

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

State of Illinois, Department of Central Management Services, (Department of Veterans' Affairs),)	
)	
)	
Petitioner,)	Case No. S-DE-14-182
)	
and)	
)	
American Federation of State, County and Municipal Employees, Council 31,)	
)	
Labor Organization-Objector,)	
)	
and)	
)	
Dee Easley,)	
)	
Employee-Objector)	

**ADMINISTRATIVE LAW JUDGE'S
RECOMMENDED DECISION AND ORDER**

Section 6.1 of the Illinois Public Labor Relations Act, 5 ILCS 315/6.1 (2012) *added by* Public Act 97-1172 (eff. April 5, 2013), allows the Governor of the State of Illinois to designate certain public employment positions with the State of Illinois as excluded from collective bargaining rights which might otherwise be granted under the Illinois Public Labor Relations Act. There are three broad categories of positions which may be so designated: 1) positions which were first certified to be in a bargaining unit by the Illinois Labor Relations Board on or after December 2, 2008, 2) positions which were the subject of a petition for such certification pending on April 5, 2013 (the effective date of Public Act 97-1172), or 3) positions which have never been certified to have been in a collective bargaining unit. Only 3,580 of such positions may be so designated by the Governor, and, of those, only 1,900 positions which have already been certified to be in a collective bargaining unit.

Moreover, to be properly designated, the position must fit one of the following five categories:

- 1) it must authorize an employee in the position to act as a legislative liaison;

- 2) it must have a title of or authorize a person who holds the position to exercise substantially similar duties as a Senior Public Service Administrator, Public Information Officer, or Chief Information Officer, or as an agency General Counsel, Chief of Staff, Executive Director, Deputy Director, Chief Fiscal Officer, or Human Resources Director;
- 3) it must be designated by the employer as exempt from the requirements arising out of the settlement of Rutan v. Republican Party of Illinois, 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

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.

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 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 16, 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. On January 24, 2014, Dee Easley, an employee of the State of Illinois who occupies one of the positions designated as excluded from collective bargaining rights, filed an objection to the designation. On January 27, 2014, the American Federation of State, County and Municipal Employees, Council 31 (AFSCME) filed objections to the designation pursuant to Section 1300.60(a)(3) of the Board's Rules. Based on my review of the designation, the documents submitted as part of the designation, the objections, and the documents and arguments submitted in support of those objections, I find that the designation was properly submitted, that it is consistent with the requirements of Section 6.1 of the Act, and that the objections fail to raise an issue of law or fact that might overcome the presumption that the designation is proper. Consequently, I recommend that the Executive Director certify the designation of the positions at issue in this matter as set out below and, to the extent necessary, amend any applicable certifications of exclusive representatives to eliminate any existing inclusion of these positions within any collective bargaining unit.

The following 10 Public Service Administrator positions within the Department of Veterans' Affairs are at issue in this designation:

37015-34-00-000-01-01	Veterans' Home Coordinator	Diehl, Gwen
37015-34-00-300-00-01	Public Service Administrator	Easley, Dee
37015-34-25-100-00-01	Central Division Supervisor	Tisdale, Lisa
37015-34-25-200-00-01	Northern Division Supervisor	Willis, William
37015-34-25-300-00-01	Southern Division Supervisor	White, Earl
37015-34-25-500-00-01	Metro Division Supervisor	Vaughn, Anthony
37015-34-30-210-10-01	Public Service Administrator	White, Carrol
37015-34-40-120-00-01	Adjutant	Pierard, Luann
37015-34-50-200-01-01	Public Service Administrator	vacant/Manteno/Fill
37015-34-60-110-00-01	Adjutant	Houghland, Donnie

CMS's petition indicates the positions at issue qualify for designation under Section 6.1(b)(5) of the Act which permits designation if the position authorizes an employee in that position to have "significant and independent discretionary authority."² AFSCME objects to the designation of all listed positions. Easley objects to the designation of her own position.

