. Cloud has prepared performance evaluations for Carlson.

In regard to supervisory authority, Cloud maintains that that his role is of a routine nature, and does not require the use of independent judgment. He asserts that his immediate supervisor merely channels tasks through him. In addition, Cloud asserts that his subordinate is "much more skilled, and requires very little, if any direction."

Cloud is authorized to have significant and independent discretionary authority because neither AFSCME nor Cloud negated the three-factor test for supervisory status in Section 6.1(c)(ii).[8] The evidence failed to show that Cloud's responsibility to direct, which includes conducting Carlson's performance evaluation, does not require the use of independent judgment

[8] Since Cloud's position qualifies for exclusion under Section 6.1(c)(ii), it is unnecessary to determine whether the position also qualifies for exclusion under Section 6.1(c)(i).

or that this authority is not held in the interest of the employer. Moreover, the evidence did not establish that there would not be a prospect of adverse consequences for Cloud if he did not direct Carlson's work or take corrective action where necessary. Thus, the designation of his position is proper.

c. <u>Equal Employment Opportunity Division</u>

1. Kathleen Wilson

Wilson is the Manager of Equal Employment Opportunity (EEO) Investigations for IDES. She is the only employee in the EEO Investigations Unit. She has no subordinates. She is responsible for investigating allegations of discrimination and sexual harassment involving IDES employees. She reviews case documents, writes a report on her findings, and makes a recommendation to the EEO Manager. She submits her recommendation to the EEO Manager for approval. Her supervisor reports that he accepts her recommendations 99.9% of the time.

Wilson maintains that she has no independent authority to approve the findings of a complaint. In addition, Wilson argues that she merely follows the established procedure for investigating discrimination complaints. AFSCME argues that IDES does not have a separate EEO policy so Wilson cannot be said to be affecting that policy. Moreover, AFSCME argues that Wilson provides an ancillary service, which does not deal with the mission or central policy of IDES or its central policy.

Wilson is authorized to have significant and discretionary authority because she represents management interests by taking or recommending discretionary actions that effectively control or implement the policy of IDES. She represents IDES' interest in investigating allegations of discrimination and harassment when she makes a recommendation on a discrimination case she has investigated. Her supervisor testified that he approves her recommendations 99.9% of the time. Thus, the evidence failed to establish that her recommendations are not effective because the evidence showed that they are almost always followed. Thus, the designation of her position is proper.

d. <u>Employment Hotline & Education Unit</u>

1. Algie Crivens

Crivens is the Employer Hotline & Education Supervisor in the Employer Services Division. The Hotline provides responses to employer inquiries concerning the Unemployment

Insurance Act. The Unit is also responsible for the maintenance and security of powers of attorney, which permit third parties act on behalf of Illinois employers, and for the maintenance of notice of change forms concerning address and phone number updates.

Crivens has five subordinates who are responsible for responding to employer inquiries. One of Crivens' duties is monitoring those calls to ensure that call volume and other performance metrics are being met. He assigns work to his subordinates based on the policy and procedures that were designed by senior management. He also identifies training needs but IDES' Human Resources Department is responsible for the development of all staff training, preparation of training schedules and calendars, distribution of training materials, and maintenance of staffing records. Crivens' supervisor, the Manager of Employer Services, stated that Crivens would be held responsible if Crivens' subordinates were not performing their work.

Crivens asserts that he must obtain approval from the deputy director prior to the development and implementation of workload standards. He asserts that he acts only upon management approval. He maintains that any direction he gives is based on established policy and procedures, and subject to management approval.

