

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

State of Illinois, Department of Central)	
Management Services (Department of)	
Corrections),)	
)	
Employer,)	
)	
and)	Case Nos. S-DE-14-186
)	S-DE-14-187
American Federation of State, County)	S-DE-14-188
and Municipal Employees, Council 31,)	S-DE-14-189
)	S-DE-14-190
Labor Organization-Objector,)	S-DE-14-191
)	
and)	
)	
Linda Rhoden, Mary Moos, Cornell Scott)	
Stahlman, James Clinton, Michael Dooley)	
Kenneth Harris, Deanna Bandy, Kathleen)	
Greer, Terri Barnosky, Lisa Flowers, Alyssa)	
Williams-Schafer, Glenda Wortly, Susan Kerr,)	
Deborah Isaacs, Nona Hohnsbehn, Gail Walls,)	
Charlotte Miget, Lisa Lercher, Susan Griffin,)	
Becky Sudbrink, Sheri Lynn, Jeanne Wood)	
Michelle Moeller, John Anderson, Mark)	
Bader, Matthew Pogue, Beth Kiel, Lynnette)	
Colvis and Candyce Thompson,)	
)	
Employee-Objectors.)	

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

Section 6.1 of the Illinois Public Labor Relations Act, 5 ILCS 315/6.1 (2012) (Act) *added* by Public Act 97-1172 (effective 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 (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 properly qualify for designation, the employment position must meet one or more of the following five requirements:

- (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

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. 14,066 (September 6, 2013). These rules are contained in Part 1300 of the Board's Rules and Regulations, 80 Ill. Admin. Code Part 1300.

I. PETITIONS

On January 17, 2014, the State of Illinois, Illinois Department of Central Management Services (CMS), on behalf of the Governor, filed the following designation petitions pursuant to Section 6.1(b)(5) of the Act and Section 1300.50 of the Board's Rules. All six of the petitions seek the designation of Public Service Administrator (PSA) positions at the Department of Corrections. (DOC or Corrections)²

S-DE-14-186

The State amended their petition on February 4, 2014,³ so that the following 82 PSA-Option 1 positions at Corrections are identified for designation:

<u>Position No.</u>	<u>Working Title</u>	<u>Incumbent</u>
37015-29-00-000-12-01	Senior Policy Advisor	McCraven, Xadrian
37015-29-00-000-20-01	EEO/AA Officer	Fair, Vicki
37015-29-00-000-50-01	Administrative Asst 3	Vacant
37015-29-00-000-70-01	Chief Records Officer	Jackson, Glenn
37015-29-00-000-71-01		Bickle, Julia
37015-29-00-000-71-02		Vacant
37015-29-00-151-00-01	Background Screening Mgr.	Kiel, Beth
37015-29-00-152-00-01	Central Screening Mgr.	Vacant
37015-29-00-153-00-01	Drug Screening Supervisor	Meyerholz, Myra
37015-29-00-210-00-01	Admin. of Inmate Issues	Anderson, Terri

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 here.

² I will also refer to the Employer as the State.

³ The following are the positions sought in the original petition and withdrawn in the amended petition:

37015-29-61-270-00-01	Infant Development Adm.	Carol Brand
37015-29-06-243-00-01	Industry Superintendent	Vacant
37015-29-06-254-00-01	Industry Superintendent	Vacant
37015-29-88-100-00-01	Business Administrator	Lamothe, Mark
37015-29-91-100-00-01	Business Administrator	Vacant
37015-29-92-100-00-01	Business Administrator	Vacant

37015-29-00-221-00-01	Transfer Coordinator	
37015-29-00-900-00-01		White, Steven
37015-29-01-100-00-01	HR Agency Liaison	Wanless, Karey
37015-29-01-100-10-01		Goosby, Efia
37015-29-01-100-10-02		Vacant
37015-29-01-100-10-03		Wargel, Larry
37015-29-01-320-00-01	Planning Supervisor	Vacant
37015-29-01-400-00-01		Beekman, Echo
37015-29-02-000-13-01		Stahlman, Joni
37015-29-04-050-00-01	Supv. Jail & Deten. Stndrds	Funk, Michael
37015-29-04-100-05-01		Tellez-Carlson, Maria
37015-29-05-001-00-01	Admin., Parole Adjust. Prog.	Shipinski, Sharon
37015-29-05-600-01-01		Ward, Pamela
37015-29-06-100-20-01	Industry Superintendent	Beckmann, Mark
37015-29-06-100-30-01	Industry Superintendent	Rhoden, Linda
37015-29-06-100-40-01	Industry Superintendent	Holt, Mark
37015-29-06-210-00-01		Rossi, Neil
37015-29-06-210-10-01	Assistant Marketing Mgr.	Stahlman, Cornell
37015-29-06-210-20-01	So. Region Marketing Mgr.	Hampton, Richard
37015-29-06-211-00-01	Industry Superintendent	Bowen, George
37015-29-06-212-00-01	Warehouse/Trucking Mgr.	Sapp, David
37015-29-06-214-00-01	Industry Superintendent	Clinton, James
37015-29-06-230-00-01	Garment Mgr.	McFadden, Michael
37015-29-06-235-00-01	Industry Superintendent	Vacant
37015-29-06-236-00-01	Industry Superintendent	Dooley, Michael
37015-29-06-241-00-01	Industry Superintendent	Melvin, Christopher
37015-29-06-246-00-01	Industry Superintendent	Harris, Kenneth
37015-29-06-251-00-01	Industry Superintendent	Pogue, Matthew
37015-29-06-252-00-01	Industry Superintendent	Thompson, Candyce
37015-29-06-253-00-01	Industry Superintendent	Probst, Gary
37015-29-10-000-40-01	So. Dist Coord of Voc Prog.	Mattingly, Kathleen
37015-29-10-000-50-01	No. Dist Coord of Adult Ed.	Eifert, Robert
37015-29-40-211-00-01	Compliance & Control Mgr.	Bandy, Deanna
37015-29-40-211-20-01	C&C Transactions Mgr.	Vacant
37015-29-40-211-21-01	Transactions Supervisor	Mizera, Melissa
37015-29-40-211-30-01	Transactions Supervisor	Moos, Mary
37015-29-40-211-40-01	C & C HR Func Proc. Supv.	Clark, Deanna
37015-29-40-212-00-01	Benefits Process Mgr.	Meierdirks, Larry
37015-29-40-214-00-01	Payroll/Timekeeping Mgr.	Wunder, Sharon
37015-29-40-214-10-01		Motley, Julie
37015-29-40-221-00-01	Classification Process Mgr.	Greer, Kathleen

37015-29-40-221-10-01	Classification Supervisor	Flournoy, Ilona
37015-29-40-221-20-01	Classification Supervisor	Barnosky, Terri
37015-29-40-222-00-01	Hiring Process Mgr.	Owen, Tara
37015-29-40-322-10-01	Grants Manager	Krause, Charles
37015-29-40-331-00-01	Purchasing Supervisor	Kennedy, Julie
37015-29-40-332-00-01	Procurement/Contract Mgr.	Vacant
37015-29-40-332-10-01	Sourcing Supervisor	Knauer, Michael
37015-29-55-100-00-01	Business Administrator	Pirtle, Mark
37015-29-56-100-00-01	Business Administrator	Wilson, Harold
37015-29-57-100-00-01	Business Administrator	Anderson, John
37015-29-58-100-00-01	Business Administrator	Vacant
37015-29-61-100-00-01	Business Administrator	Booth, Bob
37015-29-62-100-00-01	Business Administrator	Clem Pierce, Jennifer
37015-29-63-100-00-01	Business Administrator	Bader, Mark
37015-29-80-100-00-01	Business Administrator	Wait, Roger
37015-29-82-000-00-01	Executive Assistant	Strock, Steven
37015-29-82-180-00-01	R&C Business Adm.	Wood, Tim
37015-29-83-100-00-01	Business Administrator	Vacant
37015-29-83-110-00-01	Business Administrator	Colvis, Lynette
37015-29-85-000-01-01		Ramirez, Marsha
37015-29-85-100-00-01	Business Administrator	Vacant
37015-29-86-100-00-01	Business Administrator	McCall, Alice J.
37015-29-87-100-00-01	Business Administrator	Flowers, Lisa
37015-29-90-100-00-01	Business Administrator	Garcia, Robert
37015-29-93-100-00-01	Business Administrator	Nicklaus, Sonja
37015-29-94-100-00-01	Business Administrator	Grimsley, Michelle
37015-29-95-100-00-01	Business Administrator	Allen, John
37015-29-96-100-00-01	Business Administrator	Shupe, Gloria
37015-29-97-100-00-01	Business Administrator	Costello, Karen
37015-29-98-100-00-01	Business Administrator	Smith, John
37015-29-99-100-00-01	Business Administrator	Anderson, Pamela

S-DE-14-187

The following 13 PSA-Option 2 positions at Corrections are identified for designation:

<u>Position No.</u>	<u>Working Title</u>	<u>Incumbent</u>
37015-29-00-800-10-01	External/Internal Auditor	Faith, Ronald
37015-29-00-800-20-01	External Auditor	Vacant
37015-29-00-800-30-01	Internal Auditor	Vacant
37015-29-06-100-10-01		Root, Richard
37015-29-40-311-00-01	Fixed Ass./Prop. Cntl. Mgr	Kerr, Steven
37015-29-40-312-00-01	Accts Rec. & Funds Mgr.	Roland, Christine

37015-29-40-313-00-01	Procurement 4 Manager	Sharpe, Brenda
37015-29-40-321-00-01	Mgr of General Accounting	Vacant
37015-29-40-323-10-01	Reporting Supervisor	Sogunro, Augustine
37015-29-40-323-20-01	Audits Supervisor	Miller, Debra
37015-29-40-332-20-01	Contract Mgmt. Sup.	O'Connor, Carol
37015-29-40-333-10-01	Budget Supervisor	Vacant
37015-29-40-333-20-01	Budget Supervisor	Lokaitis, Jennifer

S-DE-14-188

The following 3 PSA-Option 6 positions at Corrections are identified for designation:

<u>Position No.</u>	<u>Working Title</u>	<u>Incumbent</u>
37015-29-02-300-00-01	Sex Offender Serv. Coord.	Williams-Schafer, Alyssa
37015-29-02-500-10-01		Mays, Delores
37015-29-55-210-00-01	Health Care Unit Admin	Sisson, Jonathan

S-DE-14-189

The following 6 PSA-Option 8C positions at Corrections are identified for designation:

<u>Position No.</u>	<u>Working Title</u>	<u>Incumbent</u>
37015-29-06-100-11-01	Accounting Manager	Burnett, Wanda
37015-29-40-324-00-01		Rapaport, Joel
37015-29-40-324-00-02		Murphy, Devin
37015-29-40-324-00-03		McCombs, Diane
37015-29-40-324-00-04		Vacant
37015-29-40-324-00-05		Bull, Christa

S-DE-14-190

On February 4, 2014, the State amended its petition,⁴ so that the following 35 PSA-Option 8N positions at Corrections are identified for designation:

<u>Position No.</u>	<u>Working Title</u>	<u>Incumbent</u>
37015-29-56-210-10-01	Health Care Unit Adm.	Wortley, Glenda
37015-29-57-210-10-01	Health Care Unit Adm.	Kerr, Susan
37015-29-58-210-10-02	Health Care Unit Adm.	Isaacs, Deborah
37015-29-59-210-00-01	Health Care Unit Adm.	Hohnsbehn, Nona
37015-29-61-210-00-01	Health Care Unit Adm.	Cowger, Lori
37015-29-61-210-10-01	Nursing Supervisor	Vacant
37015-29-62-210-00-01	Health Care Unit Adm.	Brown, Christine

⁴The positions originally sought and then withdrawn are as follows:

37015-29-87-210-10-01	Health Care Unit Adm.	Vacant
37015-29-93-210-00-01	Health Care Unit Adm.	Vacant

37015-29-63-210-00-01	Health Care Unit Adm.	Martin, Phillip
37015-29-80-210-00-01	Health Care Unit Adm.	Duffield, Nicolette
37015-29-80-210-10-01	Director of Nurses	Ssenfuma, Joseph
37015-29-82-210-00-01	Health Care Unit Adm.	Brown-Reed, Royce
37015-29-82-210-60-01	Nursing Supervisor	Trevino, Dolores
37015-29-82-431-20-01	Nursing Director	Martin, Ester
37015-29-82-431-21-01	Nursing Supervisor	Vander Weit, Joy
37015-29-82-431-21-02	Nursing Supervisor	Vacant
37015-29-83-210-00-01	Health Care Unit Adm.	Malley, Nikki
37015-29-83-210-10-01	Director of Nurses	Walls, Gail
37015-29-83-210-11-01	Nursing Supervisor	Vinyard, Nigel
37015-29-83-210-11-02	Nursing Supervisor	Miget, Charlotte
37015-29-83-210-11-03	Nursing Supervisor	Crain, Angela
37015-29-85-210-00-01	Health Care Unit Adm.	Arroyo, Teresa
37015-29-86-210-00-01	Health Care Unit Adm.	George, Penny
37015-29-88-210-00-01	Health Care Unit Adm.	Lercher, Lisa
37015-29-88-210-10-01	Director of Nurses	Johnson, Lisa
37015-29-90-210-00-01	Health Care Unit Adm.	Griffin, Susan
37015-29-90-210-60-01	Director of Nurses	Johnson, Mary L.
37015-29-91-210-00-01	Health Care Unit Adm.	Jepsen, Tina
37015-29-91-210-00-01	Health Care Unit Adm.	Allen, Amber
37015-29-91-210-10-01	Nursing Supervisor	Vacant
37015-29-93-210-20-01	Director of Nurses	Vacant
37015-29-93-210-21-01	Nursing Supervisor	Vacant
37015-29-93-210-21-02	Nursing Supervisor	Vacant
37015-29-94-210-00-01	Health Care Unit Adm.	Sudbrink, Becky
37015-29-95-210-00-01	Health Care Unit Adm.	Lisa Lercher
37015-29-96-210-00-01	Health Care Unit Adm.	Lynn, Sherri

S-DE-14-191

On February 4, 2014, the State amended its petition⁵ so that the following 13 PSA-Option 8T positions at Corrections are identified for designation:

<u>Position No.</u>	<u>Working Title</u>	<u>Incumbent</u>
37015-29-10-201-00-01	Educ. Facility Admin.	Cross, Bryan
37015-29-10-202-00-01	Educ. Facility Admin.	Zahm, Heather
37015-29-10-203-00-01	Educ. Facility Admin.	Bonifield, Geneva
37015-29-10-206-00-01	Educ. Facility Admin.	Watson, Brian
37015-29-10-214-00-01	Educ. Facility Admin.	Wood, Jeanne

⁵ The following position was originally sought and then withdrawn:
37015-29-10-401-00-01

Educ. Facility Admin.

