

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

State of Illinois, Department of Central)	
Management Services (Department of)	
Healthcare and Family Services),)	
)	
Petitioner)	
)	
and)	Case No. S-DE-14-173
)	
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. 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.

On January 15, 2014, 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. CMS' petition designates the exclusion of the following Public Service Administrators employed at the Department of Healthcare and Family Services based on Section 6.1(b)(5) of the Act:

**Public Service Administrator, Option 8L
Employed at Department of Healthcare and Family Services**

<u>Position No.</u>	<u>Working Title</u>		<u>Incumbent</u>
	DEPUTY	GENERAL	
37015-33-46-110-20-61	COUNSEL		VACANT
	DEPUTY	GENERAL	
37015-33-46-120-20-61	COUNSEL		VACANT
	ASSIST	GENERAL	
37015-33-46-150-20-61	COUNSEL		DEES MARILYN T
	DEPUTY	GENERAL	
37015-33-46-210-20-21	COUNSEL		VACANT
	DEPUTY	GENERAL	
37015-33-46-220-20-61	COUNSEL		VACANT
37015-33-46-241-00-21	BUREAU CHIEF		JOHNS HILARY B
37015-33-46-242-00-21	SUPERVISOR		ANTOLEC SONIA
	ADMINISTRATIVE	LAW	
37015-33-46-242-20-21	JUDGE		TISCH ROBERT L
	ADMINISTRATIVE	LAW	
37015-33-46-242-20-21	JUDGE		CASTILLO LISA M
	ADMINISTRATIVE	LAW	
37015-33-46-242-20-21	JUDGE		FESTA ELIZABETH P
	ADMINISTRATIVE	LAW	
37015-33-46-242-20-21	JUDGE		HERRING QUEEN V
	ADMINISTRATIVE	LAW	
37015-33-46-242-20-21	JUDGE		ADELMAN WILMA L
	ADMINISTRATIVE	LAW	
37015-33-46-242-20-22	JUDGE		VACANT
	ADMINISTRATIVE	LAW	
37015-33-46-242-20-23	JUDGE		Dora McNew-Clarke
	ASSIST	GENERAL	
37015-33-46-400-20-21	COUNSEL		VACANT
	ASSIST	GENERAL	
37015-33-46-400-20-22	COUNSEL		VACANT

In support of its petition, CMS submitted job descriptions (CMS-104s) for each position, affidavits and a summary spreadsheet. The spreadsheet identifies position numbers, titles, name of the incumbents, bargaining unit, certifications date and case number, statutory category of designation and a list of job duties that support the presumptions that the positions are supervisory or managerial. The positions at issue were certified into the RC-10 bargaining unit on November 15, 2010. On January 30, 2014, the American Federation of State, County and Municipal Employees (AFSCME) filed timely objections to the designation.²

Based on my review of the designation, the documents submitted as part of the designation, the objections, and the arguments submitted in support of those objections, I have determined that the objections have failed to raise an issue that would require a hearing.

I find the designation to have been properly submitted and consistent with the requirements of Section 6.1 of the Act. Therefore, I recommend that the Executive Director certify the designation of the positions at issue in this matter as set out below and, to the extent necessary, amend any applicable certifications of exclusive representatives to eliminate any existing inclusion of these positions within any collective bargaining unit.

I. ISSUES AND OBJECTIONS

AFSCME makes several general objections to the petition. AFSCME argues that Section 6.1 of the Act violates due process, the separation of powers doctrine in the Illinois Constitution, equal protection under Article I, Section 2 of the Illinois Constitution, and the Fifth and Fourteenth Amendments to the United States Constitution, and impairs the contractual right of the employees prohibited by the impairment of contract clause in the Illinois Constitution.

AFSCME specifically objects to the Administrative Law Judge (ALJ) positions (six of the seven positions have incumbent employees) and the seven positions designated as Deputy/Assistant General Counsel, with only one incumbent employee, Marilyn Thomas Dees.³ AFSCME maintains that contrary to their position descriptions and the affidavit of Jeannet Badrov, General Counsel for the Department of Healthcare and Family Services, attesting to the positions' job duties, the ALJs do not have independent discretionary authority because their

² This petition was filed on January 15, 2014. On January 27, 2014, the Union requested an extension of time to submit their objections. The Board's General Counsel granted the Union's request for an extension in time until close of business January 30, 2014.