Crivens is authorized to have significant and independent discretionary authority because neither AFSCME nor Crivens negated the three-factor test for supervisory status in Section 6.1(c)(ii). The evidence showed that Crivens has the authority to assign work, direct work, and identify training needs. The evidence failed to establish that Crivens would not face adverse consequences if his subordinates did not perform their duties or if he did not take corrective action. Rather, Crivens' supervisor stated that Crivens would be held responsible if his subordinates were not performing their work. Thus, the designation of Crivens' position is proper.

e. <u>Document Control</u>

1. Dorothy Hawkins-Davis

Hawkins-Davis is the Document Control Unit Supervisor in the Employer Services Division. The Unit ensures the accurate and timely imaging and microfilming of all documents received by IDES and provides responses to document retrieval requests. She has two subordinates. She has approved leave requests and is responsible for completing performance evaluations for her subordinates.

Hawkins-Davis asserts that she does not exercise any of the statutory supervisory functions. She asserts that she does not do anything without senior management approval and direction.

Hawkins-Davis is authorized to have significant and independent discretionary authority because neither Hawkins-Davis nor AFSCME negated the three-factor test for supervisory status in Section 6.1(c)(ii). The evidence showed that she has the authority to approve leave requests and conduct performance evaluations. The evidence failed to establish that these duties do not require the use of independent judgment or that this authority is not held in the interest of her employer. Further, the evidence failed to show that Hawkins-Davis would not face adverse consequences if her subordinates did not perform their duties or if she did not take corrective action. Thus, the designation of this position is proper.

f. <u>Quality Assurance and Compliance Review</u>

1. Lisa Winfrey

Winfrey works in the Planning & Special Projects Unit of the Quality Assurance and Compliance Review Division. The Division is responsible for ensuring that the agency is accurately assessing UI benefits, UI tax, and Employment Services data and ensuring that IDES' programs are in compliance with federal requirements. If the agency is non-compliant, they are at risk of losing federal funding. Winfrey is responsible for staying up to date on U.S. Department of Labor's Employment and Training Administration (ETA) policy changes as they affect Employment Service's reporting requirements. She maintains an up-to-date log of changes made to IllinoisJobLink.com reporting requirements and the ETA handbook. As part of this responsibility, she is required to maintain continued contact with representatives from the America's JobLink Alliance, a federal consortium. She also produces data and analysis reports that keep IDES management informed of program activities. She has helped other departments within IDES write policy by "suggesting verbage, text, and/or interpretations of the law." She reports that these departments have "sometimes" followed her advice and sometimes have not. She has no subordinates.

Winfrey is authorized to have significant and independent discretionary authority because she represents management interests by taking or recommending discretionary actions that effectively control or implement the policy of IDES. She represents IDES' interest in complying

with ETA policy and reporting requirements, when she has suggested interpretations of changes to the law. Her suggestions or recommendations are presumed effective because the evidence failed to establish that they are not accepted most of the time. Rather, Winfrey stated that her suggestions are sometimes followed. Winfrey however maintains that she is not allowed to make suggestions or offer any advice without her manager's approval first. Regardless, the Illinois Appellate Court has held that where employees implement management policies and practices, the fact that they "do not do so 'independently' is unimportant, given that the Act does not require such independence in management functions." Dep't of Cent. Mgmt. Servs. v. Ill. Labor Rel. Bd., 2001 IL App (4th) 090966 at ¶ 186. Thus, the designation of her position is proper.

2. Shirley Chung

Chung is the Manager of Benefits Accuracy Measurement for the Quality Assurance and Compliance Review Division. The Benefit Accuracy Measurement is a federally mandated diagnostic instrument that measures the accuracy of benefit payments. She has five subordinates, whose duty is to perform unemployment insurance claim audits. Chung also performs audits. She is authorized to conduct performance evaluations for her subordinates although she has not conducted them yet. She is also authorized to prioritize her subordinates' work.

Chung is authorized to have significant and independent discretionary authority because neither Chung nor AFSCME negated the three-factor supervisor test in Section 6.1(c)(ii). The evidence failed to establish that Chung's authority to conduct performance evaluations and prioritize her subordinates' work does not require the use of independent judgment or that this authority is not held in the interest of her employer. In addition, the evidence failed to show that Chung would not face adverse consequences if her subordinates did not perform their duties and if Chung did not take corrective action. Thus, the designation of this position is proper.