Jennifer Wheat

37015-29-10-301-00-01	Educ. Facility Admin.	Musser, Randall
37015-29-10-302-00-01	Educ. Facility Admin.	Simmons, Lisa
37015-29-10-304-00-01	Educ. Facility Admin.	Perkins, Gary
37015-29-10-306-00-01	Educ. Facility Admin.	Burgin, Rebecca
37015-29-10-307-00-01	Educ. Facility Admin.	Moeller, Michelle
37015-29-10-309-00-01	Educ. Facility Admin.	Vacant
37015-29-10-405-00-01	Educ. Facility Admin.	Sessler, Gail
37015-29-10-415-00-01	Educ. Facility Admin.	Twagilimana, Augustin

In support of its petitions, CMS filed position descriptions (CMS-104s) for each position, affidavits from individuals with knowledge of the duties and responsibilities of the at-issue positions, and a summary spreadsheet with each position listed. The spreadsheets reveal the following information concerning the Board’s process of including the petitioned for positions into State bargaining units:

<u>Petition</u>	<u>Position</u>	<u>Unit</u>	<u>Date Included</u>	<u>Board Case No.</u>
S-DE-14-186	PSA-Option 1	RC-63	January 20, 2010	S-RC-08-036
S-DE-14-187	PSA-Option 2	RC-62	November 18, 2009	S-RC-07-048
S-DE-14-188	PSA-Option 6	RC-63	December 2, 2008	S-RC-07-178&07-150
S-DE-14-189	PSA-Option 8C	RC-62	October 15, 2010	S-RC-10-138
S-DE-14-190	PSA-Option 8N	RC-63	October 28, 2009	S-RC-04-130
S-DE-14-191	PSA-Option 8T	RC-63	September 28, 2009	S-RC-08-152&09-002

II. OBJECTIONS

The American Federation of State, County and Municipal Employees, Council 31 (AFSCME) filed objections to the designation in all 6 petitions pursuant to Section 1300.60(a)(3) of the Board’s Rules. AFSCME filed its objections to S-DE-14-187 and 189 on January 31, 2014, and its objections to S-DE-14-186, 188, 190 and 191 on February 3, 2014.

Between January 24 and February 3, 2014, the following 23 individuals timely filed objections to the designation of their positions: Linda Rhoden, Cornell Scott Stahlman, James Clinton, Michael Dooley, Kenneth Harris, Deanna Bandy, Mary Moos, Kathleen Greer, Terri Barnosky, Lisa Flowers, Alyssa Williams-Schafer, Glenda Wortly, Susan Kerr, Deborah Isaacs, Nona Hohnsbehn, Gail Walls, Charlotte Miget, Lisa Lercher, Susan Griffin, Becky Sudbrink, Sheeri Lynn, Jeanne Wood and Michelle Moeller.

A. AFSCME’S OBJECTIONS

AFSCME included the following documents in support of its objections: affidavits by Tracy Abman; and AFSCME Information Forms, with attachments, completed by all the individuals on whose behalf AFSCME filed position specific objections.

AFSCME objects to the designation in a number of ways. Through its written objections and documents, AFSCME makes the following arguments.⁶

1. Constitutional Claims

AFSCME argues that Section 6.1 violates provisions of the United States and Illinois Constitutions in a number of ways. First, the designation is an improper delegation of legislative authority to the executive branch. Second, selective designation results in employees being treated unequally based on whether an individual's position was subject to a designation petition. Third, the designation unlawfully impairs the contractual rights of individuals whose positions were subject to the provision of a collective bargaining agreement prior to the position being designated for exclusion.

AFSCME also contends that because the "employees holding the position identified by this petition are covered by a collective bargaining agreement which CMS entered into subsequent to the enactment of [Section] 6.1, the designation of these positions "violates due process and is arbitrary and capricious."

2. Substantive Claims

AFSCME contends that under the National Labor Relations Board (NLRB) precedent and case law interpreting the same, any claim of supervisory or managerial status requires that the party raising the exclusion bear the burden of proof. AFSCME argues that CMS seeks the exclusion of employees who are not "supervisors" or "managers" as defined by the National Labor Relations Act (NLRA), 29 U.S.C. 152 *et seq.*, or NLRB. AFSCME contends that CMS has presented evidence only that the at-issue positions are authorized to complete such job duties, not that the employees actually exercise that authority. Accordingly, AFSCME argues that CMS should bear the burden of proving that the designated employees exercise duties that would make them supervisory or managerial, that the position exercises managerial discretion rather than just professional discretion, and that the designated position has different duties than a position with the same title that performs "wholly professional" duties.

AFSCME further contends that CMS cannot prove a position is managerial where the position description identifies that the position effectuates policies but does not identify specific policies the position effectuates. AFSCME argues that CMS cannot prove that an employee is a supervisor by generalizing supervisory functions rather than demonstrating that the employee has

⁶ AFSCME filed separate objections to each petition. I have attempted to address all the general objections made as a group and will address each petition's objections separately only when discussing the position-specific objections.

actual authority to act or effectively recommend one of the 11 enumerated supervisory functions.

3. Position-specific Objections

In addition to the general objections described above, AFSCME, relying on information submitted to it by the employees, makes specific arguments regarding the authority of positions and the accuracy of the position descriptions for many positions.

B. INDIVIDUAL OBJECTIONS

The following is the list of all positions that either AFSCME or individuals filed objections to. There are 73 total positions objected to. The positions where individuals filed objections are marked by an asterisk. Positions where both AFSCME and the individual filed position specific objection are marked with a double asterisk. The remaining positions are those where only AFSCME filed position specific objections.

S-DE-14-186: PSA Option 1 (39 Positions)

<u>Position No.</u>	<u>Working Title</u>	<u>Incumbent</u>
37015-29-00-151-00-01	Background Screening Mgr.	Kiel, Beth**
37015-29-00-152-00-01	Central Screening Mgr.	Vacant
37015-29-00-153-00-01	Drug Screening Supervisor	Meyerholz, Myra
37015-29-00-210-00-01	Admin. of Inmate Issues	Anderson, Terri
37015-29-00-900-00-01		White, Steven
37015-29-04-050-00-01	Supv. Jail & Deten. Stndrds	Funk, Michael
37015-29-04-100-05-01		Tellez-Carlson, Maria
37015-29-06-100-20-01	Industry Superintendent	Beckmann, Mark
37015-29-06-100-30-01	Industry Superintendent	Rhoden, Linda**
37015-29-06-100-40-01	Industry Superintendent	Holt, Mark
37015-29-06-210-10-01	Assistant Marketing Mgr.	Stahlman, Cornell**
37015-29-06-212-00-01	Warehouse/Trucking Mgr.	Sapp, David
37015-29-06-214-00-01	Industry Superintendent	Clinton, James*
37015-29-06-236-00-01	Industry Superintendent	Dooley, Michael**
37015-29-06-241-00-01	Industry Superintendent	Melvin, Christopher
37015-29-06-246-00-01	Industry Superintendent	Harris, Kenneth**
37015-29-06-251-00-01	Industry Superintendent	Pogue, Matthew**
37015-29-40-211-00-01	Compliance & Control Mgr.	Bandy, Deanna*
37015-29-40-211-21-01	Transactions Supervisor	Mizera, Melissa
37015-29-40-211-30-01	Transactions Supervisor	Moos, Mary**
37015-29-40-211-40-01	C & C HR Func Proc. Supv.	Clark, Deanna
37015-29-40-221-00-01	Classification Process Mgr.	Greer, Kathleen**
37015-29-40-221-10-01	Classification Supervisor	Flournoy, Ilona
37015-29-40-221-20-01	Classification Supervisor	Barnosky, Terri*
37015-29-55-100-00-01	Business Administrator	Pirtle, Mark
37015-29-57-100-00-01	Business Administrator	Anderson, John**
37015-29-58-100-00-01	Business Administrator	Vac Kylie Lynn Pruitt
37015-29-61-100-00-01	Business Administrator	Booth, Bob

37015-29-62-100-00-01	Business Administrator	Clem Pierce, Jennifer
37015-29-63-100-00-01	Business Administrator	Bader, Mark**
37015-29-82-180-00-01	R&C Business Adm.	Wood, Tim
37015-29-83-110-00-01	Business Administrator	Colvis, Lynette**
37015-29-85-000-01-01		Ramirez, Marsha
37015-29-87-100-00-01	Business Administrator	Flowers, Lisa**
37015-29-94-100-00-01	Business Administrator	Grimsley, Michelle
37015-29-95-100-00-01	Business Administrator	Allen, John
37015-29-96-100-00-01	Business Administrator	Shupe, Gloria
37015-29-98-100-00-01	Business Administrator	Smith, John
37015-29-99-100-00-01	Business Administrator	Anderson, Pamela
37015-29-06-252-00-01	Industry Superintendent	Thompson, Candyce*

S-DE-14-187: PSA Option 2 (2 Positions)

<u>Position No.</u>	<u>Working Title</u>	<u>Incumbent</u>
37015-29-40-323-10-01	Reporting Supervisor	Sogunro, Augustine
37015-29-40-332-20-01	Contract Mgmt. Sup.	O'Connor, Carol

S-DE-14-188: PSA Option 6 (2 Positions)

<u>Position No.</u>	<u>Working Title</u>	<u>Incumbent</u>
37015-29-02-300-00-01	Sex Offender Serv. Coord.	Williams-Schafer, Alyssa*
37015-29-02-500-10-01		Mays, Delores

S-DE-14-189: PSA Option 8C (5 Positions)

<u>Position No.</u>	<u>Working Title</u>	<u>Incumbent</u>
37015-29-06-100-11-01	Accounting Manager	Burnett, Wanda*
37015-29-40-324-00-01		Rapaport, Joel
37015-29-40-324-00-02		Murphy, Devin
37015-29-40-324-00-03		McCombs, Diane
37015-29-40-324-00-05		Bull, Christa

S-DE-14-190: PSA Option 8N (17 Positions)

<u>Position No.</u>	<u>Working Title</u>	<u>Incumbent</u>
37015-29-56-210-10-01	Health Care Unit Adm.	Wortley, Glenda**
37015-29-57-210-10-01	Health Care Unit Adm.	Kerr, Susan**
37015-29-58-210-10-02	Health Care Unit Adm.	Isaacs, Deborah*
37015-29-59-210-00-01	Health Care Unit Adm.	Hohnsbehn, Nona*
37015-29-62-210-00-01	Health Care Unit Adm.	Brown, Christine
37015-29-63-210-00-01	Health Care Unit Adm.	Martin, Phillip
37015-29-80-210-10-01	Director of Nurses	Ssenfuma, Joseph
37015-29-83-210-00-01	Health Care Unit Adm.	Malley, Nikki
37015-29-83-210-10-01	Director of Nurses	Walls, Gail**
37015-29-83-210-11-02	Nursing Supervisor	Miget, Charlotte**
37015-29-83-210-11-03	Nursing Supervisor	Crain, Angela
37015-29-90-210-00-01	Health Care Unit Adm.	Griffin, Susan*
37015-29-90-210-60-01	Director of Nurses	Johnson, Mary L.
37015-29-91-210-00-01	Health Care Unit Adm.	Jepsen, Tina
37015-29-94-210-00-01	Health Care Unit Adm.	Sudbrink, Becky**

37015-29-95-210-00-01	Health Care Unit Adm.	Lisa Lercher *
37015-29-96-210-00-01	Health Care Unit Adm.	Lynn, Sherri*

S-DE-14-191: PSA Option 8T(8 Positions)

<u>Position No.</u>	<u>Working Title</u>	<u>Incumbent</u>
37015-29-10-206-00-01	Educ. Facility Admin.	Watson, Brian
37015-29-10-214-00-01	Educ. Facility Admin.	Wood, Jeanne**
37015-29-10-302-00-01	Educ. Facility Admin.	Simmons, Lisa
37015-29-10-304-00-01	Educ. Facility Admin.	Perkins, Gary
37015-29-10-306-00-01	Educ. Facility Admin.	Burgin, Rebecca
37015-29-10-307-00-01	Educ. Facility Admin.	Moeller, Michelle**
37015-29-10-405-00-01	Educ. Facility Admin.	Sessler, Gail
37015-29-10-415-00-01	Educ. Facility Admin.	Twagilimana, Augustin

III. DISCUSSION AND ANALYSIS

A. GENERAL OBJECTIONS

1. 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. Servs., 30 PERI ¶80, Case No. S-DE-14-005 etc. (IL LRB-SP Oct. 7, 2013) appeal pending, No. 1-13-3454 (Ill. App. Ct. 1st Dist.)(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 recommended decision and order.

2. Sufficiency of Evidence

AFSCME objects to the designation by arguing that CMS has failed to provide sufficient information to prove that the designated positions are managerial or supervisory. “To the extent an affidavit states that an employee at issue effectuates policies or is authorized to effectuate departmental policy, and the position description for the at issue employee does not define a policy, there can be no showing that the employee is managerial.”⁷⁷ AFSCME also states that the job description and affidavit are insufficient evidence to determine Section 6.1 status; a hearing on each position’s actual duties is necessary prior to making a determination under Section 6.1

However, nothing in the law or accompanying rules require the Governor to identify specific policies an employee is authorized to effectuate. Section 6.1(b) requires the Governor to

⁷ AFSCME Objections, S-DE-14-187

provide only “the job title and job duties of the employment positions; the name of the State employee currently in the employment position, if any; the name of the State agency employing the public employee; and the category under which the position qualifies for designation under this Section.” 5 ILCS 315/6.1(b).

Moreover, the Board’s Rules, the Act, and relevant case law demonstrate that position descriptions provide an adequate basis on which to evaluate the propriety of a designation. First, the Act and the Rules contemplate that the Board may make such a determination based on a job description alone, because they require CMS to provide information concerning a position’s job title and job duties and, at the same time, provide that CMS’s designation is presumed proper once it submits such information. If such information constituted an insufficient basis for considering a designation, the Act and the Rules would not specify that the designation, when completed by the submission of such information, is presumed to be properly made. Second, Illinois Appellate Courts have held that position descriptions alone constitute an adequate basis upon which to evaluate a proposed exclusion. See Vill. of Maryville v. Ill. Labor Rel. Bd., 402 Ill. App. 3d 369 (5th Dist. 2010); Ill. Dep’t of Cent. Mgmt. Servs. v. Ill. Labor Rel. Bd., 2011 IL App (4th) 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 (3rd Dist. 1988).

Accordingly, the position descriptions provide the Board with sufficient evidence from which to establish the propriety of the designations.

3. Burden of Proof

AFSCME argues that CMS should bear the burden because CMS is seeking an exclusion, under NLRA case law, CMS should bear the burden. It argues that even if this burden has been altered by the presumption that the Governor has made a proper designation, CMS has failed to carry out its “elementary burden” of producing evidence in favor of exclusion.