I. Objections

First, AFSCME states that Section 6.1 of the Act is unconstitutional, on its face and as applied, both under the Illinois Constitution and the Constitution of the United States of America because it deprives AFSCME of due process and violates the equal protection clauses, the prohibition against impairment of contracts, and the separation of powers clause of the Illinois Constitution.

Further, AFSCME generally objects to the use of position descriptions to support the petition and to the allocation of the burden of proof. AFSCME also argues that there can be no showing of managerial authority based solely on an affidavit, which states that the position at issue is authorized to effectuate departmental policy, where the position description does not reference any specific policy. Similarly, AFSCME states that the position descriptions set forth only potential responsibilities, not actual ones. In the same vein, AFSCME asserts that CMS has presented no evidence that the employees at issue ever exercised their referenced supervisory or quasi-managerial authority. Likewise, AFSCME asserts that CMS has not shown that it told the employees they possessed such authority. In addition, AFSCME argues that the positions at issue are professional and not managerial.

Finally, AFSCME advances specific objections with respect to the positions held by Gwen Diehl, Dee Easley, Carrol White, and Donnie Houghland "for the reasons stated in [their] questionnaire[s] and because of the information contained therein." In particular, AFSCME notes that Easley is not supervisory because she has no subordinates. AFSCME concludes that there is a high likelihood that all the position descriptions are inaccurate because specific individuals identified inaccuracies in their own position descriptions. On this 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.

² CMS filed position descriptions (CMS-104s) for the positions and affidavits in support of its assertion. These positions are currently represented by AFSCME.

Dee Easley filed a separate objection to the designation of her position. However, in relevant part, it contains only the questionnaire she submitted to AFSCME.

II. Material Facts

a. 37015-34-00-000-01-01 - Diehl, Gwen

Gwen Diehl is the Veterans' Homes Coordinator. Diehl asserts that she oversees one subordinate who is an Administrative Assistant I and that she directs that employee in day-to-day tasks and responsibilities. Diehl states that the position description attached to the petition is inaccurate because it does not reflect the fact that she oversees the Administrative Assistant I position. Diehl explains that the job description for the Administrative Assistant I position provides that Diehl's position is the Administrative Assistant I position's immediate supervisor.

b. 37015-34-00-300-00-01 - Easley, Dee

Dee Easley's position description states that she supervises agency personnel, payroll operations, and related programs and services. She serves as liaison between the agency and CMS in new personnel services areas. Further, she prepares written directives and memoranda on new policies and procedures established by the agency or CMS. She also develops position descriptions and organizational charts and initiates appropriate changes when required. She reviews all documents regarding personnel transactions to assure agency actions are in compliance with applicable CMS rules and regulations prior to submission to CMS or on-line entry. Finally, she is accountable for state property within her assigned division as determined by the department's property control policy. She maintains inventory control, completes required forms for property control, and monitors documentation to ensure completion of annual inventory.

Easley asserts, contrary to her position description, that she has no subordinates. She also states that she has no authority to decide how policies or legislation will be implemented. Further, she states that she does not recommend any actions that control or implement legislation that affects her agency or agency policy.

c. 37015-34-30-210-10-01 - White, Carrol

Carrol White works under the general direction of the Business Administrator. She

oversees two Administrative Assistant Is. White's position description provides that she supervises subordinate staff, issues oral and written reprimands on her own initiative, and recommends disciplinary action including suspension and discharge. Further, it provides that she counsels employees on problems with productivity, quality of work, and conduct. She plans assigns, prioritizes, coordinates, evaluates, reviews, and maintains records of her subordinates' performance.