3. Kofi Curry, Suprena Coleman, Mary Brown

Curry, Coleman, and Brown work in the Monitoring & Evaluation Unit of the Quality Assurance and Compliance Review Division. This Unit measures the quality and timeliness of UI program operations, such as benefit payments, adjudication, and appeals. The auditing process is mandated by the USDOL, which has very clear guidelines about conducting the audit

including a handbook for completing the review. The Unit uses Monitoring Quality measurements, which are obtained from sample cases that are selected quarterly. These sample cases are manually evaluated using ETA guidelines and quality criteria. The ETA also requires states to conduct Data Validation, a procedure for assessing the accuracy of UI benefits, UI tax, and Employment Services data. The results alert IDES to problematic areas.

Curry is the Manager of Benefits Timeliness & Quality (BTQ). The BTQ is mandated by the USDOL and ETA. The BTQ measures the quality and timeliness of program operations. Coleman is the Manager of Validation Unit 2 for the Monitoring & Evaluation Unit. Brown is the Manager of Validation Unit 1, and as such she is responsible for auditing the Unemployment Insurance Data Validation Program.[9] In the course of the Data Validation process, reported counts and their underlying data are subjected to a series of tests with attendant pass/fail criteria. Loeita Williams is the Manager of Quality Assurance & Compliance Review for IDES. She testified at hearing that she is familiar with the duties and responsibilities of the positions held by Curry, Coleman, and Brown.

Curry, Coleman, and Brown's main duty is to audit cases, which requires reviewing the case for errors, such as the incorrect date or the incorrect code. The audit process requires them to fill out a pre-formatted "fill in the blank" report and to complete a case assignment memo. The memos reflect if any errors have been found. A score is produced as a result of their review. After completing the review, the report is subject to a tripartite review. Neither Curry, Coleman, nor Brown have subordinates. They also play no role in the budget process.

Curry, Coleman, and Brown assert that their position descriptions have not been updated since 2004 and do not fairly and accurately represent the duties and responsibilities of their positions. They argue that because their positions are "under administrative review," they cannot be said to have significant and independent discretionary authority. They argue that they do not implement any policy of a State or federal agency. They argue that they merely perform quality assurance. In addition, they assert that they do not have any involvement with the corrective action plans, as stated in their position descriptions, because the plans are completed by the agency director and division management.

[9] Brown testified at hearing that she no longer holds this position. However, she was in this position at the time the designation petition was filed.

I find that Curry, Coleman, and Brown are authorized to have significant and independent discretionary authority because they are engaged in the executive and management functions and charged with the effectuation of management policies and practices. Curry, Coleman, and Brown ensure that IDES is accurately assessing UI benefits, UI tax, and Employment Services data and in compliance with federal requirements. They also effectuate a core function of IDES by performing audits, finding errors within agency programs, submitting their reports to the federal government, and reporting compliance with federal guidelines. The Quality Assurance and Compliance Review Division is funded through the federal government, which requires that IDES conduct quality assurance and provide compliance reports to continue receiving that funding. One of IDES' core functions or policies is to ensure that the agency as whole continues to receive funding thereby ensuring that IDES can continue to provide services. Thus, Curry, Coleman, and Brown directly impact a core function of the entire agency, and in the performance of their duties effectuate management policies and practices. Thus, the designation of their positions is proper.

4. Valerie Okleshen

Okleshen is a public service administrator for Federal Performance Reporting subdivision of the Planning & Special Projects Unit within the Quality Assurance and Compliance Review Division. IDES prepares a number of annual plans and reporting documents to satisfy state and federal requirements. The federal plans are required to be submitted to the USDOL in order to continue to receive federal funding. Okleshen works with her supervisor to put together two plans for the Unit each year. She also puts together federal reports, which require her to review and verify data. Okleshen has no subordinates.