Section 6.1 is a wholly new legislative creation. The Act’s provision that “any designation made by the Governor...shall be presumed to have been properly made,” 5 ILCS 315/6.1(d), shifts the burden of proving that a designation is improper on the objector.

In this case, CMS designated these positions under Section 6.1(b)(5) which provides that the position must “authorize an employee in that position to have significant and independent discretionary authority as an employee.” 5 ILCS 315/6.1(b)(5). The Act then outlines in Section

6.1(c) three tests to determine whether a position has “significant and independent discretionary authority as an employee,” as that term is used in Section 6.1(b)(5). 5 ILCS 315/6.1(c). Thus, the burden is on the objector to demonstrate that the designation is not proper in that the employer has not conferred significant discretionary authority upon that position, as that term is defined in the Act.

AFSCME also argues that CMS should bear the burden of showing that the designated positions have different duties than other positions with the same position title that may be “wholly professional.” This argument does not require additional analysis. To the extent that AFSCME is concerned that the designations may be carried out in an arbitrary manner, that constitutional question is not for the Board to decide. To the extent that this argument is a repackaging of AFSCME’s contention that the designated positions are not managerial because they are “wholly professional,” AFSCME still bears the burden of proving that contention to be true.

B. POSITION SPECIFIC OBJECTIONS

1. Legal Standards

Section 6.1(b)(5) allows the Governor to designate positions that authorize an employee to have “significant and independent discretionary authority.” 5 ILCS 315/6.1(b)(5). The Act goes on to provide 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 a third.⁸ In its petition, CMS contends that the at-issue positions confer on the position holder “significant and independent discretionary authority” as further defined by either Section 6.1(c)(i) or both Section 6.1(c)(i) and (ii).

In order to meet the burden to raise an issue that might overcome the presumption that the designation is proper, the objector must provide specific examples to negate each of the three tests set out in Section 6.1(c). If even one of the three tests is met, then the objector has not sufficiently raised an issue, and the designation is proper. Ill. Dep’t Cent. Mgmt. Serv., 30 PERI ¶85.

⁸ Section 6.1(c) reads in full as follows: For the purposes of this Section, 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 ILCS 315/6.1(c).

The first test under Section 6.1(c)(i) is substantively similar to the traditional test for managerial exclusion articulated in Section 3(j). To illustrate, Section 6.1(c)(i) provides that a position authorizes an employee in that position 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.” 5 ILCS 315/6.1(c)(i).

“Executive and management functions” are those that specifically relate to the running of an agency including establishing policies and procedures, preparing a budget, or otherwise assuring that an agency or department runs effectively. Dep’t of Cent. Mgmt. Serv. (Pollution Control Bd.), v. Ill. Labor Rel. Bd., State Panel (“PCB”), 2013 IL App (4th) 110877 ¶ 25; Dep’t of Cent. Mgmt. Serv./ Illinois Commerce Com’n v. Ill. Labor Rel. Bd. (“ICC”), 406 Ill. App. 766, 774 (4th Dist. 2010).

Though similar to the Act’s general definition of managerial employee in Section 3(j), 5 ILCS 315/3(j), the Section 6.1(c)(i) definition is broader in that it does not include a predominance element 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/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 Cent. Mgmt. Serv. (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 at 387); INA, 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 that the position holder is charged with carrying out the policy in order to meet its objectives.

The Section 6.1(c)(i) test 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. Serv. (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.” INA, 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 implementation 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 second test under Section 6.1(c)(i) indicates that a designation is proper if the position holder "represents management interests by taking or recommending discretionary actions that effectively control or implement the policy of a State agency." 5 ILCS 315/6.1(c)(i). This second test allows a position to be designated upon a showing that it either (a) takes discretionary actions that effectively control or implement agency policy or (b) effectively recommends such discretionary actions.

The third test, under Section 6.1(c)(ii), provides that an employee has "significant and discretionary authority" if he or she qualifies as a supervisor within the meaning of the National Labor Relations Act. 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. ("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 Auto 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.

A designation on the grounds that the employee is supervisory as defined in Section 6.1(c)(ii) is appropriate where: (1) the designated employee has the authority to engage in any of the enumerated supervisory functions (hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their

grievances); (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. State of Ill., Dep't of Cent. Mgmt. Servs., (Dep't of Public Health) (“DPH”), Case No. S-DE-14-111 (IL LRB-SP November 27, 2013) appeal pending, No. 1-13-3911 (Ill. App. Ct. 1st Dist.) (*citing* Kentucky River, 532 U.S. at 713, and Oakwood Healthcare, 348 NLRB at 687.).

A position is authorized with the responsibility to direct if the position holder has subordinates, decides what jobs his subordinates should perform next, and who should perform those tasks. *Id.* Moreover, the position holder must be accountable for his subordinates’ work and must carry out such direction with independent judgment. Oakwood Healthcare, 348 NLRB at 691-2. 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.

2. Positions Without Specific Objections

With respect to these positions for which AFSCME and the individual in the position have failed to provide any position-specific information or evidence, I find that they have failed to overcome the presumption of validity. Accordingly, I find that these designations are proper.

3. Positions With Specific Objections -Pre-Hearing Resolution

The law creates a presumption that designations made by the Governor are properly made. In order to overcome the presumption of a properly submitted designation under Section 6.1(b)(5), the objectors would first need to raise an issue of law or fact that the position does not meet either of the managerial tests set out in Section 6.1(c)(i) or the supervisory test set out in Section 6.1(c)(ii).

I have reviewed and considered the designation petition, the documents accompanying the designation petitions, the objections raised by AFSCME, the objections raised by individual employees, and the documents submitted in support of the objections, and I find that, for the majority of the positions, the objections fail to provide information sufficient to overcome the presumption that the designation is proper. Thus, I find there is not an issue of law or fact

sufficient to warrant a hearing for the following positions, and find their designation to be proper:

a. S-DE-14-186

1) Business Administrator

The Business Administrator (BA) positions are located at the various correctional centers throughout the State. Objections have been filed on 18 positions. Except where indicated, the objections all mirror one another, objecting to the same items in the same language.

The BA directs and coordinates the budgetary process with the facility and General Office; controls and evaluates all phases of the business and fiscal functions at the respective correctional facility; attends meetings of the Warden and executive staff and advises on program formulation; coordinates and directs purchasing, requisitioning and storage; ensures compliance with the State Purchasing Act; assigns and reviews the work of subordinates, and is charged with counseling staff on work performance, take corrective action, monitor work flow and prepares and signs performance evaluations. Except where indicated below, the BA reports directly to the Warden at his/her correctional center. The BAs have several subordinates. Many of these positions, especially the Supply Supervisor, Accountant and Accountant Advanced positions, also have subordinates, so that the total number of employees serving under a BA can range up to 25 positions.

Mark Pirtle

Pirtle is the BA at the Illinois River Correctional Center. In his objections, he states that he coordinates rather than directs the budgetary process and purchasing and does not have the discretion the word directs implies. He oversees the accountants as any supervisor would. A Supply Supervisor, BA Specialist, Accountant and Office Coordinator report to Pirtle. He assigns and directs work as outlined in their position descriptions and assists staff in prioritizing their workloads. He objects to being designated as a supervisor when other similar supervisors at the correctional center are not being targeted.

John Anderson

Anderson is the BA at Robinson Correctional Center. His objections are the same as Pirtle's. A vacant Supply Supervisor position, Accountant, LAN Administrator, and 3 clerical employees report to him. His statement on his supervisory authority is the same as Pirtle's.

Kylie Lynn Brand

Brand filed her objection as the BA for Big Muddy Correctional Center, no. 37015-29-

58-100-00-01, a position listed in the Petition as being vacant. Brand's objections are the same as Pirtle's. A Supply Supervisor, BA Specialist, Accountant Advanced, Account Tech and 4 clerical employees report to Brand.

Robert Booth

Booth is the BA at the Decatur Correctional Center. His objections are the same as the others. He has the following employees reporting to him: Supply Supervisor, Business Manager, Accountant Supervisor, Account Technician, LAN Administrator and a vacant Office Coordinator.

Jennifer Clem-Pierce

Clem-Pierce is the BA at the Pinckneyville Correctional Center. A Supply Supervisor, Business Manager, Office Administrator II, Accountant, LAN Administrator and 3 clericals report directly to her.

Mark Bader

Bader is the BA at the Lawrence Correctional Center. A Supply Supervisor, Business Manager, Accountant Supervisor, LAN Administrator and Office Coordinator report directly to Bader.

Tim Wood

Wood is the R&C BA for Stateville Correctional Center. While his title is slightly different from the other BAs, his job description is similar, though the organizational chart lists the R&C BA position as a vacant position reporting to the BA, where Tim Wood is listed as the incumbent. However the position number listed in both the State's affidavit, job description and Wood's objections is the position number for the R&C BA position, not the BA position. In Wood's objections, he refers to himself as BA, reporting directly to the Warden, not as the R&C BA, reporting to the BA. For purposes of this case, I will be dealing with position number 37015-29-82-~~100~~-00-01 and not 37015-29-82-~~100~~-00-01.

Wood's objections lists the following positions reporting directly to him: Supply Supervisor, Business manager, Account Technician, accountant Supervisor and Accountant, Executive Assistants.

Lynette Colvis

Colvis is listed as the BA for the Menard Correctional Center. Currently an Account Tech, Office Associate and Office assistant report to her, though there are 3 other vacant positions eligible to report to Colvis. In her objections she explains that Menard is unusual in having 2 Business Administrator positions. Her BA position reports to a vacant BAI position,

which in turn reports to the Warden. Her job description states that she directs and coordinates the business office and service operations at Menard; monitors employee payroll, timekeeping and worker's compensation, directs automated purchasing, procurements and other business office functions. Colvis implements and reviews policies, assigns and reviews work.

She states that she reviews the work of her subordinates to ensure that Administrative Directives (ADs), Institutional Directives (IDs) and rules are followed.

Lisa Flowers

Flowers is the BA at the Vandalia Correctional Center. The Supply Supervisor, Business Manager, Account Supervisor, Office Coordinator, and Office Associate report to her.

Robert Garcia

Garcia is the BA at Graham Correctional Center. He states that he plans and organizes his workloads but that the Union and Warden control his ability to assign work. He coordinates rather than directs the budget purchasing and requisitioning processes. A Business Manager, Accountant Supervisor, both with subordinates, and an Office Coordinator report to him. He states that he assists them in prioritizing their workloads and otherwise assigns and directs within the confines of the contract and job descriptions.

John Allen

Allen is the BA at Lincoln Correctional Center. A Supply Supervisor with 5 subordinates and an Accountant Supervisor with 4 subordinates report to Allen.

Gloria Shape

Shape is the BA for the Shawnee Correctional Center. A Supply Supervisor, Business Administrative Specialist, Accountant, LAN Administrator and 3 clericals report to Allen

John E. Smith

Smith is the BA for Hill Correctional Center. A Supply Supervisor, Business Manager, Accountant Advanced, Office Admin. Specialist, Office Coordinator and Office Associate report to smith.

Pamela Anderson

Anderson is the BA at the Western Correctional Center. The Supply Supervisor, Business Admin. Specialist, Accountant, LAN Administrator, Account Tech II and Office associate positions report to Anderson.

Conclusion

The BA position is charged with running the fiscal and business operations, including

supplies, at the assigned correctional center. These are clearly management and executive functions. The positions also effectuates management policies and procedures and are, thus, properly designated as managerial employees. The BA objections all take issue with the degree of autonomy they have, stating that major decisions must be run by the Warden or central business office in Springfield. Even if their discretion is somewhat restricted, it is clear that they are charged with managing the day to day business and fiscal operations at their facility.

Additionally, the BAs are supervisors as defined in Section 6.1. They all assign and direct the work of many subordinates and prepare performance evaluations. While the objections all state that their supervisory functions are restricted by rules and the contract, that does not affect the fact that they have some discretion in the exercise of these duties. There is nothing that indicates they will not suffer adverse consequences if their subordinates do not fulfill their duties in running the business and fiscal operations at their facility.

Thus, the designation of the Business Administration positions are proper and the objections do not raise an issue of law or fact sufficient to warrant a hearing.

2) Industry Superintendent Positions: Illinois Correctional Industries

Jennifer Aholt is the Chief Executive Officer (CEO) of Illinois Correctional Industries (ICI) for the DOC. ICI utilizes inmates at various correctional centers to create goods for sale and use of the DOC. Its mission is to: “enhance public safety and successful reentry into society by providing vocational training to offenders in which they obtain valuable job skills and experience while producing quality products and service, and doing so at no cost to the taxpayers of Illinois.”

Aholt submitted affidavits in support of the designation of the Industry Superintendent (IS) that heads the correctional industry at the various correctional centers, and testified at the hearing held on the petitions.

The job descriptions for all the IS employees list nearly identical duties. They organize, plan and evaluate their industry operations; monitor service provider contracts and verify that the contracts adhere to requested services; implement policies for the total management of their industry. They plan and ensure the efficient operation of their operation, including planning production schedules and levels; consult with suppliers and procurement concerning raw materials; resolve problems with orders; and establish and maintain business procedures and office records to ensure compliance with ICI directives and procedures;

They also direct their subordinates, approve time off and prepare and sign employee

evaluations. They can reassign staff to meet operating needs.

Linda Rhoden

Rhoden is the (IS) at Danville Correctional Industries. Rhoden states that she does not write or create policies but does implement policies that are in place. She does not prepare the budget or cancel orders. An Account Tech and the Correctional Industries Lead Worker report to her. The Lead Worker trains and directs the inmates in the performance of the daily operation of the industry. She states that she only assigns work and directs work as the job title requires.

Mark Beckman

Beckman is IS at Centralia Correctional Industries.⁹ Beckman states that he does not create or implement policy since it is done by the CEO of Industries and the Production Manager. In denying that he implements policy, Beckman seems to equate the term “implement” with the term “create.” Beckman states that he “keeps records, controls raw materials, inventory, finished goods, production schedules, production levels, work in progress, finished good and operating supplies to meet goals and orders....we follow already written policy.” He states that he only monitors service provider contracts and recommends changes or cancellation., and does not establish business procedures to comply with ICI directives, but only follow these directives. He also states, as Rhoden does, that he assigns and directs work in accordance with the job titles, and that the subordinates direct themselves.

Mike Dooley

Dooley is the IS for the Decatur Correctional Industry. His job description is the same as Rhodens. An Account Tech and Correctional Industry Supervisor report to him.

He claims to have no independent authority and cannot write policy. He denies assigning work and states that work and parameters are determined by job titles. He assigns work, but only to a limited scope, as his subordinates are self directed based on job titles and assignments.

Christopher Melvin

Melvin is the IS for Dixon Correctional Center. His job description is similar to the others, differing only slightly in the wording and the assigned percentages to the listed duties. An Account Tech and Office Assistant report to him as does another IS position. The other IS is in charge of the daily operations of the Optical Lab. Melvin also states that he only assigns per CMS job descriptions and does not direct the employees.