³ AFSCME's objection names the incumbent employee "Marilyn Thomas" but CMS' evidence names the employee "Marilyn Thomas Dees." For purposes of consistency, I refer to the employee as "Marilyn Thomas" throughout this decision.

analysis and recommendations are subject to many levels of review and are often changed by their superiors. Moreover, AFSCME maintains that the ALJs use professional discretion within guidelines provided by the Department, to hold hearings and draft decisions, which they do not issue or even recommend to the Director. Furthermore, AFSCME contends that the designated ALJs merely come to work and do their jobs, and consistent with the Board's decision this does not amount to the effectuation of policy. State of Illinois, Department of Central Management Services, 28 PERI ¶160 (IL LRB-SP 2012). Lastly, AFSCME argues that the position of Deputy/Assistant General Counsel is not properly designated because, contrary to Deputy General Counsel for Programs Leo Howard's affidavit, Thomas' duties are purely professional and she merely uses professional discretion, which is not an executive or management function.

AFSCME contends that the position descriptions or the organizational charts submitted by CMS are not evidence to support the contention that any of the designated positions have supervisory authority. Therefore, AFSCME concludes that the Board should dismiss the petition or schedule a hearing on the designated positions.

I. FINDINGS OF FACT

According to the job descriptions, CMS' affidavits and employees' statements (included with AFSCME's objections) the ALJs, conduct and draft recommendations for Medical Vendor and Fair Hearings. Hearing Officers also conduct Fair Hearings. The ALJs identify the issues before them, and decide what regulations and laws apply when drafting Final Administrative Decisions. These decisions become final actions of the agency. These decisions are subject to review by supervisors, the Bureau Chief and the Director. Badrov estimates that 95% of the ALJs recommended decisions are accepted by the Director. However, the Director does have the option to draft and issue his/her own decision if he/she does not agree with an ALJ's conclusions.

The ALJs agree that during the course of hearings they have the authority to: determine whether evidence including testimony, documents and other exhibits shall be admitted; determine the order of presentation; control the hearing; rule on objections; apply and interpret applicable statutes, rules, regulations, policies and procedures; assess credibility of witnesses and monitor decorum. However, the ALJs contend that they must follow the objectives set forth by the Vendor Supervisor and Chief ALJ. In doing so, they must seek supervisory guidance

whenever appropriate, make sound recommendations for the resolution of problems and report any unusual circumstances and motions to their superiors.

During hearings, ALJs may also allow and respond to oral motions but any rulings on motions that will affect the outcome of the case can only be ruled upon by the ALJ in its recommended decision. However, ALJs must bring all requests for subpoenas to the Chief ALJ to be granted and signed. The ALJs must also follow specific requirements for conduct in a hearing. These requirements are taught through mandatory trainings and comments on correctness after a supervisor has observed a hearing.

The ALJs contend that they do not draft written recommendations for the Director. Instead, the Vendor Supervisor, who can and has made changes to them, first reviews their decisions. The supervisor also has the authority to change the outcome of the decision and has done so. Once the supervisor approves the decision, it is then sent to the Fair Hearings Supervisor for final review and approval. This supervisor can issue the decision on behalf of the Director. A similar process is followed for Medical Vendor Hearing recommendations where the Chief ALJ and Assistant General Counsel can make changes and revisions. If the Assistant General Counsel disagrees with the decision, he/she may draft a document explaining its reasoning to the Director. The Director issues final decisions.

The ALJs maintain that they merely interpret and apply polices and legislation in recommending a course of action for the Director. It is argued that these recommendations do not affect agency policy and do not have any binding authority beyond the individual case at hand. At least one ALJ states that the fact that an estimated 95% of his recommendations are accepted by the Director is only reflective of his high level of performance and is not evidence of independent discretionary authority. The ALJs do not have any subordinates.