Okleshen maintains that her position description is out of date and is mostly inaccurate. She asserts that the duties she performs in putting together plans and reports are dictated by federal guidelines and/or IDES' management guidelines. She says that the federal guidelines tell her "exactly what they want, how they want it, and when they want it by--and that's what we do." She maintains that her main function is to read the report's instructions, which are provided by the federal government, gather the required information from agency management, arrange it accordingly, and receive approval from management before submission to the federal government. Gallagher argues that she does not decide what information is included in the

plans. Rather, she asserts that all of the information that she puts in the plan is handed to her by management. She maintains that she does not create policy or make recommendations on planning or policy. Rather, she maintains that it would be considered "out of line" if she made recommendations to management on policy matters. Further, she asserts that she would never take discretionary action that could affect policy and that if she did, she would probably get in trouble.

Okleshen is authorized to have significant and independent discretionary authority because she is engaged in executive and management functions and charged with the effectuation of management policies and practices. Okleshen ensures that IDES is in compliance with federal plan and reporting requirements. She also effectuates a core function of IDES by preparing plans and reports that are mandated by the federal government. As previously noted, the Quality Assurance and Compliance Review Division receives funding from the federal government, which requires IDES to provide plans and reports in order to continue receiving funds. One of IDES' core functions is to ensure that the agency as whole continues to receive federal funds, thereby ensuring that IDES can continue to provide services. Thus, Okleshen directly impacts a core function of the entire agency, and in the performance of her duties, preparing plans and reports, effectuates management policies and practices. Thus, the designation of her position is proper.

g. <u>Unemployment Insurance Benefit Services Program</u>

1. Rochelle Lockhart-Bedford

Under administrative direction, Lockhart-Bedford administers and directs the Unemployment Insurance Benefit Services Program for the Chicago Region. She is responsible for the coordination of the Program's budget within her region. Her position description indicates that she has three subordinates. She has completed performance evaluations and approved leave requests for her subordinates.

AFSCME asserts that without evidence of what functions Lockhart-Bedford actually performs, it is impossible to tell whether she exercises the required independent judgment so as to be deemed a supervisor.

Lockhart-Bedford is authorized to have significant and independent discretionary authority because neither AFSCME failed to negate the three-factor supervisor test in Section

6.1(c)(ii). The evidence failed to establish that Lockhart-Bedford's authority to complete performance evaluations and approve leave requests does not require the use of independent judgment or that this authority is not held in the interest of her employer. Also, AFSCME failed to establish that Lockhart-Bedford would not face adverse consequences if her subordinates did not perform their duties and if she did not take corrective action.

AFSCME's argument regarding "actual" duties is misplaced. Section 6.1 merely requires that an employee be "authorized" to perform supervisory duties, not that the employee actually perform those duties. Thus, the designation of this position is proper.

h. <u>Employment Services Program</u>

1. Luis Gonzalez, Jack Borders, Edward Dennis, Robert Hegland

Employment Service Program Managers (ESPM) are responsible for planning, developing, implementing, overseeing and ensuring the smooth operation of the Employment Services Program for their respective region. They also provide support to regional and local office management in regard to personnel actions.

Gonzalez is the ESPM for the Chicago Region. He oversees six local offices. He has no subordinates. Borders is the ESPM for the North Region and oversees six local offices and one outpost. Dennis is the ESPM for the Northwest Region and oversees three local offices and one outpost. He has one subordinate. Hegland is the ESPM for the Central Region and oversees four local offices and two outposts. He has three subordinates. All ESPMs are held accountable if the Employment Services Program is not running properly. Borders, Dennis, and Hegland's position descriptions and evidence adduced at hearing indicate that they are authorized to assign and review work, provide guidance and training to assigned staff, counsel staff regarding work performance, approve time off, and prepare performance evaluations.