⁹ The Industry at each correctional center varies. For instance, there is an embroidery/sportswear operation at Danville and a mattress factory at Centralia.

Kenneth Harris

Harris is the IS for Stateville Correctional Center. His job description is the same. His objections state that he does not believe he exercises independent authority. An Account Tech and Correctional Industries Supervisor report to him. He claims that he does not exercise any supervisory indicia over the subordinates. As the others do, he denies assigning and directing work, stating that “work is assigned based on job titles,” and that his subordinates “direct themselves based on job assignment.

Matthew Pogue

Pogue is the IS for Hill Correctional Industry in Knox County. His subordinates are an Account Tech, a Maintenance Equipment Operator and 2 Correctional Industry Supervisors, one for Meat Processing and one for Milk/Juice Processing. He states that he does not implement policy but carries out approved policies set forth by DOC and ICI, and that approval comes from above when he prepares Procurement Business cases. He assigns work to staff to maintain production levels and delivery of finished goods. He also directs employees when he makes day to day decisions on meat, milk and juice production. along with plant repair and maintenance. He only recommends policy and gives input on the budget but does monitor expenses.

Candyce Thompson

Thompson is the IS at the correctional industry at Illinois River Correction Center. She has a similar job description as the other IS employees. She operates the bakery operation under the Food and Beverage Manager. In her objections, she states that she makes recommendations regarding plans for the effective and efficient utilization of program resources and goals and objectives of the bakery. She monitors and coordinates with her subordinates all bakery production; reviews orders to ensure requirements are met; ensures production schedules are met.

She oversees the work of an Account Tech and a Corrections Industry Supervisor, who supervises Correctional Vocational Instructors. She directs her subordinates on the day-to-day decisions regarding the bakery operation and assigns their work duties.

Conclusion

The IS employees are responsible for running the industry at their facility and, in doing so, exercise managerial and executive functions. They ensure adequate supply of raw materials, ensure production levels are met, meet with suppliers and perform various other functions that are managerial. They also implement DOC policies in exercising the management of the

operations of their industry.

The IS employees also assign and direct the work of their subordinates. The mere fact that their assignments must be within the job description duties of their subordinates does not impact their use of independent and discretionary authority when assigning and directing. Thus the Industry Superintendents are all supervisors and managers under section 6.1 of the Act.

3) ICI Service Division Positions

The State also seeks the designation of several employees who work under the ICI Service Manager. Objections were filed by two of the employees, David Sapp and Jim Clinton, who report directly to the Service Manager. The two other employees directly under the Service Manager, Neil Rossi and George Bowen, did not file objections. The State also seeks the designation of 2 employees, Cornell Scott Stahlman and Richard Hampton who serve under Neil Rossi, the ICI Marketing Director. Only Stahlman filed objections, and his were sufficient to warrant a hearing.

David Sapp

Sapp is an IS for the ICI Warehouse, located in Lincoln, Illinois. His job description is almost identical to the other ISs, except adapted to the Warehouse and Trucking Operation he manages, rather than a manufacturing operation as the other Industry Supervisors manage. His subordinates are an Account Tech, Correctional Industry supervisor and Maintenance Equipment Operator. He does not object to his managerial job duty description except to state that he does not write policy, only provides sporadic input, and has no role in the budget, except to ask for equipment. He denied any supervisory indicia except that he makes delivery schedules and directs employees by making day to day decisions on trucking schedules and tracks equipment maintenance.

James Clinton

Clinton is the IS for the operations at the East Moline Correctional Industry. His job description tracks the general one for an IS. His subordinates are an Account Tech, Correctional Industry Supervisor and a Maintenance Equipment Operator. He does not dispute his managerial duties except to state that he doesn't create policy, only follows already written policy, reports to the Production Manager not the Financial Officer. He does not recommend grievance resolutions and the performance evaluations must be approved at a higher level. His subordinates include an Industry Supervisor, Account Tech and a Maintenance Equipment Operator. He denies assigning work, stating the "work is assigned based on job titles," and directs employees

by making day-to-day decisions regarding deliveries and laundry schedules to coordinate with patrons. He recommends equipment purchases estimates needed raw materials and supplies.

Conclusion

With similar duties to the other IS employees, Sapp and Clinton are included in the definition of manager as defined in Section 6.1. I find that they are also supervisors, since their direction and assignment of work is based on day-to-day decisions, which implies at least some discretion. The fact that a subordinate's work assignment is limited by their job duties does not affect the use of discretion or independence. Thus, the designations of Sapp and Clinton are proper and the objections do not raise an issue of law or fact sufficient to warrant a hearing.

4) Pontiac Correctional Center

Marcia Ramirez

Ramirez is an Administrative Assistant III at the Pontiac Correctional Center. She reports directly to the Warden. She reviews inmate transactions and transfers. She also serves as supervisor of human resource functions at Pontiac, and advises personnel to ensure that personnel transactions are timely. She performs liaison assignments with other state agencies, private organizations and the public and has signature authority for the Warden. She also compiles confidential information on special projects and in request for the central DOC office and labor relations, often involving human resource issues. She serves as media liaison delivers presentations and serves as a Rutan interviewer.

She serves as Employee Assistance Coordinator, Employee Review Hearing officer including scheduling disciplinary and grievance hearings, though Ramirez denies she performs these functions. Her job description states that she oversees employees, assigning and reviewing their work, reassigning to meet day-to-day operating needs. She establishes goals and objectives and prepares and write performance evaluations. She recommends discipline.

Ramirez states that while he does not serve as Employee Assistance Coordinator and Hearing Officer, she does act as the Warden's signature designee in accordance with guidelines and serves as project manager when assigned. She does have two subordinates, a Human Resource Associate and Human Resource Assistant, but she denies exercising any supervisory authority.

Regardless of her supervisory duties, the duties that Ramirez does perform, such as overseeing proper human relations functions, are managerial and executive functions. In performing these functions, she is effectuating the policies of the DOC, specifically at the

Pontiac facility. In acting as liaison, she represents the facility's interests in dealing with other agencies and the public. There is no evidence that she lacks all discretion while performing these functions. Thus, the designation of Ramirez is proper and the objections do not raise an issue of law or fact sufficient to warrant a hearing.

5) Springfield Office Positions

Michael Funk

Funk is the Manager of Jail and Detention Standards. Operating under the direction of the Deputy Chief of Operations, Funk develops, recommends and implements statewide policies and procedures for the physical condition and security of facilities, and the treatment of inmates to provide for their health and safety. He promotes understanding and acceptance of these detention standards with community groups and local government officials. He consults with sheriffs, police and jail administrators. He conducts final reviews of inspection reports and dispatches all reports and letters to local government officials.

He assigns and reviews the work of his subordinates. He reassigns staff, counsels establishes goals and objectives, approves time off a, prepares and signs performance evaluation. His subordinates include four Criminal Justice Specialists and an Administrative Assistant.

In his objections, Funk states that he does make policy recommendations, but has no involvement with budgets or legislation. He denies having most supervisory indicia, stating that work assignments are geographic and he provides direction only when asked questions on their daily duties.

Even considering these objections, Funk performs managerial and executive functions when he oversees the detention standards operation. He also represents management interests when dealing with local government officials, and takes discretionary actions to implement the core policy of the DOC to have safe and secure facilities to house and care for inmates. He is a manager under Section 6.1. Thus, the designation of Funk is proper and the objections do not raise an issue of law or fact sufficient to warrant a hearing.

Terri Anderson

Anderson is the Administrator of Inmate Issues and serves under the direction of the Chief Public Safety Officer. He manages the Office of Inmate Issues which addresses all inmate issues brought to the attention of the Office, often by the Administrative Review Board. Functions as the Chair of the Administrative Review Board. He ensures that DOC policies on inmates are uniformly applied. He advises the Director and staff concerning the impact of rule

changes. He delegates mail from various sources about inmate concerns to the appropriate institutions. He oversees a staff of 6 Executive IIs and Office Administrator, Specialist and Associate position.

Anderson states that he can only counsel staff, though he assigns and directs their work. He also recommends adoption of or changes to existing policies relating to the inmate grievance process. He also points out that the Executive IIs also Chair the Administrative Review Board hearings. Their actions as Chair are regulated by stature and DOC policy.

Anderson is a supervisor of his staff as he assigns and directs them in their work and counsels them when necessary. He also approves time off, prepares and signs performance evaluations. There is no evidence that he does not exercise independent judgment when exercising these functions. Thus, the designation of Anderson is proper and the objections do not raise an issue of law or fact sufficient to warrant a hearing.

Steven Wright

Wright directs the functions of the Capital Program Unit including the construction of new building, renovations to existing structures, development of energy conservation programs. He also coordinates the statewide repair and maintenance program; reviews and processes routine repairs and maintenance projects. He monitors all projects of the Capital Development Board; develops and tracks renovation and maintenance projects. He develops budget requests for capital projects. He also oversees subordinates, assigning and reviewing their work, counseling, approving time off and preparing employee evaluations. His subordinates are an Architect and Office Coordinator.

Wright reports to Jared Brunk, the Deputy Director of Finance. He admits that he assigns work to his subordinates and directs them in the performance of their work.

Wright performs managerial and executive functions by directing the capital programs unit. He uses discretion to implement the DOC policy to construct and maintain proper and safe inmate facilities. He also exercises supervisory functions with independent judgment. He is a managerial and supervisory employee under Section 6.1. Thus, the designation of Wright is proper and the objections do not raise an issue of law or fact sufficient to warrant a hearing.

6) Public Safety Shared Services Center

The State seeks to designate several employees in the Public Safety Shared Services Center (Center), 4 in the Compliance & Control Unit (C&C) and 3 others in the Classification Unit. The Center performs personnel, payroll and finance functions for various public safety

agencies besides DOC, including the Illinois State Police, State Fire Marshal, Illinois Emergency Management and Department of Juvenile Justice. I found sufficient issues of law and fact for hearing on 5 of the positions and make pre-hearing resolutions on the following 2 positions:

Deanna Bandy

Bandy is Compliance & Control Unit Manager. She manages C&C programs, which include transactions, worker's compensation, and leaves. She develops and implements statewide policies and procedures for the HR functional processes within C&C and advises other management personnel on rules and regulations. She serves as the DOC lead on C&C issues, attending meetings and providing input in labor relations, legislative and legal issue. She assigns and reviews her subordinates' work, reassigns staff to meet day-to-day needs, and prepares and signs performance evaluations.

In her objections, Bandy states that her approvals of time off and performance evaluations all must be approved by Deputy Director Mary Ann Pollard to ensure coverage of staff during holidays. Pollard has directed Bandy to change her evaluations on occasion. She denies ever giving advice on legal and legislative issues. Two PSAs, in charge of C&C Transactions and C&C HR Functional Processes report to her. She denies exercising most supervisory functions except direct, and says that her subordinates work assignments are defined by their job descriptions.

Bandy's duties as the C&C Manager described in the materials and her objections are managerial and executive duties. As with most of the other designated employees, she does not create the policies of her unit, but is charged with implementing or effectuating them. She is responsible for the overall efficient operation of the entire C&C Unit, including the various areas run by her subordinates. The limitations on her discretion that Bandy points out in her objections do not impact this responsibility. I find that she is a managerial employee under Section 6.1. Additionally, Bandy does exercise supervisory functions and, the fact that her staff evaluations have been changed on occasion, is insufficient to rebut that she normally has discretion and her recommendations are mainly followed. Thus, the designation of Bandy's position is proper as a supervisor under Section 6.1, and the objections do not raise an issue of law or fact sufficient to warrant a hearing.

Deanna Clark

Clark is the Manager of C&C HR Functional Processes. She reports directly to Bandy. She directly supervises Human Resource Specialists, Human Resource Representatives, Human

Resource Associate, Executive II and an Office Coordinator. Five of these positions are currently filled.

This position directs the Worker's Compensation, Unemployment Compensation, FMLA, Secondary Employment, Employee Verification, Administrative Leave and various other personnel processes for the public safety agencies that use the Shared Services Center. Clark implements and interprets personnel policies, procedures and transactions in accordance with CMS rules and union contracts; reviews changes in rules and court decisions to ensure compliance. She assigns and review the work of her subordinates; provides guidance and training; counsels staff; established goals and objectives; approves time off request; prepares and signs performance evaluations.

In her objections, Clark admits she assigns work to employees but denies performing other supervisory indicia. Based on the supporting material and objections, Clark is a manager and supervisor as defined in Section 6.1. Her job description shows that she carries out management and executive functions and ensures that the processing of the various personnel transactions under her control are done in compliance with the CMS and DOC rules and collective bargaining agreements. She also is a supervisor as she assigns and reassigns work to met the day-today operating needs; establishes goals and objectives and prepares and signs performance evaluations. This indicates the use of independent judgment. Thus, the designation of Clark's position is proper under Section 6.1, and the objections do not raise an issue of law or fact sufficient to warrant a hearing.

7) Employee Screening Division

The Employee Screening Division is divided into 3 Units: Background Screening, Central Screening and Drug Screening. The State has designated the Head position of all 3 Units in this Petition. All 3 positions report to the Manager of Employee Screening. The Manager of Central Screening position is vacant, but the other 2 Unit Managers filed objections.

Beth Kiel

Kiel serves as the Background Screening Manager. Under the direction of the Employee Screening Manger, she plans and executes the statewide background screening program. She directs and evaluates the program activity and develops and implements statewide procedures. She is charged with effectuating policies and procedures for her Unit and ensure that staff are adequately providing services. She serves as liaison with out-of-state law enforcement agencies. She assigns and reviews and directs the work of her subordinates, including recommending

grievance resolutions, approves time off, establishes annual goals and objectives and prepares and signs performance evaluations.

In her objections, she admits assigning work but limits her direction to dividing work evenly and her discipline authority to counseling. She denies developing policies and states that her Unit's actions are outlined in Agency policy. She states that she does submit recommendations that improve the efficiency and consistency of her office's reviews. Human Resource Representatives report to her, and Human Resource Assistants report to the Representatives.

In performing the above duties as the person in charge of the background screening unit, Kiel is engaged in management and executive functions. It does not matter that she does not develop the policies for her unit, it is sufficient that she effectuates management policies in ensuring that all background screening is done properly. Additionally, Kiel does exercise supervisory indicia as she assigns work to, directs, counsels and performs evaluations for her subordinates. Thus, the designation of Kiel's position is proper and the objections do not raise an issue of law or fact sufficient to warrant a hearing.

Myra Meyerholz

Meyerholz is Supervisor of the Drug Screening Unit.¹⁰ As such, she organizes and executes statewide drug/alcohol testing program for inmates, employees and applicants. She designs and implements procedures, evaluates test results. She serves as liaison with medical officers, substance abuse professionals, laboratories and scientists. She determines, records and tracks test results and developed and updates forms to administer both the DOC Random Drug Test Program and the Federal Drug and Alcohol Testing of CDL drivers and inmate drug testing.