AFSCME maintains that the Deputy/Assistant General Counsel position description merely describes its professional duties including the application of the federal statute HIPAA. The incumbent, Marilyn Thomas, is the department's HIPAA Privacy Officer. According to CMS, in this capacity Ms. Thomas is authorized to represent management's interest by directing the department's compliance with the privacy provisions of HIPAA, which effectively implements or controls the department's policies and practices. For example, Ms. Thomas directs other areas of the department to have HIPAA Business Associate language updated or

incorporated in the Department's contracts or agreements, and she successfully directs the department's response to any HIPAA breach.

II. DISCUSSION AND ANALYSIS

a. Procedural Objections

First, the Board has held that it is beyond its capacity to rule on the constitutional allegations made by AFSCME. Specifically, it is beyond the Board's purview to rule whether the Illinois Public Labor Relations Act, as amended, violates provisions of the United States and Illinois constitutions. The Board noted that administrative agencies have no authority to declare statutes unconstitutional or even to question their validity and in doing so, their actions are null and void and cannot be upheld. State of Illinois, Department of Central Management Services, Case No. S-DE-14-005 (IL LRB-SP Oct. 7, 2013) (citing Goodman v. Ward, 241 Ill. 2d. 398, 411 (2011)). As such, I will not address the constitutional objections in this decision.

The Board has also expressed its concern with AFSCME's due process arguments but maintains that it has taken necessary measures to prevent such a violation. Therefore, the Board held that consistent with judicial precedent it has "insured that the individual employees as well as their representative and potential representative receive notice soon after designation petitions are filed, usually within hours, and have provided for redundant notice by means of posting at the worksite....we provided them an opportunity to file objections, and where they raise issues of fact or law that might overcome the statutory presumption of appropriateness, an opportunity for a hearing, [and]...require a written recommended decision by an administrative law judge in each case in which objections have been filed." State of Illinois, Department of Central Management Services, Case No. S-DE-14-005 (IL LRB-SP Oct. 7, 2013) (citing Arvia v. Madigan, 209 Ill. 2d 520 (2004), and Gruwell v. Ill. Dep't of Financial and Professional Regulations, 406 Ill. App. 3d 283, 296-98 (4th Dist. 2010)). Additionally, the Board found that it has "allowed an opportunity to appeal those recommendations for consideration by the full Board by means of filing exceptions,...doubled the frequency of our scheduled public meetings in order to provide adequate review of any exceptions in advance of the 60-day deadline and... issu[e] written final agency decisions which may be judicially reviewed pursuant to the Administrative Review Law", in an effort to adhere to due process. State of Illinois, Department of Central Management Services, Case No. S-DE-14-005 (IL LRB-SP Oct. 7, 2013).

Moreover, in administrative hearings, failing to go to an oral hearing is not necessarily the denial of a hearing where submission of written documents could suffice as a hearing. Department of Central Management Services (Illinois Commerce Commission) v. Illinois Labor Relations Board, State Panel, 406 Ill. App. 3d 766, 769-70 (4th Dist. 2010). Therefore, AFSCME's due process rights have not been violated by the Board following the policies and procedures mandated by the legislature and I find there is no issue of law or fact warranting a hearing.

Regarding the burden of proof, AFSCME has the burden to demonstrate that the designation is not proper. The Act is clear in that "any designation made by the Governor...shall be presumed to have been properly made," 5 ILCS 315/6.1 (2012). Therefore, the burden of proof shifts to the objector to prove that the designation is, in fact, improper.

Lastly, Illinois Appellate Courts have held that the Board's consideration of job descriptions alone, is an adequate basis upon which to evaluate an exclusion. See Village of Maryville v. Illinois Labor Relations Board, 402 Ill. App. 3d 369 (5th Dist. 2010); Ill. Dep't of Cent. Mgmt. Servs. V. Ill. Labor Rel. Bd., 2011 Ill App. (4th Dist.) 090966; but see Vill. of Broadview v. Ill. Labor Rel. Bd., 402 Ill. App. 3d 503, 508 (1st Dist. 2010); see also Ill. Dep't of Cent. Mgmt. Servs. v. Ill. Labor Rel. Bd., 382 Ill. App. 3d 208, 228-29 (4th Dist. 2008); City of Peru v. Ill. Labor Rel. Bd., 167 Ill. App. 3d 284, 291 (3d Dist. 1988). Accordingly, the Board has sufficient evidence from which to establish whether the designation is proper.

b. Designations under Section 6.1(b)(5)

As stated above, a position is properly designated if, amongst other reasons, it was first certified to the bargaining unit by the Illinois Labor Relations Board on or after December 2, 2008, and it authorizes an employee in the position to have "significant and independent discretionary authority as an employee" as defined by Section 6(c) of the Act. Moreover, designations made by the Governor are presumed proper under Section 6.1 of the Act.