AFSCME maintains that Gonzalez, Borders, Dennis, and Hegland are not managers of the entire agency and thus not managerial under Section 6.1(c)(i). In particular, AFSCME asserts that there are two levels of authority higher than both Hegland in the Central Region Office, and Dennis in the Northwest Regional Office. AFSCME also argues that without evidence of what functions Borders, Dennis, and Hegland actually perform, it is impossible to tell whether they exercise the required independent judgment so as to qualify as supervisors.

Gonzalez asserts that he merely follows the established plans of operations in performing his duties.

Gonzalez, Borders, Dennis, and Hegland are authorized to have significant and independent discretionary authority because AFSCME and Gonzalez have failed to refute that they are engaged in executive and management functions and charged with the effectuation of management policies and practices. These four employees are engaged in executive and management functions because they are responsible for assuring efficient and effective operations of the Employment Services Program for their respective regions. See Vill. of Elk Grove, 245 Ill. App. 3d at 122. They are charged with the effectuation of management policies and practices because they perform duties that carry out the Employment Service Program's mission of providing job assistance to individuals who are seeking employment.

AFSCME has also failed to refute that Borders, Dennis, and Hegland are supervisors within the meaning of Section 6.1(c)(ii) because AFSCME did not establish that their authority to assign and review work, provide guidance and training to assigned staff, counsel staff regarding work performance, approve time off, and prepare performance evaluations does not require the use of independent judgment or that this authority is not held in the interest of the employer. As previously noted, AFSCME's argument regarding "actual" duties is misplaced because the Act only requires that the employees have the "authority" to perform the duties. Thus, the designation of Gonzalez, Borders, Dennis, and Hegland is proper.

Finally, AFSCME argues that the debate on Senate Bill 1556 bears on the meaning that should be given the managerial definition in Section 6.1. AFSCME points to the exchange that took place in the Illinois House of Representatives between Representative Currie, the sponsor of Senate Bill 1556, which became Section 6.1 of the Act, and Representative Mulligan.[10] In that exchange Representative Mulligan asks, "How do you pick and choose who can no longer be union? Are they going to say that no administrative people can be union any longer?" To which Representative Curry responds, "The people who have senior management responsibilities. Those are the ones that, under this Bill, will not become part of the collective bargaining unit." AFSCME argues that this exchange bears on the meaning of the managerial definition in Section 6.1. AFSCME asserts that the positions at issue do not have "senior management"

[10] Available at http://www.ilga.gov/house/transcripts/htrans97/09700070.pdf on pages 296-309.

responsibilities and therefore the designation of all of the positions is improper. CMS responds that all of the positions do have "senior management" responsibilities. Regardless of whether the positions at issue have "senior management" responsibilities, I have determined that the evidence establishes that these positions have significant and independent discretionary as defined by Section 6.1.

The designation comports with the requirements of Section 6.1 and the objections do not overcome the presumption that the Governor's designations were properly made.

IV. CONCLUSION OF LAW

The Governor's designations in this case were properly made.

V. RECOMMENDED ORDER

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

Title	Position Number	Incumbent	Working Title
PSA, Opt. SS1	37015-44-02-100-00-31	Alamillo, Caroline	Manager of EEO Compliance Reporting
PSA, Opt. 1	37015-44-02-200-00-01	Wilson, Kathleen	Manager of EEO Investigations
PSA, Opt. 1	37015-44-06-300-00-01	vacant	Transactions & Benefits Manager
PSA, Opt. 1	37015-44-06-400-00-01	Okulinski, Jeanette	Organizational Development Manager
PSA, Opt. 1	37015-44-13-110-00-01	Curry, Kofi	Benefits Timeliness Quality Manager
PSA, Opt. 1	37015-44-13-130-00-01	Brown, Mary	Validation Unit 1 Supervisor
PSA, Opt. 1	37015-44-13-140-00-01	Coleman, Suprena	Validation Unit 2 Supervisor
PSA, Opt. 1	37015-44-13-200-00-01	Rohrback, Mary	Manager of BAM & Data Analysis/EDP Systems
PSA, Opt. 1	37015-44-13-210-00-01	Chung, Shirley	Manager of Benefits Accuracy Measurement
PSA, Opt. 1	37015-44-13-310-00-01	Johnson, Darryl	PSA in Tax Performance Systems
PSA, Opt. 1	37015-44-13-320-00-51	vacant	PSA in Tax Performance Systems