White admits that she supervises and disciplines the Administrative Assistants "as required by the union contract on time and attendance." She does not deny that she has the authority to impose or effectively recommend discipline for other infractions. Further, she admits that she completes performance evaluations for her subordinates.

d. 37015-34-60-110-00-01 - Houghland, Donnie

Donnie Houghland functions as the Adjutant of the Anna Veteran's Home. In that capacity he supervises social services, activities, and volunteer services. His position description states that he oversees four subordinates and serves as a "working supervisor." Houghland admits that he assigns work to one of his subordinates. He further asserts that he completes performance evaluations for his subordinates and establishes goals and objectives "through the direction of [his] supervisor and with his or her approval." Houghland adds that he has "never completed a performance evaluation that was not subject to approval by the Administrator and reviewed and adjusted."

Houghland's position description provides that he "plans, develops, organizes and evaluates the supportive programs and policies that affect the Department's mission of providing quality therapeutic care to Veterans' [and] exercises key management control by evaluation [sic] programs [and] developing and implementing program changes." Houghland asserts, contrary to his position description, that he has no authority to make any program changes. He does not deny that he plans, develops, organizes, and evaluates the supportive programs and policies that affect the Department's mission. He asserts that he has never written a policy or procedure. He further denies that he has the authority to decide how policies will be implemented. However, he does not deny that he has recommended the adoption of policies.

III. Discussion and Analysis

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, violates provisions of the United States and Illinois constitutions. State of Ill., Dep't of Cent. Mgmt. Serv., 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.")). Accordingly, these issues are not addressed in this decision.

b. Non-Constitutional General Objections

AFSCME's general objections are without merit and do not raise issues of fact or law that might rebut the presumption that the designation is 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. See State of Ill., Dep't of Cent. Mgmt. Serv., 30 PERI ¶ 80 and all subsequent Board designation cases.

Here, most of AFSCME's objections may be restated as objections to this now well-established framework because they presuppose that CMS must initially prove that the designation is proper. For example, AFSCME argues that CMS "failed to carry its burden of proof" and "presented no evidence" that the employees at issue ever exercise their purported authority or were told they possessed it. Similarly, AFSCME asserts that "there can be no showing of managerial authority based solely on [an] affidavit," which is phrased in general terms. Likewise, AFSCME states that "there is no demonstration [by CMS] that the employees at issue have...authority to complete the job duties...[in their]...position descriptions." Finally, AFSCME generally asserts that CMS's affidavits are unreliable because there is no indication that they are accurate.

Contrary to AFSCME's general assertion, the burden is on AFSCME, not CMS. Accordingly, these objections must be rejected because they ignore the presumption and misallocate the burden.

Second, the Board has similarly rejected AFSCME's objections based on the bald statement that the designated positions do not have significant and independent discretionary authority because they are professional rather than managerial positions. 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.

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

- c. 37015-34-25-100-00-01 - Tisdale, Lisa; 37015-34-25-200-00-01 - Willis, William; 37015-34-25-300-00-01 - White, Earl; 37015-34-25-500-00-01 - Vaughn, Anthony; 37015-34-40-120-00-01 - Pierard, Luann; 37015-34-50-200-01-01 - vacant/Manteno/Fill

CMS's designation of these positions is proper because the designation are presumed to be properly made and AFSCME has introduced no specific evidence to suggest that CMS has limited the position holders' discretion or independent authority within the meaning of Section 6.1(c)(i) or (ii). State of Ill. Dep't of Cent. Mgmt. Serv., 30 PERI ¶ 164 (IL LRB-SP 2014) (objectors must provide specific examples to negate each of the three tests in Section 6.1(c)); see also State of Ill. Dep't of Cent. Mgmt. Serv., 30 PERI ¶ 85 (IL LRB-SP 2013).

AFSCME has not raised issues of fact for hearing 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).³

³ The alleged constitutional implications of this ruling are not addressed here for reasons set forth in section IV.a. of this RDO.

Thus, CMS properly designated the positions referenced above.

d. 37015-34-00-000-01-01 - Diehl, Gwen

CMS's designation of this position is proper because the designation is presumed to be properly made and AFSCME has introduced no evidence to suggest that CMS has limited the position holder's discretion or independent authority within the meaning of Section 6.1(c)(ii).