It is undisputed that the positions at issue were certified into bargaining unit RC-10 on November 15, 2010. At issue is whether the petitioned-for positions have significant and independent discretionary authority as described in Section 6.1(c), to be designated as supervisory or managerial under the Act.

Section 6.1(b)(5) allows the Governor to designate positions that authorize an employee to have "significant and independent discretionary authority." 5 ILCS 315/6.5(b)(5). The Act

provides three tests by which a person can be found to have “significant and independent discretionary authority.” Section 6.1(c)(i) sets forth the first two tests, while Section 6.1(c)(ii) sets forth the third.⁴ I find the employees are properly designated under Section 6.1(c)(i) of the Act, therefore I will not address their authority under Section 6.1(c)(ii).⁵

The first test is substantively similar to the traditional test for the managerial exclusion articulated in Section 3(j). Section 6.1(c)(i) provides that a position authorizes an employee with significant and independent discretionary authority if “the employee 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.” However, 6.1(c)(i) provides a broader definition than the traditional test found in Section 3(j), in that it does not include a preponderance element and only requires that an employee be “charged with the effectuation” of policies and not that the employee direct the effectuation. According to the traditional test, 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. Elk Grove Village, 245 Ill. App. 3d at 122, Evanston, 227 Ill. App. 3d at 975. Here, however, in order to meet the first test set out

⁴ Section 6.1(c) provides that a person has significant and independent discretionary authority as an employee if he or she (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 or any orders of the National Labor Relations Board interpreting that provision or decisions of courts reviewing decisions of the National Labor Relations Board.

⁵ Section 6.1(c)(ii) states that under the NLRA, a supervisor is an employee who has “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.A. § 152(11). In other words, “employees are statutory supervisors if (1) they hold the authority to engage in any one of the 12 listed supervisory functions, (2) their ‘exercise of such 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.’” NLRB v. Kentucky River Comm. Care, Inc. (“Kentucky River”), 532 U.S. 706, 713 (2001) (quoting NLRB v. Health Care & Retirement Corp. of America, 511 U.S. 571, 573-574 (1994)); See also Oakwood Healthcare, Inc. v. United Automobile, Aerospace and Agricultural Implement Workers of America (“Oakwood Healthcare”), 348 NLRB 686, 687 (2006). A decision that is “dictated or controlled by detailed instructions, whether set forth in company policies or rules, the verbal instructions of a higher authority, or in the provisions of a collective bargaining agreement” is not independent. Oakwood Healthcare, 348 NLRB at 689.

in Section 6.1, a position holder need only be charged with carrying out the policy in order to meet the Department's objective.

The second test under 6.1(c)(i) makes a designation proper if the position "represents management interests by taking or recommending discretionary actions that effectively control or implement the policy of the agency." 5 ILCS 315/6.1(c)(i) (2012). 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 in the Supreme Court's decision in National Labor Relations Board v. Yeshiva University, 444 U.S. 672 (1980). Dep't of Cent. Mgmt. Serv. Ill. Commerce Com'n v. Ill. Labor Rel. Bd., 406 App. 766, 776 (4th Dist. 2010) (citing Yeshiva, 444 U.S. at 683). The Court noted that the ILRB, "incorporated effective recommendations into its interpretation of the term 'managerial employee.'" ICC, 406 Ill. App. at 776.

Section 6.1(d) requires us to presume the Governor's designation is proper, and the evidence as a whole fails to overcome that presumption. Therefore, I find that the positions are properly designated as managerial.