Four Administrative Assistants and one Office Coordinator report to her. Three of the AAs are drug screeners who travel the State. She can discipline, subject to management approval and could recommend discharge and work assignments, but the final decision is by the Manager of Employee Services. She directs her subordinates in how to do drug screens.

By her actions as the Unit Supervisor, Meyerholz is engaged in management functions and effectuates the management policy of finding and preventing drug use by inmates and employees. She also exercises independent judgment in exercising supervisory indicia and effectively recommends discipline. Thus, the designation of Meyerholz's position is proper and

¹⁰ Meyerholz states that the affidavit incorrectly refers to her position as the Manager of Employee Screening. Since her job description and organizational chart show that she heads the Drug Testing Unit and reports to the Manager of Employee Screening, I credit Meyerholz's statement that her position is the Supervisor of the Drug Screening Unit.

the objections do not raise an issue of law or fact sufficient to warrant a hearing.

b. S-DE-14-187

This Petition seeks the designation of PSA Option 2 positions. Objections have been filed to 2 positions.

1) Augustine Sogunro

Sogunro serves as the Reporting Supervisor in the Public Safety Shared Services Center. He reports to the Reporting & Audits Manager. He directs and supervises staff in the compilation and review of financial information to assist in the preparation of financial reports for the Center and its client agencies. Sogunro does not currently have any subordinates as the positions are vacant. While Sogunro denies writing or recommending policy, he does not refute the specific duties he performs nor does he deny that he effectuates or implements the policies of the Center. He also is in charge of processing and applying for federal reimbursement for the agency national lunch and breakfast. He is charged with preparing and submitting various financial reports for the Center.

In compiling these reports and applying for federal reimbursement, Sogunro is engaging in executive and management functions and effectuating policies of DOC. Thus, the designation of Sogunro's position is proper and the objections do not raise an issue of law and fact sufficient to warrant a hearing.

2) Carol O'Connor

O'Connor is Contract Management Supervisor for the Center. As such, O'Connor directs and supervises the operations of the Contract Management Unit for the Center and develops and implements policy for the Center. O'Connor denies that she develops, revises or implements policies, but does admit that she revises processes for more efficient and effective operations. O'Connor supervises two Executive II positions, denies that she has supervisory authority, but states that she does provide guidance and direction to the staff in applying the various codes and laws as necessary for staff to assist the DOC in completing procurements. O'Connor states that her duties are to organize, plan, draft, control and direct activities of completion of contracts and Contact Obligation Documents. O'Connor also states that her duties are to direct office staff in the coordination, initiation and preparation of Invitation of bids (IFB), contact rebids, renewals, amendments and extensions; guide initiation and revisions of contracts through amendment, renewal or extension by ensuring adequate time for the procurement process to allow for the continuity of services.

In exercising these duties, O'Connor is engaged in executive and management functions and effectuates management policies to ensure the proper issuance of IFBs and management of existing contracts. O'Connor is also a supervisor as defined in Section 6.1(c)(ii) in that she directs her employees in the performance of these functions, while exercising independent judgment. The designation of O'Connor's position is proper and the objections do not raise an issue of law or fact sufficient to warrant a hearing.

c. S-DE-14-188

This petition seeks the designation of 3 PSA Option 6 positions. Objections were filed on the following 2 positions:

1) Alyssa Williams-Shafer

Williams-Shafer manages the Statewide Sex Offender program where she works with vendors charged with making civil commitment evaluations for sex offenders. In her objections, she states that she reviews the work of the vendors to ensure quality and compliance with the applicable statutes. She also serves as the Governor's appointee from DOC to the Illinois Sex Offender Management Board. On the Board, she helps ensure that the State maintains standards of sex offender treatment and evaluation that meet with best practice standards. While she can serve as a supervisor, all positions are vacant and she has never had a subordinate.

Based on the submissions and objections, Williams-Shafer is charged with representing the DOC's interest when she reviews and monitors the vendors and also when serving on the Board, where she can take or recommend discretionary actions. Her actions implement DOC's policy to maintain proper standards in the treatment of sex offender. Thus, the designation of Williams-Shafer's position is proper as managerial under section 6.1 and the objections do not raise an issue of law or fact to warrant a hearing.

2) Delores Mays

Mays is Assistant to the Chief of Mental Health Services. She is charged with providing policy and program directives to psychologists within the facility, implementing policy for the Mental Health Program and planning for the efficient utilization of program resources.

Mays' objections state that she does not directly supervise any employee. The organizational chart submitted in support of the petition does not show anyone directly under her. Thus, the supervisory designation is not available.

In her objections, Mays states that her supervisor is ultimately responsible for any policy directives given to the psychologists and mental health professionals in the DOC. However,

Mays admits that she does review the applicable DOC policies and gives her input. She also reviews the policies of other states to help the Chief in revising current DOC policies. By these actions, Mays is engaged in executive and management functions and is also charged with the effectuation of management policies, including effectively recommending changes to these policies. Thus, the designation of Mays' position is proper and the objections do not raise an issue of law or fact to warrant a hearing.

d. S-DE-14-189

This petition seeks the designation of PSA Option 8C positions. Objections were filed to the following positions.

1) Diana McCombs, Christa Bull, Joel Rapaport and Devin Murphy

McCombs, Bull, Rapaport and Murphy all work as CPAs in the Financial Compliance Office of the DOC's Public Safety Shared Services Center. Their duties include preparing financial forms and certifying that these forms are correct and accurate on behalf of the DOC for the Comptroller as part of a statewide financial statement; reviewing or preparing financial records for submission to the various agencies served by the Center and for use in the Comprehensive Accounting Financial Report for the State. They also serve as liaisons to external and internal auditors and the Legislative Audit Commission.

The positions perform these functions for various agencies served by the Center. McCombs is charged with performing a range of accounting, auditing and consulting activities for the Department of Juvenile Justice, State Fire Marshall, the Prisoner Review Board. Bull performs these functions for the Illinois Emergency Management Agency, Rapaport for the Department of Corrections General Fund, and Murphy for the Department of Corrections Locally Held Funds. All are charged to perform these duties for any agencies served by the Center. These budgeting and financial duties are executive and management functions under Section 6.1.

The individual objections state that their supervisor, Tara Kessler, has most of the discretionary authority contained in their job descriptions, in that questions from auditors are filtered to her; that Kessler signs and certifies the financial information they prepare and also serves as the GAAP coordinator. The objections don't contest that the employees are performing any of their management and executive functions, but only that they don't perform all their listed duties and that they don't exercise independent judgment, since such judgment is left to their supervisor. However, Section 6.1 merely requires the employees to effectuate, not direct, the

policies of the employer, so the fact that most discretion is left to their supervisor is not determinative of managerial status under Section 6.1. They also retain some discretion in the exercise of their duties. The job descriptions authorize the employees to perform certain financial functions, such as preparing financial forms and reviewing financial operations, that the Board has considered managerial and executive. They are charged with effectuating DOC policies when exercising executive and management functions. The objections are insufficient to overcome the presumption that these positions are properly designated.

Based on the submissions and objections, the designation of the positions of Diana McCombs, Christa Bull, Joel Rapaport and Devin Murphy are proper and the objections do not raise an issue of law or fact sufficient to warrant a hearing.¹¹

2) Wanda Burnett

While AFSCME specifically objected to this position it did not include any supporting information. The evidence submitted by the State supports that the position engages in executive and management functions and is charged with effectuating DOC policies. Thus I find that the objections do not raise an issue of law and fact sufficient to warrant a hearing and find that the designation of this position to be proper.

e. S-DE-14-190

This petition seeks the designation of the PSA Option 8N positions. Individual objections were filed to 17 positions; 13 Health Care Unit Administrators, 3 Directors of Nurses and 1 Nursing Supervisor.

1) Health Care Unit Administrator Positions

The Health Care Unit Administrator (HCUA) positions manage and direct the daily operation of the Health Care Unit (HCU) at the correction facility they work at. They organize and coordinate patient care assignments, monitor staff to ensure patient care complies with medical and departmental and facility policy. They develop and implement policies and procedures, and ensure they are in compliance with the American Correctional Association, and DOC and facility directives and rules. They ensure adherence to DOC administrative directives (ADs) and institutional directives. (IDs) They help develop and manage the Unit budget, monitor vendors who provide medical, dental and mental health services. They coordinate and process requisitions for equipment, materials supplies and pharmaceuticals and maintain all medical

¹¹ AFSCME objected to the vacant position that also serves a similar CPA function. I find that the designation of that position, 37015-29-40-324-00-04, to be proper.

records. Many are charged with managing a HCU where medical personnel are provided by Wexford Health Sources Inc, a private contractor for that provides medical services at various DOC correctional facilities.

Glenda Wortly

Wortly is the HCUA at the Taylorville Correctional Center. She states that she does not develop or control policy, that the budget is developed by the DOC and Wexford Industries. She states that the Wexford site supervisor handles scheduling. She monitors the hours of the Wexford personnel and reports if the Wexford employees are in violation of any ADs or not providing services per the contract. She states she has no supervisory duties and the only direction she gives to the Wexford employees is to tell them the requirements of the DOC administrative directives and the Wexford contracts. The patient care services at Taylorville appear to be done by Wexford employees. The organizational chart has an Office Assistant and contractual Correctional Nurses (CNs) reporting to her.

Susan Kerr

Kerr is the HCUA at Robinson Correctional Center where medical staff is provided by Wexford. She reports to the Assistant Warden. She states that she is the only State employee in the health care unit and exercised no supervisory functions over Wexford staff. She monitors the care given by the Wexford staff and ensures that staff is following applicable law, DOC procedures and act within their license. She audits the clinics to ensure compliance. She refers to herself as a Contract Monitor for the State.

Deborah Isaacs

Isaacs is the HUAC at the Big Muddy Correctional Center. She reports to the Assistant Warden. In her objections, she states that she oversees the Wexford contract but has no authority to make decisions outside of the contract language. The Wexford Medical Director and higher-ups at DOC make determinations concerning the Unit's operation. She does not oversee the budget nor supervise Wexford staff. However, she states that she agrees with the job description that she monitors the health care unit to ensure the environment is conducive to effective treatment. She does conduct unscheduled inspections when directed to do so.

Nona Hohnsbehn

Hohnsbehn is the HUAC at the Southwestern Correctional Center. She reports to the Assistant Warden. She supervises an Office Assistant position, currently vacant, and oversees the Wexford contract. She states that she oversees the operations of the Unit and monitors the

contract for compliance. If she has concerns, she reports them to the Wexford Site Manager who deals with the issue. She agrees that she monitors and directs the daily operations of the Unit, monitors staff functions to ensure patient care complies with medical professional and DOC or facility policy. She also writes policies and procedures specific to the facility Unit. She only directs employees to the requirements of ADs and recommends to the contractual nurse manager of any work needs she perceives.

Christine Brown

Brown is HCUA at the Pinckneyville Correctional Center. She reports to the Assistant Warden. She supervises 2 clerical positions, 1 of which is vacant, and oversees the Wexford contract. She reports any discrepancy between patient care and the contract language. She is responsible to assure that the vendor meets establish ADs and IDs. She does not write policy but reviews them for any changes. She denies making any decisions concerning the operation of the Unit.

Philip Martin

Martin is the HCUA at the Lawrence Correctional Center. He reports to the Assistant Warden. She oversees the administration of the Wexford contract for the Unit. He states that he does contract monitoring to ensure that the contractual staff meet the requirements and expectations of DOC through the regulations, ADs and IDs. He reviews the IDs on an annual basis to ensure they comply with any changes in the ADs. He does make recommendations of changes to the IDs, which must be approved by the Warden.

Nikki Malley

Malley is the HCUA at Menard Correctional Center. She reports to the Assistant Warden, though she states that she reports to Kimberly Butler, SPSA for AW Programs. Currently, four clerical positions and the Director of Nursing, Gail Wells, whose position is also designated in this petition, report to her. She does assign work to and direct the clerical employees. She will also direct the Director of Nursing to reeducate the nursing staff in the policies and procedures.

Susan Griffin

Griffin is the HCUA at the Graham Correctional Center. She reports to the Assistant Warden. Five employees report to her including 2 dental assistants, an office associate, a health Information Administrator and the Director of Nursing. The facility also has Wexford staff serving as doctors, physician assistants, dentist and in psychiatric positions. She monitors the

Wexford contract to ensure compliance, but does not supervise the employees. She assigns work to her subordinates and directs them as defined in the ADs.

Tina Jepsen

Jepsen is the HCUA at the East Moline Correctional Center. She reports to the Assistant Warden. She oversees the operation of the Unit, including the Wexford employees. The Director of Nursing, 2 CN2s, 8CN1s and a Health Information Associate report to her. She states that she does assign work, can counsel employees, give corrective action to employees and train them on policy and procedures. She also monitors the Wexford contract to make sure it is adhered to and reports monthly to the Office of Health Services in the DOC Springfield office. She writes policy for Unit staff based on ADs and IDs.

Lisa Lercher

Lercher is the HCUA at the Lincoln Correctional Center. Prior to that, she had been HCUA at the Logan Correctional Center, where she had state employees working as medical staff.¹² At Lincoln, she states that the staff of the Unit consists of Wexford employees. She reports to the Assistant Warden. She states that she doesn't do most supervisory functions, but is able to make daily work assignments to staff in order to meet the daily needs of the facility and inmates. While the Director of Nursing, a Wexford employee, prepares the nursing schedule and approves time off, Lercher assumes these responsibilities in her absence. She does direct employees to ensure they are meeting ADs IDs and the needs of the inmate patients. She does develop and implement policies and procedures for the Unit, but these have to follow the ADs and IDs.

Becky Subrink

Subrink is the HCUA for the Jacksonville Correctional Center. She reports to the Assistant Warden. She manages and directs the daily operation of the Unit, and performs the functions generally performed by HCUAs.

The following state employees report to her: 12CNs, an office assistant, a dental assistant and a health information associate. She assigns work to nurses according to ADs and OHS guidelines and directs employees by informing them of required Unit functions. She states that she does not decide policy but only forwards policy information to staff, though she states that DOC expects compliance with the ADs IDs and OHS policies.

¹² The State seeks the designation of the HCUA as a vacant position at Logan Correctional Center.

Sheri Lynn

Lynn is the HCUA at the Shawnee Correctional Center. She reports to the Assistant Warden. A CN2 reports to her and the other medical personnel are Wexford employees. She does sign the evaluation for the CN, but states that the CN work at the Hardin County Work Camp and reports to its Superintendent. She states that she can only act within the guidelines of the ADs, IDs and the Wexford contract.