PSA, Opt. 1	37015-44-13-501-00-01	Ceaser, Vivian	Assistant Manager of Benefit Payment Control
PSA, Opt. 1	37015-44-13-501-10-01	vacant	BPC Systems Analysis PSA
PSA, Opt. 1	37015-44-13-510-00-01	Kaduk, Patricia	Collections Recovery Unit Supervisor
PSA, Opt. SS1	37015-44-13-520-00-31	vacant	Special Investigations Unit Supervisor
PSA, Opt. 1	37015-44-13-530-00-01	Washington, Olga	Investigations- Unit 1 Supervisor
PSA, Opt. 1	37015-44-13-540-00-01	vacant	Investigations- Unit 2 Supervisor
PSA, Opt. 1	37015-44-13-550-00-01	Howard, Cheryl	Investigations- Unit 3 Supervisor
PSA, Opt. 1	37015-44-13-560-00-01	McCabe, William	Recoupment Unit Manager
PSA, Opt. 1	37015-44-13-570-00-01	Anderson, Dwayne	New Hire Unit Manager
PSA, Opt. 1	37015-44-13-610-10-01	Okleshen, Valerie	PSA in QACR/ Planning & Special Projects
PSA, Opt. 1	37015-44-13-620-00-01	Winfrey, Lisa	PSA in QACR/ Planning & Special Projects
PSA, Opt. 1	37015-44-21-100-00-01	vacant	Veteran Services Program Manager
PSA, Opt. SS1	37015-44-41-110-00-31	Chavarria, Fernando	Business Services Manager
PSA, Opt. 1	37015-44-41-120-00-02	vacant	Business Services Manager
PSA, Opt. 1	37015-44-41-130-00-02	Ryan, Donald	Business Services Manager
PSA, Opt. 1	37015-44-41-140-00-02	Otey, John	Business Services Manager
PSA, Opt. 1	37015-44-42-300-00-01	Stegner, John	Statewide Claims Manager
PSA, Opt. 1	37015-44-42-400-00-01	vacant	Statewide Adjudication Manager
PSA, Opt. 1	37015-44-51-200-00-01	Vick, Jacqueline	Assistant Regional Manager
PSA, Opt. 1	37015-44-53-200-00-01	vacant	Assistant Regional Manager
PSA, Opt. 1	37015-44-54-200-00-01	vacant	Assistant Regional Manager
PSA, Opt. 1	37015-44-55-200-00-01	vacant	Assistant Regional Manager
PSA, Opt. 1	37015-44-56-200-00-01	Petersen, Gail	Assistant Regional Manager
PSA, Opt. 1	37015-44-57-200-01-01	vacant	Assistant Regional Manager
PSA, Opt. SS1	37015-44-51-220-00-32	Gonzalez, Luis	ES Program Manager