Under Section 6.1(c)(ii) of the Act, a position authorizes its holder with the requisite authority if the position is supervisory within the meaning of the National Labor Relations Act and the National Labor Relations Board's case law. 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 1 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., 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., 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, Inc., 348 NLRB at 689.

An employee with the purported authority to responsibly direct must carry out such direction with independent judgment. Further, "it must be shown that the employer delegated to the putative supervisor the authority...to take corrective action, if necessary." In addition, there must be a "prospect of adverse consequences for the putative supervisor" arising from his direction of other employees. Id.

Here, Diehl has significant and independent discretionary authority because she possesses authority to responsibly direct her subordinates. First, the position description states that the position holds the authority to direct employees and Diehl confirms that she "directs [her

subordinate] employee in day-to-day tasks and responsibilities.” Further, based on this evidence, the position holder, Diehl, exercises the use of independent judgment and is accountable for her subordinate’s work because the designation is presumed proper under Section 6.1(d) of the Act and the position description does not expressly limit the position holder’s discretion, independent authority, or accountability.

Thus, the designation of this position is properly made.

e. 37015-34-00-300-00-01 - Easley, Dee

CMS’s designation of this position is proper because the designation is presumed to be properly made and AFSCME has introduced no evidence to suggest that CMS has limited the position holder’s discretion or independent authority within the meaning of Section 6.1(c)(i).

Under Section 6.1(c)(i) “a person has significant and independent discretionary authority as an employee if he or she “[1] 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 [2] represents management interests by taking or recommending discretionary actions that effectively control or implement the policy of a State agency.” When addressing the meaning of Section 6.1(b)(5), one must first look to the language of that section of the Act. The Board may consider case precedent pertaining to the traditional managerial exclusion under 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). State of Ill., Dep’t of Cent. Mgmt. Servs. (Dep’t of Commerce & Economic 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.”)). Finally, the burden is on AFSCME to prove that the designation is improperly made. State of Ill., Dep’t of Cent. Mgmt. Servs. (Dep’t of Commerce & Economic Opportunity), 30 PERI ¶ 86.

Here, Easley represents management interests by taking or recommending discretionary actions that effectively control or implement the policy of a State agency when she develops position descriptions and organizational charts. First, Easley represents management’s interests because she helps determine the responsibilities allocated to each position overseen by management and their proper location in the administrative hierarchy. Further, her duties require the exercise of discretion because she must “initiate appropriate changes when required”

and, to that end, must necessarily monitor the efficacy of existing position descriptions and organizational charts to determine whether they meet the agency's needs. Finally, her decisions concerning these managerial documents control or implement the policies of her state agency because well-crafted position descriptions and carefully thought-out hierarchical structures are integral to the smooth functioning of the agency as a whole and are therefore necessary components to the implementation of any and all of the agency's policies. See State of Ill., Dep't of Cent. Mgmt. Servs. (Illinois Gaming Bd.), Case No. S-DE-14-121 (IL LRB-SP Jan. 3, 2014)(employee satisfied the second test under Section 6.1(c)(i) "to the extent that [the employee's] role influenced a necessary component of [the agency's] very mission.")

Thus, the designation is properly made.

f. 37015-34-30-210-10-01 - White, Carrol

CMS's designation of this position is proper because the designation is presumed to be properly made and AFSCME has introduced no evidence to suggest that CMS has limited the position holder's discretion or independent authority within the meaning of Section 6.1(c)(ii).

As noted above, "employees are statutory supervisors if (1) they hold the authority to engage in any 1 of the 12 listed supervisory functions, (2) their 'exercise of such authority is not of a merely routine or clerical nature, but 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., 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., 348 NLRB 686, 687 (2006).

Here, White has significant and independent discretionary authority because she possesses authority to responsibly direct her subordinates. First, the position description states that the position holds the authority to direct employees and White confirms that she supervises her subordinates and completes their performance evaluations. Further, based on this evidence, the position holder, White, exercises the use of independent judgment and is accountable for her subordinate's work because the designation is presumed proper under Section 6.1(d) of the Act and the position description does not expressly limit the position holder's discretion, independent authority, or accountability.