The Board has rejected AFSCME's objections that the designated positions do not have significant and independent discretionary authority because they are professional rather than managerial. State of Ill., Dep't of Cent. Mgmt.Servs. (Dep't of Cent. Mgmt. Servs.), 30 PERI ¶ 85 (IL LRB-SP 2013). The terms managerial and professional are not mutually exclusive and there is no exception for professional employees in the language of Section 6.1(c)(i). State of Ill., Dep't of Cent. Mgmt. Servs. (Dep't of Commerce & Economic Opportunity), 30 PERI ¶ 86 (citing Dep't of Cent. Mgmt. Servs. / Ill. Pollution Control Bd., 2013 IL App (4th) 110877). As such, where a position meets one of the two alternative tests set out in Section 6.1(c)(i), it may appropriately be designated by the Governor for exclusion from collective bargaining rights regardless of whether it is also a professional position. Id.

The evidence indicates that ALJs perform the typical tasks of in-house attorneys. In doing so, they interpret and apply polices and legislation in recommending a course of action for the Director. These recommendations are effective as it is not refuted that these recommendations are accepted approximately 90% of the time. Even though the ALJs' recommendations must go through several levels of review, and sometimes changes, this is not always the case. The evidence suggest that changes can be made and have been in the past, but mostly, the ALJ's decisions are accepted as is, minus spelling and grammatical errors. See, Dep't

of Cent. Mgmt. Serv./ Ill. Commerce Com'n, 406 Ill. App. 3d 766, 775 (effective recommendations are those that are accepted most of the time without modification).

As to the Deputy/Assistant General Counsel, it is not refuted that this position is charged with directing other areas of the department in HIPAA requirements and updates to ensure the department's policies and procedures are in compliance with the federal statute. In doing so, Ms. Thomas uses her discretion when representing management interests by taking actions that effectively control or implement the policy of the agency.

Because the managerial-like component of Section 6.1(b) set out in Section 6.1(c)(i) sweeps broader than the meaning of manager within Section 3(j) of the Act, representing the employer's interest in these decisions is managerial authority. Therefore, the positions at issue are managerial in accordance with to Section 6.1(c)(i) of the Act and are properly designated for exclusion.

III. CONCLUSIONS OF LAW

The designations in this case are properly made.

IV. RECOMMENDED ORDER

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

**Public Service Administrator, Option 8L
Employed at Department of Healthcare and Family Services**

<u>Position No.</u>	<u>Working Title</u>		<u>Incumbent</u>
	DEPUTY	GENERAL	
37015-33-46-110-20-61	COUNSEL		VACANT
	DEPUTY	GENERAL	
37015-33-46-120-20-61	COUNSEL		VACANT
	ASSIST	GENERAL	
37015-33-46-150-20-61	COUNSEL		DEES MARILYN T
	DEPUTY	GENERAL	
37015-33-46-210-20-21	COUNSEL		VACANT
	DEPUTY	GENERAL	
37015-33-46-220-20-61	COUNSEL		VACANT
37015-33-46-241-00-21	BUREAU CHIEF		JOHNS HILARY B
37015-33-46-242-00-21	SUPERVISOR		ANTOLEC SONIA

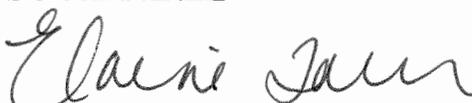
37015-33-46-242-20-21	ADMINISTRATIVE JUDGE	LAW	TISCH ROBERT L
37015-33-46-242-20-21	ADMINISTRATIVE JUDGE	LAW	CASTILLO LISA M
37015-33-46-242-20-21	ADMINISTRATIVE JUDGE	LAW	FESTA ELIZABETH P
37015-33-46-242-20-21	ADMINISTRATIVE JUDGE	LAW	HERRING QUEEN V
37015-33-46-242-20-21	ADMINISTRATIVE JUDGE	LAW	ADELMAN WILMA L
37015-33-46-242-20-22	ADMINISTRATIVE JUDGE	LAW	VACANT
37015-33-46-242-20-23	ADMINISTRATIVE JUDGE	LAW	Dora McNew-Clarke
37015-33-46-400-20-21	ASSIST COUNSEL	GENERAL	VACANT
37015-33-46-400-20-22	ASSIST COUNSEL	GENERAL	VACANT

V. EXCEPTIONS

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

Issued at Chicago, Illinois this 20th day of February, 2014

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



Elaine L. Tarver, Administrative Law Judge