PSA, Opt. 1	37015-44-53-220-00-01	Shephard, Gregory	ES Program Manager
PSA, Opt. 1	37015-44-54-220-00-01	Borders, Jack	ES Program Manager
PSA, Opt. 1	37015-44-55-220-00-01	Dennis, Edward	ES Program Manager
PSA, Opt. 1	37015-44-56-220-00-01	Hegland, Robert	ES Program Manager
PSA, Opt. 1	37015-44-57-220-00-01	Vacant	ES Program Manager
PSA, Opt. 1	37015-44-51-210-00-01	Lockhart Bedford, Rochelle	UI Program Manager
PSA, Opt. 1	37015-44-53-210-00-01	Dunn-Hawkins, Carolyn	UI Program Manager
PSA, Opt. 1	37015-44-54-210-00-01	vacant	UI Program Manager
PSA, Opt. 1	37015-44-55-210-00-01	Vacant	UI Program Manager
PSA, Opt. 1	37015-44-56-210-00-01	Bradfield, Cheryl	UI Program Manager
PSA, Opt. 1	37015-44-57-210-00-01	Casey, Dianna	UI Program Manager
PSA, Opt. 1	37015-44-63-000-00-01	vacant	Call Center Manager
PSA, Opt. 1	37015-44-71-120-00-01	Leonard, Keena	Telephone Collections Unit Supervisor
PSA, Opt. 1	37015-44-71-140-10-01	Bailey, Judith	Delinquency Unit 1 Supervisor
PSA, Opt. 1	37015-44-72-110-00-02	Gray, Annie	Manager of Employer File Maintenance Unit 1
PSA, Opt. 1	37015-44-72-120-00-02	Redmond-Adams, Yolanda	Manager of Employer File Maintenance Unit 2
PSA, Opt. 1	37015-44-72-210-00-02	Crivens III, Algie	Employer Hotline & Education Supervisor
PSA, Opt. 1	37015-44-72-220-00-02	Vacant	Problem , Resolution & Refunds Supervisor
PSA, Opt. 1	37015-44-72-310-10-51	Menzel, Michael	Manager of Account Processing Unit 1
PSA, Opt. 1	37015-44-72-310-20-51	Brown, Jeffrey	Manager of Account Processing Unit 2
PSA, Opt. 1	37015-44-72-320-00-01	Hawkins-Davis, Dorothy	Document Control Manager
PSA, Opt. 1	37015-44-72-330-00-01	Chavez-Galbraith, Raquel	TaxNet & New Hire Manager
PSA, Opt. 2	37015-44-04-200-00-01	Holbek, Melissa	PSA in Office of the Budget
PSA, Opt. 2	37015-44-04-521-00-01	vacant	Manager of Administrative Reconciliations

PSA, Opt. 2	37015-44-04-522-00-01	Oliver Samantha	Manager of Trust Fund
PSA, Opt. 2C	37015-44-14-300-10-01	Gallagher, Ewa	Economist
PSA, Opt. 2C	37015-44-14-330-00-01	Cloud, Darnell	Employment Projections Manager
PSA, Opt. 2	37015-44-71-130-00-01	Revilla, Juanito	Bankruptcy Unit Supervisor
PSA, Opt. 2	37015-44-71-140-20-01	Grayer Jones, Bobbie	Delinquency Unit 2 Supervisor
PSA, Opt. 2	37015-44-71-250-00-02	Klein, Michael	Statewide Assistant Audit Manager
PSA, Opt. 2	37015-44-71-251-00-02	Malone, Charlotte	Field Audit Supervisor
PSA, Opt. 2	37015-44-71-252-00-02	Gardner, Kenneth	Field Audit Supervisor
PSA, Opt. 2	37015-44-71-253-00-02	Wilderman, Deborah	Field Audit Supervisor
PSA, Opt. 2	37015-44-71-255-00-02	Russell, Terri	Field Audit Supervisor
PSA, Opt. 2	37015-44-71-257-00-02	Brewer, Christine	Field Audit Supervisor
PSA, Opt. 2	37015-44-72-110-10-01	Smart, Loretta	Employer File Maintenance Unit 1 Supervisor
PSA, Opt. 2	37015-44-72-120-10-01	Wilson, James	Employer File Maintenance Unit 2 Manager
Employment Security Field Office Supervisor	13600-44-13-501-19-01	Green-Jefferson, Patricia	Manager of Adjudication/Opening/ Closing Unit

VI. EXCEPTIONS

Pursuant to Section 1300.90 and Section 1300.130 of the Board's Rules and Regulations, 80 Ill. Admin. Code Part 1300,[11] 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.

11 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 24th day of December, 2013

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

/s/ Michelle Owen

Michelle Owen
Administrative Law Judge