Similarly, White has significant and independent discretionary authority because she possesses authority to discipline her subordinates and effectively recommend discharge and

suspension. White admits that she has authority to discipline. Further, she never denied that she had authority to recommend suspension and discharge. Finally, these recommendations are presumed effective because White does not identify any circumstances in which her superiors ever rejected her recommendations, despite the fact that AFSCME specifically solicited such information from her on the questionnaire.

Notably, White's answers on the AFSCME questionnaire do not alter the conclusion that she exercises independent judgment. Although White asserts that she disciplines her subordinates on time and attendance "as required by the union contract," she does not assert that her disciplinary authority is limited to those subjects nor does she assert that the contract removes her discretion to initiate discipline or to determine the penalty imposed.

Thus, this designation is properly made.

g. 37015-34-60-110-00-01 - Houghland, Donnie

CMS's designation of this position is proper because the designation is presumed to be properly made and AFSCME has introduced no evidence to suggest that CMS has limited the position holder's discretion or independent authority, within the meaning of Section 6.1(c)(ii).

As noted above, "employees are statutory supervisors if (1) they hold the authority to engage in any 1 of the 12 listed supervisory functions, (2) their 'exercise of such authority is not of a merely routine or clerical nature, but 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., 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., 348 NLRB 686, 687 (2006).

Here, Houghland has significant and independent discretionary authority because he possesses authority to assign work to his subordinates. First, the position description states that the position holds the authority to assign work to employees and Houghland confirms, by implication, that he assigns work to at least one of his subordinates. Although he denies assigning work to three of his four subordinates, he never denied assigning work to the fourth. Further, based on this evidence, the position holder, Houghland, exercises the use of independent judgment and materially effects his subordinates' terms and conditions of employment because the designation is presumed proper under Section 6.1(d) of the Act and the position description does not expressly limit the position holder's discretion or independent authority.

Thus, the designation is presumed properly made.

IV. Conclusions of Law

The Governor's designation in this case is 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 in the Department of Veterans' Affairs are excluded from the self-organization and collective bargaining provisions of Section 6 of the Illinois Public Labor Relations Act:

37015-34-00-000-01-01	Veterans' Home Coordinator	Diehl, Gwen
37015-34-00-300-00-01	Public Service Administrator	Easley, Dee
37015-34-25-100-00-01	Central Division Supervisor	Tisdale, Lisa
37015-34-25-200-00-01	Northern Division Supervisor	Willis, William
37015-34-25-300-00-01	Southern Division Supervisor	White, Earl
37015-34-25-500-00-01	Metro Division Supervisor	Vaughn, Anthony
37015-34-30-210-10-01	Public Service Administrator	White, Carrol
37015-34-40-120-00-01	Adjutant	Pierard, Luann
37015-34-50-200-01-01	Public Service Administrator	vacant/Manteno/Fill
37015-34-60-110-00-01	Adjutant	Houghland, Donnie

VI. Exceptions

Pursuant to Section 1300.90 and 1300.130 of the Board's Rules and Regulations, 80 Ill. Admin. Code Parts 1300,⁴ parties may file exceptions to the Administrative Law Judge's recommended decision and order, and briefs in support of those exceptions, not later than 3 days after service of the recommended decision and order. All exceptions shall be filed and served in accordance with Section 1300.90 of the Board's Rules. Exceptions must be filed by electronic mail to ILRB.Filing@illinois.gov. 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.

⁴ Available at <http://www.state.il.us/ilrb/subsections/pdfs/Section%201300%20Illinois%20Register.pdf>.

Issued at Chicago, Illinois this 3rd day of February, 2014

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

/s/ Anna Hamburg-Gal

**Anna Hamburg-Gal
Administrative Law Judge**