STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

State of Illinois, Department of Central Management Services (Department of Human Services),	)	
Petitioner	)	
and	)	
American Federation of State, County and Municipal Employees, Council 31,	)	
Labor Organization-Objector	)	Case No. S-DE-14-221
and	)	
Susan Berggren, Gregory Coughlin, Eileen DeRoze, Frank Gardner, Janine Gudac, Felicia Guest, Joseph Harper, Brian Henry, Deborah Higgins, Ronald Korza, Asia Nash, Rhonda Scruggs, Sean Walsh, Alfred Watson,	)	
Employee-Objectors	)	

ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION AND ORDER

Section 6.1 of the Illinois Public Labor Relations Act, 5 ILCS 315/6.1 (2012), added by Public Act 97-1172, allows the Governor of the State of Illinois to designate certain public employment positions with the State as excluded from the collective bargaining rights which might otherwise be granted under the Illinois Public Labor Relations Act. Section 6.1 and Public Act 97-1172 became effective on April 5, 2013, and allow the Governor 365 days from that date to make such designations. The Illinois Labor Relations Board (Board) promulgated rules to effectuate Section 6.1 that became effective on August 23, 2013, 37 Ill. Reg. 14070 (Sept. 6,

2013). Those rules are contained in Part 1300 of the Board's Rules and Regulations, 80 Ill. Admin. Code Part 1300.

On February 6, 2014, the State of Illinois, Department of Central Management Services (CMS), on behalf of the Governor, filed the above-captioned designation petition pursuant to Section 6.1 of the Illinois Public Labor Relations Act and Section 1300.50 of the Board's rules. All of the petitioned-for positions are affiliated with the Illinois Department of Human Services (DHS) and are Public Service Administrator, Option 6 positions. Since its initial filing, CMS has withdrawn its selection of position nos. 37015-10-91-110-20-01, 37015-10-91-110-30-01, and 37015-10-95-000-10-01 without prejudice.[1] Those three positions are vacant.

Pursuant to Section 1300.60(a)(3) of the Board's rules, objections were separately and timely filed by the American Federation of State, County and Municipal Employees, Council 31 (AFSCME) on February 22, 2014[2]; Susan Berggren on February 13, 2014; Gregory Coughlin on February 10, 2014; Eileen DeRoze on February 10, 2014; Frank Gardner on February 13, 2014; Janine Gudac on February 18, 2014; Felicia Guest on February 14, 2014; Joseph Harper on February 13, 2014; Brian Henry on February 13, 2014; Deborah Higgins on February 13, 2014; Ronald Korza on February 14, 2014; Asia Nash on February 13, 2014; Rhonda Scruggs on February 14, 2014; Sean Walsh on February 19, 2014; and Alfred Watson on February 18, 2014. AFSCME also filed a supplemental objection on February 25, 2014.[3]

After full consideration of the record, I, the undersigned Administrative Law Judge, recommend the following.

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[1] I permitted CMS' proposed withdrawals on February 25 and March 3, 2014.

[2] The Board's General Counsel granted AFSCME two extensions of time within which to file objections to the instant petition.

[3] I granted AFSCME's request to file a supplemental objection on February 24, 2014.

I. DISCUSSION AND ANALYSIS

The instant analysis must determine whether the petitioned-for positions may lawfully be selected for designation under Section 6.1 of the Illinois Public Labor Relations Act. State of Illinois, Department of Central Management Services (Department of Natural Resources), 30 PERI ¶112 (IL LRB-SP 2013). Under Section 6.1, 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 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. Moreover, to be properly designated, the position must also fit one or more of the five categories provided by Section 6.1(b).[4] Here, CMS contends that all of the positions at issue qualify for designation under Section 6.1(b)(5).