Conclusion

All of the HCUA perform management and executive functions as they manage the Health Care Units and their facilities. While they report being restricted by ADs, IDs and various rules and regulations, their position is charged with ensuring that the operations of the Unit conform to these standards contained in these directives and rules. This is a managerial function. The HCUAs who manage units where the medical personnel are contractual Wexford employees may not be supervisors, but they monitor the personnel's activities to ensure compliance with the directives and the Wexford contract. In exercising this responsibility, the HCUAs act in management's interest and use discretionary actions to ensure operations meet the ADs IDs and other guidelines and conform to the contract.

Additionally, several of the HCUAs also satisfy the supervisory prong of 6.1. Malley, Griffin, Subrink and Jepsen all assign work and direct other State employees in their work, and exercise independent judgment when doing so. Thus, I find that the objections do not raise an issue of law and fact sufficient to warrant a hearing and find that the designation of the HCUA positions to be proper.

2) Director of Nursing Positions

The Director of Nursing positions direct, coordinate and administer all nursing care and supervise nursing staff and medical technicians at their assigned facilities. They are charged with implementing policies and procedures to ensure adequate patient care at their facility. They coordinate with the other medical professionals to ensure this care. They report to the HCUA at their facility. They schedule staff to ensure adequate staffing and review their work.

Gail Wells

Wells is the Director of Nurses for the Menard Correctional Center. She supervises 3 Nursing Supervisors, 1 Office Assistant, 17 Correction Nurse (CN) 1 & 2s and 21 Correction

Medical Technicians (CMT).¹³ She assigns work to the employees, dividing it equally, using established rules and policies. She reviews policies at the HCUA's request. She also directs employees if they have questions on policies.

Mary Johnson

Johnson is the Director of Nursing at Graham Correctional Center. She supervises 10 CN 2s, a CN1 and a CMT. She states that she may be asked for input on health care nursing policies. She schedules the staff and directs the staff, but only to follow set procedures. She states she has limited responsibility to assign work since the HCUA can change assignments.

Joseph Ssenfuma

Ssenfuma is Director of Nursing at the Sheridan Correctional Center. He is in charge of approximately 12 CNs and 6 CNAs. He states that he exercises none of the supervisory indicia listed on the AFSCME form nor writes or creates any policies, His job description states that he assigns work, provides guidance, counsels staff on productivity problems, work quality and conduct and determines staffing needs.

While Ssenfuma issues a general denial to performing any of the supervisory duties listed in the AFSCME objection form, he does not deny performing some of the specific supervisory duties listed in his job description. He is authorized to set goals and objectives, to reassign work, to prepare and sign their evaluations and provide guidance and counseling to his subordinates.

Conclusion

The Directors of Nursing all function as supervisors under Section 6.1. They are charged with scheduling, assigning work and ensuring their subordinates meet the standards set by DOC. The fact that they don't create or set the policies and standards does not affect their role in ensuring that their subordinates' level of patient care meets these standards. The fact that Ssenfuma chooses not to direct his employees does not affect the conclusion that he performs certain supervisory functions and is charged with performing others. Thus I find that the objections do not raise an issue of law and fact sufficient to warrant a hearing and find that the designation of the Director of Nursing positions to be proper.

¹³ She does not directly supervise all these employees. The CN2s supervise the CN1s and CMTs and the CN1s supervise the CMTs.

3) Nursing Supervisor Positions

Charlotte Miget

Miget directly supervises all nurses and medical technicians assigned to the infirmary and medical call lines in the HCU at the Menard Correctional Center. She reports to Gail Wells, Director of Nursing. At least 1 CN2 and 1 CMT report to her, though her job description shows that 4 employees could report to her. She provides guidance and training, counsels staff regarding work performance, assigns staff to meet daily operating needs, establishes goals and objectives. In her objections, she states that the Director of Nursing does evaluations and approves time off. However, she does direct employees by assisting them in following the appropriate procedures.

Angela Crain

Crain is also a Nursing Supervisor at Menard Correctional Center. She supervises the CN2s and CMTs assigned to the North II and MSU Medical Units in the Health Care Unit at Menard. She provides guidance and training, assigns and reviews work of the 2 CN2s and 2 CMTs that report to her. She does assign work and directs nursing staff in fulfilling their assignments.

The submission and objections show that both Miget and Crain are supervisors as defined in section 6.1. They assign work and direct staff that report to them. Thus I find that the objections do not raise an issue of law and fact sufficient to warrant a hearing and find that the designation of the Nursing Supervisor positions to be proper.

f. S-DE-14-191

This petition seeks the designation of 13 PSA Option 8T positions, all titled as Educational Facility Administrators (EFA). Objections have been filed to 8 positions.

1) Michele Moeller

Moeller is an EFA located at the Jacksonville Correctional center. She is charged with administering the educational program at 4 facilities: the Jacksonville Correctional Center, Western Correctional Center and the Pittsfield Work Camp. While the objections state that she only operates within the EFA Manual, the OAEVS School Manual and DOC administrative directives, she is still charged with ensuring that operations conform to these policies and standards.

Additionally, according to her objections, Moeller supervises 12 Educators, a Librarian and a Librarian Assistant at the 3 facilities. While she denied exercising independent judgment,

she does assign work to these employees and directs them in their work in conformance with the EFA Manual and OAEVS procedures. She also does not contest that she performs employee evaluations.

2) Jeanne Wood

Wood also serves as an EFA. She is charged with administering the educational programs at the Robinson and Lawrence Correctional Centers. As such she is engaged in managerial and executive functions and charged with the effectuation of management policies and practices. While she does not create the policies, Wood exercised a core agency function by ensuring that the facility educational programs conform to DOC policy and procedures and local school districts when applicable.

Additionally, according to her objections, Wood supervises a total of 8 Educators, 2 Librarians, a Paralegal and an Office Coordinator. Wood does not deny that she performs employee evaluations and assigns work and directs employees in conformance with the directives of the OAEVS supervisors.

3) Brian Watson

Watson is an EFA in charge of administering the educational programs at the Shawnee and Vienna Correctional Centers. His job description lists him as the supervisor of 4 Educators and 4 other positions. His objections state that he recommends the assignment of 11 Educators and 2 Librarians that report to him. He states that he trains and supervises staff to insure the efficient delivery of the work.

4) Anthony Twagilimana

He is the EFA in charge of educational programs at the Pontiac Correctional Facility. He has similar functions to the other EFAs. In his objections he states that he insures that the educational services are carried out in accordance with written directive of the Office of Adult Education and Vocational Services. (OAEVS) He familiarizes himself with these policies, communicating them to his employees and monitoring the employees under him. He states that he does not plan educational programs nor has much independence. He assigns work to employees and directs employees on their priorities.

5) Gail Sessler

Her objections state that she is the EFA for the educational programs at Sheridan and

Stateville Correctional Centers.¹⁴ Her job description states she supervises 10 Educators, a Teacher of Barbering and clerical employees. In her objections, she states that all she does is ensure the staff is following the protocols of the IDOC, and the directives of DOC, the Illinois Board of Education and the Illinois Community College Board. She states that the Administrator approves time off requests, overtime and any disciplinary issues. The EFA can only counsel or refer for further discipline.

6) Rebecca Burgin

Burgin is the EFA for the Illinois River and Hill Correctional Centers. Her job duties are similar to the other EFAs. A Librarian, 3 Educators, and Librarian Associate currently report to her.

7) Lisa Simmons

Simmons is the EFA for the Decatur and Taylorville Correctional Centers. Her duties are similar to the other EFAs. In her objections, she likens her position to that of a principal at a school district where she reports to the Administrator and/or Coordinator of Adult Education. She has 5 Educators, an Office Coordinator, and 2 library assistants that report to her. She states that she makes sure the teachers follow the policies and procedures of the DOC and OAEVS and the ISBE and ECCB. She assigns work and directs her subordinates per these procedures. She states she has no authority to adopt policies and does not recommend any changes.

8) Gary Perkins

Perkins is the EFA for the Graham and Vandalia Correctional Centers. He performs similar duties to the other EFAs. In his objection, he states that he supervises 12 Educators, a Librarian and an Office Assistant. He does assign work. He states he does not create or recommend policy.

Conclusion

The EFAs all are engaged in management and executive functions as they administer the adult education programs at their assigned facilities. While their objections state that their discretion is limited by the standards of the DOC, the IBHE the ICCB, and they only operate within the EFA Manual, the OAEVS School Manual and DOC ADs, the important fact is that it is their job to ensure that the many employees under their direction are complying with these

¹⁴ The affidavit in the State's submission states that Sessler is the EFA for the educational programs at the Dixon and the East Moline Correctional Centers. However, the job description submitted for the position number in the petition states that it is for the EFA at Sheridan and Stateville Correctional Centers. The position is located in LaSalle County.

standards. They perform a core function of DOC by ensuring that the educational programs at the institutions are properly functioning in conformance with policies and standards. The fact that they didn't create nor can change these policies doesn't affect their managerial status; they are still charged with ensuring that operations conform to these policies and standards. As such, they engaged in managerial and executive functions and effectuate management policies and practices. Thus the designation of them as managerial under Section 6.1 is proper.

The EFAs are also supervisors under Section 6.1. While they do not perform many of the supervisory functions which are subject to the Administrator or Wardens, the objections do show that they assign work and direct the employees. The fact that there are various authorities that set standards does not affect the fact that they are charged with directing their subordinates to perform in conformance with these standards.

Thus I find that the objections do not raise an issue of law and fact sufficient to warrant a hearing and find that the designation of the EFA positions to be proper.

4. Positions Warranting a Hearing

After reviewing the designations and objections I determined that an issue of fact and/or law had been raised with respect to 7 of the positions sought. On February 19 and 20, 2014, I conducted a hearing on the positions, all of which are sought for designation in S-DE-14-186. The hearings were held at the DOC's Concordia facility in Springfield, Illinois. A teleconference room was arranged at Stateville Correctional Center in Joliet, Illinois to take the testimony of Ms. Telez-Carlson and Mr. Gomez.¹⁵ The parties submitted evidence and arguments, and based on that, I make the following findings and conclusions:

a. Public Safety Shared Services Center

The State seeks to designate 7 employees in the Center. I found issues of law and fact

¹⁵ In its closing argument, AFSCME alleged that it was denied procedural due process when the teleconference room scheduled for 8:30 a.m. on February 20th, for the testimony concerning Ms. Telez-Carlson, was changed from the SOIC in downtown Chicago to Stateville, without notice to AFSCME. The room change occurred around 4:30 p.m. on February 19th, the result of a last minute cancellation that made the teleconference room at Stateville available. Since both witnesses work at Stateville, this was much more convenient for them than driving to downtown Chicago.

The Employer's attorney in Springfield, Lawrence Weiner, was its chief attorney examining witnesses and making legal arguments. The State did have another attorney at Stateville. Andrew Epstein, AFSCME's chief attorney for the hearing, was in Springfield; another AFSCME attorney showed up at the SOIC instead of Stateville.

I find that the failure to notify AFSCME of the change of location for the teleconference room did not affect due process. Mr. Epstein was the attorney representing AFSCME at the hearing, which was held in Springfield. The Board was not aware that AFSCME planned to have an attorney at the teleconference room, though it did know that the State had scheduled an attorney to attend the teleconference room hearing. Mr. Epstein was allowed an opportunity to confer with his witness in private and, during the hearing, both the State's witness and attorney were on camera, availing Mr. Epstein the opportunity to watch and question their behavior during the testimony.

sufficient to warrant a hearing on 5 of the 7 positions for hearing. All 5 employees work in the Human Resources Division of the Center. Mary Ann Pollard is the Deputy Director and heads the Human Resource division.

Missy Mizera

Mizera is a Transactions Supervisor in Compliance & Control (C&C) in the Human Resource division at the Center. Due to the vacancy in the position of Manager of Compliance & Control Transactions, she now reports to Deanna Bandy, the C&C manager. Her job is to supervise the Transaction Unit for DOC and the Department of Juvenile Justice transactions. The transactions the Unit process include promotions, leaves, layoffs, recalls and other similar personnel transactions. She also provides counsel to management and employees on rules and regulations affecting transactions and their procedures.

When Mizera processes the transactions or oversees her subordinates' transactions, she is often in contact with CMS, DOC and DJJ officials. For instance in March of 2013, she helped coordinate the layoff and recall procedures for a DOC facility closing, making sure that postings, bumps and recalls are proper and in compliance with the collective bargaining agreement and DOC and CMS procedures. This involved e-mailing and contact with various CMS and DOC officials.

Mizera currently has 2 Human Resource (HR) Specialists, 2 HR Representatives and an Office Clerk as subordinates. She approves their time-off and vacations. She also prepares and signs their performance evaluations. While they may be subject to prior review by Mary Ann Pollard, Pollard has never changed any of Mizera's staff evaluations.

Mizera states that she doesn't assign daily work as most of the work comes into the person assigned to work in that area. For instance one employee processes all transfers, so all transfers go to her. However, the evidence is that she does assign work on special projects out of their daily routine. She does keep track of the subordinates' work to ensure they are completing tasks in a timely and correct manner. She reviews her staff's work for accuracy and compliance with established rules and regulations. She also answers her subordinates' questions concerning the proper completion of the transactions.

While I am unsure if a designation of managerial is proper, the evidence does support that Mizera is a supervisor as defined in Section 6.1. While her work assignments may be routine, it is clear that Mizera is authorized to direct her employees to ensure accuracy in their performance. She answers their questions and reviews their work for accuracy and compliance

with applicable standards. She approves time off and prepares and signs their evaluations.

Thus, the designation of Mizera's position is proper as a supervisor under Section 6.1.

Mary Moos

Moos is also a Transactions Supervisor in the C&C. She performs the same duties as Mizera, but for the Illinois State Police and Emergency Management Agency. She has signature authority to sign transaction forms for the Directors of these agencies. She states that there are 3 subordinate positions on her job description, 2 HR Specialists and a HR Associate, but they have largely remained vacant during her tenure. Currently, one HR Specialist reports to her.

Moos states that she does not supervise her subordinate, that he is assigned work and given direction by the Illinois State Police. He processes transactions for the ISP sworn officers, which don't have to be processed through CMS. She does approve his time off, but has yet to deny a request. She states that she does not review his work. She does prepare and sign his performance evaluations, and prepared performance evaluations for her former subordinates. She approved two of her former subordinates' request for flex time in 2008 and 2010.

As with Mizera, while it is not clear that she is a managerial employee, she does fall within the definition of supervisor under Section 6.1. While her work assignments may be routine, Moos is authorized to direct her subordinates to ensure accuracy in their performance. Like Mizera, she answers their questions and reviews their work for accuracy and compliance with applicable standards. While she currently has one subordinate, whose work she chooses not to review because of his expertise with sworn ISP officers, she has exercised more direction over prior subordinates. She also approves time off and prepares and signs her subordinates' evaluations. Thus, the designation of Moos' position is proper as a supervisor under Section 6.1.

Kathleen Greer

Greer is the Manager of the Classification Unit of the Shared Services Center. The Classification Unit writes the job descriptions and specifications for the agencies at the Center. They process the forms to abolish, establish or maintain positions through CMS. For instance, if the agency wants to establish an Office Associate position, the Unit will draft the description to make sure it follows the CMS specifications. The agencies submits the information necessary to complete the forms. The Unit also ensures that the job description the agency submits fits the appropriate classification. The Unit also rewrites job descriptions when reorganizations occur. Reorganizations are almost a daily occurrence. An agency may also request a modification to a job description.

She reports to Brigette Smith, the Assistant Deputy Director for Strategic Processes in the Human Resources division of the Center. As the Manager, Greer plans, organizes, executes and evaluates the classification plan for the various public safety agencies served by the Center. She approves the preparation of position audit reports, organizational reports, layoff packages, reorganizations, class specification revisions. She has signature authority for various agency directors to sign the CMS forms she prepares for the agency. She reviews, interprets and implements personnel rules, pay plan, agency directives and the various collective bargaining agreements. She can assist in establishing procedures and implements procedures of the Unit. Greer attends the monthly meetings of Process managers. and serves as liaison with CMS and the various agency field staff.

Two Classification supervisors report to Greer: Ilona Flournoy and Terri Barnosky. Both positions are also designated in this Petition and were at issue in the hearing.

Greer states that the work they do is directed by the agencies they serve along with the Deputy Director of Human Resources. She states that her 2 subordinates do the same work she does, they just for it for different agencies. Their work is governed by the Process Design Book and they do not deviate. She claims work is assigned and directed by the agency they are assigned to serve.

However, the evidence is that Greer can prioritize her subordinates' work, assist staff, counsel staff, approve time off and perform staff evaluations. While she states that she doesn't review her subordinates work, she has the authority to do so. She has approved Flournoy's flex time request, and her subordinates' vacation and sick leave requests. While Pollard reviews Greer's performance evaluations for Flournoy and Barnosky, Pollard has not changed anything.

I find that Greer meets the definition of a managerial employee under section 6.1 of the Act. Greer is involved implementing and even developing policies necessary to the processing of the necessary CMS classification forms. She will notify the 2 subordinates in the Unit how to implement these procedures. While most of their processing is in conformance with the Design Book, Greer is able to either formulate, or recommend the formulation of the procedures necessary to ensure the processing is in conformance with these standards. She is the Manager of the Classification Unit. It is her responsibility to ensure that all classification requests are properly completed by all Unit employees. Thus, she performs managerial functions and implements policies and procedures in the agency's interests.

Greer is also a supervisor under Section 6.1 of the act. She approves time off and

performs evaluations of her subordinates. She is also charged with directing and assigning their work. Currently she has made a general assignment of certain agencies to each subordinate, which avoids the need to daily assign work. However, there is nothing to indicate that she could not change these assignments if she desired. Base on the evidence at hearing, I find that the designation of Kathleen Greer was proper under Section 6.1 as either a manager or supervisor.

Iona Flournoy and Terri Barnosky

Flournoy and Barnosky are the two Classification Supervisors in the Classification Unit at the Center, reporting to Greer.

Flournoy has been in the position since March of 2008. She currently processes the classification work for the DOC and has the director's signature authority for the documents she prepares.

Flournoy states that her job is to review the job descriptions submitted to ensure they are in line with the class specifications. If it meets the specifications, she will send it to CMS. If it doesn't, she will send it back to the agency. She has signature authority to sign CMS forms on behalf of agency directors. She works with high management officials when performing her function. In one instance in 2011, she worked with various DOC officials to find an Executive II position for a discharged employee who was put back to work by a settlement agreement. She has also worked with the Chief Financial Officer at DOC on adding special skills to a vacant position and then filling the vacancy. Flournoy states that while she does not write or recommend the adoption of policies, she does ensure that the her classifications adhere to current policies and procedures.

Her job description describes her duties as follows: she implements policies and procedures for classification work for the agency she serves, the DOC and provides classification expertise in planning statewide reorganizations, layoffs, geographic transfers and other transactions. She evaluates, writes and submits position descriptions of all levels. She serves as classification expert to personnel field staff; reviews job descriptions submitted by field staff; directs staff on current policies and procedures; perform position reviews and studies; advise management in proper allocation; reviews audit requests, reorganizations position number changes and organizational charts.

Her job description and the DOC organizational chart show that 2 HR Specialists report to her. Flournoy states that while she used to have a subordinate, she hasn't had one since 2011. When she had a subordinate, she did assign what agency's work and special projects. She

approved and denied vacation and time off requests. She also revised her subordinate's work. When she completed performance evaluations they would be reviewed by the DD for Human Services. She issued performance evaluations for her subordinate, Wendy Jordan, in August 2010 and June 2011. Her job description authorizes her to assign and review the work of subordinates, counsel staff on work performance, approve time off and prepare and sign performance evaluations.

Terri Barnosky, the other Classification Supervisor, has the same job duties as Flournoy, but performs them for the non-DOC agencies utilizing the Center. She also has signature authority to sign agency directors' signature on the personnel documents she prepares.

She states that she doesn't have discretionary authority, and that she can only contact the agencies with Pollard's approval. She was not involved with the recent ISP layoff and only responded afterwards to the agency's request to abolish or clarify certain positions. She does advise management on her opinion on proper allocation. She prepares job descriptions at the agency's request and sends them to CMS for approval. She follows the "Design Book" when performing her work.

The job description and organizational chart state that an HR Specialist reports to her. However, the position, in existence since the position was transferred from ISP to the Center in 2007, has never been filled.

Under the first managerial test of Section 6.1, an individual must be performing managerial and executive functions and be charged with effectuating the agency's management policies and practices. As stated earlier in this decision, "executive and management functions" are those related to running an agency, including assuring that an agency or department runs effectively. Barnosky and Flournoy prepare job descriptions and fill out CMS forms for their assigned public safety agency. They refer to the Design Book when doing so. I am unaware of any precedent that such activities are managerial.

I have previously found that their immediate supervisor, Kathleen Greer, the Manager of Classifications, is responsible to ensure that all classification requests are properly completed by all Unit employees. I don't believe Greer's subordinates in the Unit, Barnosky and Flournoy, also perform the same managerial function as the Unit Manager.

The second managerial test requires the position to take or recommend discretionary actions that implement agency policy. The only duty possibly fitting this description is their ability to offer their opinion of the proper allocation of a position when the agency submits a

proposed job description. However, I don't find this to be a discretionary action or recommended discretionary action that implements an agency policy. There is not the discretion to pick a job title for a position description; the job description must fit the CMS specifications of the chosen position title. Thus, I find that Barnosky and Flournoy are not managers under Section 6.1.

Their designation could still be proper if they are supervisors under Section 6.1. Barnosky and Flournoy do not currently act as the supervisor their title, Classification Supervisor, envisions. Flournoy has not has a subordinate since 2011 and Barnoski has never had a subordinate. There is no evidence that the subordinate positions will be filled in the future. However, the evidence of supervisory authority exercised by Flournoy when she had subordinates in the past, along with the authority that exists in both job descriptions, support a finding that both positions would likely meet the supervisory definition if they had subordinates.

There are arguments to support the designation of Flournoy and Barnosky as supervisors even though they don't currently have subordinates. If the subordinate positions are filled in the future, these positions will be acting as supervisors. They are just not acting as supervisors at this point in time. Also, due to the unique deference given to the State's designation under Section 6.1, and the deference given to job descriptions as evidence of a proper designation, the Board could decide to look at whether the position is authorized to supervise subordinates rather than whether they presently supervise subordinates.

However, the existing Board precedent is that an employee must currently be exercising supervisory functions. In a previous case involving a Section 6.1 designation, State of Illinois, Department of Central Management Services and Dragoo, 30 PERI ¶105 (IL LRB-SP 2013) the ALJ cited that precedent as follows:¹⁶

Because Dragoo presently has no subordinates, I find that Dragoo does not have the authority required by the latter of the two Section 6.1(b)(5) options. (CMS does not dispute that conclusion.) Generally speaking, an individual must have subordinates to be deemed a supervisor. See City of Carbondale, 27 PERI ¶68 (IL LRB-SP 2011)

Thus, I find that the two Classification Supervisors, Barnosky and Flournoy, are not supervisors as defined in section 6.1 of the Act. As they also do not fall within the definition of managerial employee, I find that the designation of Flournoy and Barnosky to not be proper

¹⁶ The Board did not rule on the ALJ's analysis since it upheld his ruling that Dragoo was a managerial employee excluded under Section 6.1.

under Section 6.1 of the Act.

b. Illinois Correctional Industries (ICI) Marketing

Cornell Scott Stahlman

Stahlman is the Assistant Marketing Manager for the northern Region. He has occupied that position since June of 2005. Prior to that, Stahlman was a computer network engineer for a private contractor serving the military in Iraq. He reports to Neil Rossi, Marketing Manager, who did not object to the designation of his position in this Petition..

Stahlman's basic duty is to market the products made by ICI. In order not to be a competitor to private businesses, ICI restricts marketing its product to within DOC, other State agencies, Illinois local governments and Illinois non-profits. He gets involved in the making of product brochures, making recommendations on how they should look and what they contain. He also made decisions on the look and content of the ICI Quick Reference Guide to its products. He doesn't usually have the final say on these, which are made by either Rossi or Jen Aholt, ICI CEO.

Stahlman is charged with developing marketing strategies. He assists the Marketing Manager in researching and developing new strategies. He has even developed the idea for a new ICI product, the standing desk.

He will be told to "get the word out" about a product. In doing so, he will talk with the production manager of the product to find out information about the product. He will often market by deciding to use an e-mail blast to various people on his recipient list. Stahlman does decide on who is on his e-mail list for the blast, although most of the recipients are standard.

Due to his computer expertise, Stahlman is the internal manager of the ICI website for DOC, coordinating his efforts with Hanson Communications, a contractor charged with overall management of the website. Stahlman will analyze past sales in deciding on the website content, which he writes. He no longer functions as supervisor of the ICI Network Computer Systems.

The ICI Marketing Representatives (reps) in the northern region report to Stahlman. He is supposed to direct and assist these reps and maintain a monthly sales report on each rep. Stahlman currently has only one subordinate, Lisa Devert, a rep operating out of an office at Sheridan Correctional Center in LaSalle County. While the job description shows that 4 reps and an ICI Supervisor position report to him, since 2005 no more than 2 of the positions have been filled at any one time.

Devert will send Stahlman a list of conferences she wants to attend where she will market

ICI products. Stahlman checks with Rossi, and if he is okay with it, Stahlman will approve the conferences. Stahlman has also directed Devert to contact a potential client and who in ICI to contact to find out more product information.

Stahlman is authorized to counsel Devert. In June, 2011, Stahlman counseled her on an incident where she was insolent and did not handle a possible order for drafting stools by Will County in the manner that Stahlman had directed her to. Stahlman told Devert that “No, you don’t get to decide. You handle it as directed,” and “Neil said I am your supervisor and direction will come from me.” Richard Mautino, Acting Assistant CEO for ICI, issued the written reprimand to Devert on the incident on July 7, 2011. Severt filed a grievance over the incident. Stahlman was not involved at any of the grievance steps, or in the decision to reduce it to an oral reprimand.

In September 2013, Stahlman nominated Devert for Employee of the Month for her work operating the eyeglass program at Dixon Correctional Center. Devert was detailed to temporarily oversee this program when the IS retired. Devert did receive the award, but Stahlman was not aware of this fact until the hearing on February 20th.

In December 2012, when Devert returned from her Dixon assignment, Rossi instructs her to submit her time off requests to Stahlman. When she again sent her time-off requests to Rossi in April 2003, Rossi agreed to approve the one but that, in the future, she was to send her time off requests to Stahlman. Stahlman has approved her time-off requests during this period.

Stahlman has not completed any of Devert’s evaluations. She was detailed somewhere else for one evaluation period and Neil Rossi chose to do Devert’s 2011 evaluation because of the June, 2011 incident between Stahlman and Devert.

Stahlman is a supervisor under Section 6.1. The evidence shows that, despite his denials, Stahlman does assign and direct Devert in the performance of her duties. He also approves her time-off requests and counsels her. While he didn’t do her performance evaluations or issue her the written reprimand, that doesn’t counter the evidence that Stahlman uses independent judgment when directing her work and in counseling her. Though he wasn’t authorized to issue the discipline or reward her as Employee of the Month, he effectively recommended the actions.

Stahlman is also a managerial employee under Section 6.1. He objects to the description of his managerial functions by stating that he is not involved in planning, is not included in the managerial meetings, has never written a policy, is not charged to effectuate policy, just merely follows it. However, Stahlman does control the operation of the northern region marketing

program. He helps decide the pricing and marketing strategies for the ICI products. These are managerial and executive duties and, while he does not create procedures and policies, he does effectuate the policies and procedures of the DOC when he performs the above activities. Thus the designation of his position is proper under Section 6.1 of the Act.

c. Northern Operations

1) Maria Tellez-Carlson

Carlson is Executive Assistant/Secretary to the Northern Deputy Director of Operations, David Gomez. Gomez has been Deputy Director (DD) for two years while Tellez-Carlson has been in her position for 12 years.

DOC Operations is divided into Northern, Central and Southern districts. The Northern District offices are headquartered at Stateville Correctional Center in Joliet, Illinois. Gomez oversees DOC facilities in the Northern District, with each Warden reporting to him.¹⁷ The essential function of Gomez's position is to ensure that each Warden is complying with DOC ADs at his/her facility. To accomplish that, Gomez is often in contact with the Wardens and holds meetings with them.

Tellez -Carlson's office is adjacent to Gomez's and they have contact several times a day. One of her main duties is to respond to all outside inquiries on the DD's behalf, including inquiries from inmate's loved ones. She often responds to inquiries from outside sources requiring the interpretation of agency rules. She prepares responses to questions by other government officials and represents the DD in public relations with the general public and other groups. She compiles information, tracks incidents and prepares responses to these inquiries. She does not answer legislative inquiries but transmits those to DOC legislative affairs.

She also helps develops policies and procedures involving inmate custody and professional services for the Northern District. She confers with the Deputy Director to help implement program activities to resolve administrative problems and program developments, and provides managerial staff with her expertise in laws and procedures pertaining to correctional institutions. Gomez states that he has been in agreement with her approximately 95% of the time when she makes recommendations on policies. Once, Gomez had her review an AD involving "earned equivalent time" to make a recommendation on possible changes.

He will confer with her on planning the program and possible attendees for conferences,

¹⁷ The facilities are the Dixon, East Moline, Hill, Sheridan and Stateville correctional centers and the Peoria Adult Transition Center.

and she assists with his Wardens meetings. Tellez-Carlson has attended a meeting on his behalf. She compiles the monthly reports from the facilities and keeps files and records on the operations.

While Tellez-Carlson admits that she deals with important issues for the DOC, but believes that she has no authority to deviate from requirements when performing these duties. She doesn't create ADs, that can only be done by the policy unit in Springfield. While she does make recommendations on procedures, these are accepted only because she has been there a lot longer than the DDs she reports to. She doesn't do SPEARS hearings as mentioned in her job description and hasn't been an Employee Review Officer for 7 years.

Tellez-Carlson does perform many functions that are clerical or secretarial. However, her job description authorizes her to perform many functions that are also managerial in nature. Additionally, the hearing testimony shows that, even if she doesn't perform a few such duties contained in her job description, she actually does perform many authorized managerial functions. Tellez-Carlson represents management's interests in dealing with the public. In her answers to inquiries and presentations, she takes discretionary actions that implement policies of the State.

Her functions are essential to the DD's ability to run the Northern District operations. In fact, despite her objections. Tellez-Carlson is one of the few individuals at issue in these petitions that actually has helped formulate rather than merely implement policy. It may be that her ability to do so is only because of her experience relative to that of the DDs. However it doesn't matter that she obtained the skill to do the duties of the position through her experience or that the need for her position is greater because of turnover in the DD position. The facts are that her job description authorizes her to perform such duties and the evidence shows she actually performs most of such duties. Thus, the designation of Tellez-Carlson is proper as she is a managerial employee within the scope of Section 6.1(b)(5).

IV. CONCLUSIONS OF LAW

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, documents and arguments presented at hearing, I find that, except for the designations of Ilona Flournoy and Terri Barnosky, the designations are properly submitted and are consistent with the requirements of Section 6.1 of the Act.

Accordingly, I recommend that, except for the positions of Flournoy and Barnosky, the

Executive Director certify the designation of the positions at issue in this consolidated matter 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.

V. RECOMMENDED ORDER

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

S-DE-14-186

<u>Position No.</u>	<u>Working Title</u>	<u>Incumbent</u>
37015-29-00-000-12-01	Senior Policy Advisor	McCraven, Xadrian
37015-29-00-000-20-01	EEO/AA Officer	Fair, Vicki
37015-29-00-000-50-01	Administrative Asst 3	Vacant
37015-29-00-000-70-01	Chief Records Officer	Jackson, Glenn
37015-29-00-000-71-01		Bickle, Julia
37015-29-00-000-71-02		Vacant
37015-29-00-151-00-01	Background Screening Mgr.	Kiel, Beth
37015-29-00-152-00-01	Central Screening Mgr.	Vacant
37015-29-00-153-00-01	Drug Screening Supervisor	Meyerholz, Myra
37015-29-00-210-00-01	Admin. of Inmate Issues	Anderson, Terri
37015-29-00-221-00-01	Transfer Coordinator	
37015-29-00-900-00-01		White, Steven
37015-29-01-100-00-01	HR Agency Liaison	Wanless, Karey
37015-29-01-100-10-01		Goosby, Efia
37015-29-01-100-10-02		Vacant
37015-29-01-100-10-03		Wargel, Larry
37015-29-01-320-00-01	Planning Supervisor	Vacant
37015-29-01-400-00-01		Beekman, Echo
37015-29-02-000-13-01		Stahlman, Joni
37015-29-04-050-00-01	Supv. Jail & Deten. Stndrds	Funk, Michael
37015-29-04-100-05-01		Tellez-Carlson, Maria
37015-29-05-001-00-01	Admin., Parole Adjust. Prog.	Shipinski, Sharon
37015-29-05-600-01-01		Ward, Pamela
37015-29-06-100-20-01	Industry Superintendent	Beckmann, Mark
37015-29-06-100-30-01	Industry Superintendent	Rhoden, Linda
37015-29-06-100-40-01	Industry Superintendent	Holt, Mark
37015-29-06-210-00-01		Rossi, Neil
37015-29-06-210-10-01	Assistant Marketing Mgr.	Stahlman, Cornell
37015-29-06-210-20-01	So. Region Marketing Mgr.	Hampton, Richard
37015-29-06-211-00-01	Industry Superintendent	Bowen, George
37015-29-06-212-00-01	Warehouse/Trucking Mgr.	Sapp, David
37015-29-06-214-00-01	Industry Superintendent	Clinton, James
37015-29-06-230-00-01	Garment Mgr.	McFadden, Michael

37015-29-06-235-00-01	Industry Superintendent	Vacant
37015-29-06-236-00-01	Industry Superintendent	Dooley, Michael
37015-29-06-241-00-01	Industry Superintendent	Melvin, Christopher
37015-29-06-246-00-01	Industry Superintendent	Harris, Kenneth
37015-29-06-251-00-01	Industry Superintendent	Pogue, Matthew
37015-29-06-252-00-01	Industry Superintendent	Thompson, Candyce
37015-29-06-253-00-01	Industry Superintendent	Probst, Gary
37015-29-10-000-40-01	So. Dist Coord of Voc Prog.	Mattingly, Kathleen
37015-29-10-000-50-01	No. Dist Coord of Adult Ed.	Eifert, Robert
37015-29-40-211-00-01	Compliance & Control Mgr.	Bandy, Deanna
37015-29-40-211-20-01	C&C Transactions Mgr.	Vacant
37015-29-40-211-21-01	Transactions Supervisor	Mizera, Melissa
37015-29-40-211-30-01	Transactions Supervisor	Moos, Mary
37015-29-40-211-40-01	C & C HR Func Proc. Supv.	Clark, Deanna
37015-29-40-212-00-01	Benefits Process Mgr.	Meierdirks, Larry
37015-29-40-214-00-01	Payroll/Timekeeping Mgr.	Wunder, Sharon
37015-29-40-214-10-01		Motley, Julie
37015-29-40-221-00-01	Classification Process Mgr.	Greer, Kathleen
37015-29-40-222-00-01	Hiring Process Mgr.	Owen, Tara
37015-29-40-322-10-01	Grants Manager	Krause, Charles
37015-29-40-331-00-01	Purchasing Supervisor	Kennedy, Julie
37015-29-40-332-00-01	Procurement/Contract Mgr.	Vacant
37015-29-40-332-10-01	Sourcing Supervisor	Knauer, Michael
37015-29-55-100-00-01	Business Administrator	Pirtle, Mark
37015-29-56-100-00-01	Business Administrator	Wilson, Harold
37015-29-57-100-00-01	Business Administrator	Anderson, John
37015-29-58-100-00-01	Business Administrator	Vacant
37015-29-61-100-00-01	Business Administrator	Booth, Bob
37015-29-62-100-00-01	Business Administrator	Clem Pierce, Jennifer
37015-29-63-100-00-01	Business Administrator	Bader, Mark
37015-29-80-100-00-01	Business Administrator	Wait, Roger
37015-29-82-000-00-01	Executive Assistant	Strock, Steven
37015-29-82-180-00-01	R&C Business Adm.	Wood, Tim
37015-29-83-100-00-01	Business Administrator	Vacant
37015-29-83-110-00-01	Business Administrator	Colvis, Lynette
37015-29-85-000-01-01		Ramirez, Marsha
37015-29-85-100-00-01	Business Administrator	Vacant
37015-29-86-100-00-01	Business Administrator	McCall, Alice J.
37015-29-87-100-00-01	Business Administrator	Flowers, Lisa
37015-29-90-100-00-01	Business Administrator	Garcia, Robert
37015-29-93-100-00-01	Business Administrator	Nicklaus, Sonja
37015-29-94-100-00-01	Business Administrator	Grimsley, Michelle
37015-29-95-100-00-01	Business Administrator	Allen, John
37015-29-96-100-00-01	Business Administrator	Shupe, Gloria
37015-29-97-100-00-01	Business Administrator	Costello, Karen
37015-29-98-100-00-01	Business Administrator	Smith, John
37015-29-99-100-00-01	Business Administrator	Anderson, Pamela

S-DE-14-187

<u>Position No.</u>	<u>Working Title</u>	<u>Incumbent</u>
37015-29-00-800-10-01	External/Internal Auditor	Faith, Ronald
37015-29-00-800-20-01	External Auditor	Vacant
37015-29-00-800-30-01	Internal Auditor	Vacant
37015-29-06-100-10-01		Root, Richard
37015-29-40-311-00-01	Fixed Ass./Prop. Cntl. Mgr	Kerr, Steven
37015-29-40-312-00-01	Accts Rec. & Funds Mgr.	Roland, Christine
37015-29-40-313-00-01	Procurement 4 Manager	Sharpe, Brenda
37015-29-40-321-00-01	Mgr of General Accounting	Vacant
37015-29-40-323-10-01	Reporting Supervisor	Sogunro, Augustine
37015-29-40-323-20-01	Audits Supervisor	Miller, Debra
37015-29-40-332-20-01	Contract Mgmt. Sup.	O'Connor, Carol
37015-29-40-333-10-01	Budget Supervisor	Vacant
37015-29-40-333-20-01	Budget Supervisor	Lokaitis, Jennifer

S-DE-14-188

<u>Position No.</u>	<u>Working Title</u>	<u>Incumbent</u>
37015-29-02-300-00-01	Sex Offender Serv. Coord.	Williams-Schafer, Alyssa
37015-29-02-500-10-01		Mays, Delores
37015-29-55-210-00-01	Health Care Unit Admin	Sisson, Jonathan

S-DE-14-189

<u>Position No.</u>	<u>Working Title</u>	<u>Incumbent</u>
37015-29-06-100-11-01	Accounting Manager	Burnett, Wanda
37015-29-40-324-00-01		Rapaport, Joel
37015-29-40-324-00-02		Murphy, Devin
37015-29-40-324-00-03		McCombs, Diane
37015-29-40-324-00-04		Vacant
37015-29-40-324-00-05		Bull, Christa

S-DE-14-190

<u>Position No.</u>	<u>Working Title</u>	<u>Incumbent</u>
37015-29-56-210-10-01	Health Care Unit Adm.	Wortley, Glenda
37015-29-57-210-10-01	Health Care Unit Adm.	Kerr, Susan
37015-29-58-210-10-02	Health Care Unit Adm.	Isaacs, Deborah
37015-29-59-210-00-01	Health Care Unit Adm.	Hohnsbehn, Nona
37015-29-61-210-00-01	Health Care Unit Adm.	Cowger, Lori
37015-29-61-210-10-01	Nursing Supervisor	Vacant
37015-29-62-210-00-01	Health Care Unit Adm.	Brown, Christine
37015-29-63-210-00-01	Health Care Unit Adm.	Martin, Phillip
37015-29-80-210-00-01	Health Care Unit Adm.	Duffield, Nicolette
37015-29-80-210-10-01	Director of Nurses	Ssenfuma, Joseph
37015-29-82-210-00-01	Health Care Unit Adm.	Brown-Reed, Royce
37015-29-82-210-60-01	Nursing Supervisor	Trevino, Dolores
37015-29-82-431-20-01	Nursing Director	Martin, Ester
37015-29-82-431-21-01	Nursing Supervisor	Vander Weit, Joy

37015-29-82-431-21-02	Nursing Supervisor	Vacant
37015-29-83-210-00-01	Health Care Unit Adm.	Malley, Nikki
37015-29-83-210-10-01	Director of Nurses	Walls, Gail
37015-29-83-210-11-01	Nursing Supervisor	Vinyard, Nigel
37015-29-83-210-11-02	Nursing Supervisor	Miget, Charlotte
37015-29-83-210-11-03	Nursing Supervisor	Crain, Angela
37015-29-85-210-00-01	Health Care Unit Adm.	Arroyo, Teresa
37015-29-86-210-00-01	Health Care Unit Adm.	George, Penny
37015-29-88-210-00-01	Health Care Unit Adm.	Lercher, Lisa
37015-29-88-210-10-01	Director of Nurses	Johnson, Lisa
37015-29-90-210-00-01	Health Care Unit Adm.	Griffin, Susan
37015-29-90-210-60-01	Director of Nurses	Johnson, Mary L.
37015-29-91-210-00-01	Health Care Unit Adm.	Jepsen, Tina
37015-29-91-210-00-01	Health Care Unit Adm.	Allen, Amber
37015-29-91-210-10-01	Nursing Supervisor	Vacant
37015-29-93-210-20-01	Director of Nurses	Vacant
37015-29-93-210-21-01	Nursing Supervisor	Vacant
37015-29-93-210-21-02	Nursing Supervisor	Vacant
37015-29-94-210-00-01	Health Care Unit Adm.	Sudbrink, Becky
37015-29-95-210-00-01	Health Care Unit Adm.	Lisa Lercher
37015-29-96-210-00-01	Health Care Unit Adm.	Lynn, Sherri

S-DE-14-191

<u>Position No.</u>	<u>Working Title</u>	<u>Incumbent</u>
37015-29-10-201-00-01	Educ. Facility Admin.	Cross, Bryan
37015-29-10-202-00-01	Educ. Facility Admin.	Zahm, Heather
37015-29-10-203-00-01	Educ. Facility Admin.	Bonifield, Geneva
37015-29-10-206-00-01	Educ. Facility Admin.	Watson, Brian
37015-29-10-214-00-01	Educ. Facility Admin.	Wood, Jeanne
37015-29-10-301-00-01	Educ. Facility Admin.	Musser, Randall
37015-29-10-302-00-01	Educ. Facility Admin.	Simmons, Lisa
37015-29-10-304-00-01	Educ. Facility Admin.	Perkins, Gary
37015-29-10-306-00-01	Educ. Facility Admin.	Burgin, Rebecca
37015-29-10-307-00-01	Educ. Facility Admin.	Moeller, Michelle
37015-29-10-309-00-01	Educ. Facility Admin.	Vacant
37015-29-10-405-00-01	Educ. Facility Admin.	Sessler, Gail
37015-29-10-415-00-01	Educ. Facility Admin.	Twagilimana, Augustin

The following positions are to remain subject to the self-organization and collective bargaining provisions of the Illinois Public Labor Relations Act.

37015-29-40-221-10-01	Classification Supervisor	Flournoy, Ilona
37015-29-40-221-20-01	Classification Supervisor	Barnosky, Terri

VII. EXCEPTIONS

Pursuant to Sections 1300.130 and 1300.90(d)(5) of the Board's Rules and Regulations,

80 Ill. Admin. Code Parts 1300,¹⁸ parties may file exceptions to the Administrative Law Judge's Recommended Decision and Order and briefs in support of those exceptions no later than three days after service of this recommended decision and order. Exceptions shall be filed with the Board by electronic mail at an electronic mail address designated by the Board for such purpose, ILRB.Filing@illinois.gov, and served on all other parties via electronic mail at its e-mail address as indicated on the designation form. Any exception to a ruling, finding conclusion or recommendation that is not specifically urged shall be considered waived. A party not filing timely exceptions waives its right to object to this recommended decision and order.

Issued at Springfield, Illinois, this 3rd day of March, 2014.

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

/s/ Brian E. Reynolds

**Brian E. Reynolds
Administrative Law Judge**

¹⁸ Available at www.state.il.us/ilrb/subsections/pdfs/Section1300IllinoisRegister.pdf