Section 6.1(b)(5) requires a petitioned-for position to authorize an employee in that position to have "significant and independent discretionary authority as an employee." That authority is defined in Section 6.1(c), which requires the employee to either be (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 represent management interests by taking or recommending discretionary actions that effectively control or implement the policy of a State agency or (ii) qualify 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 (NLRB) interpreting that provision or decisions of courts

[4] 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. I also note that Public Act 98-100, which became effective July 19, 2013, added subsections (e) and (f) to Section 6.1. Those subsections shield certain specified positions from such designations, but none of those positions are at issue in this case.

reviewing decisions of the NLRB. A position that satisfies the standard of either Section 6.1(c)(i) or Section 6.1(c)(ii) satisfies the standard of Section 6.1(b)(5). See State of Illinois, Department of Central Management Services (Illinois Council on Developmental Disabilities), 30 PERI ¶169 (IL LRB-SP 2014).

General Objections

In support of and along with its petition, CMS provided unique position descriptions for all of the positions at issue. CMS also provided affidavits that contend, inter alia, that the included position descriptions fairly and accurately represent the positions' duties and responsibilities. Nevertheless, in its initial objection, AFSCME contends that CMS submitted no "actual evidence" that supports the designations, provides the job duties of the positions at issue, or shows how those positions meet the standard of Section 6.1(b)(5). I disagree, and find that the required information has been provided. That finding is reinforced by the unique presumption of appropriateness provided by Section 6.1(d).

Elsewhere in its initial objection, AFSCME acknowledges CMS' submissions, but claims that the position descriptions provided are insufficient because they indicate that the positions' duties are subject to approval or that the positions' authority is "provided by administration." Simply put, those concerns have not been determinative. Also, in order to satisfy the standard of Section 6.1(b)(5), a petitioned-for employee need not "actually" perform all of his or her authorized duties, as the plain language of Section 6.1(b)(5) fairly clearly encompasses positions that simply authorize employees in those positions to have significant and independent discretionary authority. See State of Illinois, Department of Central Management Services (Department of Commerce and Economic Opportunity), 30 PERI ¶163 (IL LRB-SP 2014); State

of Illinois, Department of Central Management Services (Emergency Management Agency), 30 PERI ¶105 (IL LRB-SP 2013).

Generally, in order to properly designate a State employment position under Section 6.1, CMS must simply provide the Board with (1) the job title and job duties of the employment position; (2) the name of the State employee currently in the employment position, if any; (3) the name of the State agency employing the public employee; and (4) the category under which the position qualifies for designation. State of Illinois, Department of Central Management Services (Department of Commerce and Economic Opportunity), 30 PERI ¶163; State of Illinois, Department of Central Management Services (Department of Natural Resources), 30 PERI ¶112. CMS has provided that information. By doing so, CMS has provided a basis for its petitioned-for exclusions and the minimum notice and showing required by Section 6.1.

Separately, AFSCME asserts that the definition set forth in Section 6.1(c) essentially follows the manager and supervisor definitions as developed by the NLRB and case law interpreting the same. Using that logic, AFSCME contends that CMS, as the party claiming managerial status, bears the burden of proof. AFSCME also contends that all of the employees at issue are professional employees and, accordingly, cannot perform executive and management functions (and thus cannot be considered managers). However, those contentions are not supported by the Board's precedent, and the distinction between a professional and a manager has not been dispositive. State of Illinois, Department of Central Management Services (Department of Commerce and Economic Opportunity), 30 PERI ¶163; State of Illinois, Department of Central Management Services (Department of Natural Resources), 30 PERI ¶112; State of Illinois, Department of Central Management Services (Department of Agriculture), 30 PERI ¶84 (IL LRB-SP 2013). Section 6.1 is a "unique statutory creation" that differs from the

rest of the Illinois Public Labor Relations Act. State of Illinois, Department of Central Management Services (Illinois Commerce Commission), 30 PERI ¶83 (IL LRB-SP 2013).

AFSCME's initial objection also routinely alleges that Section 6.1 violates the Illinois Constitution and the United States Constitution. However, the Board is largely unable to address those kinds of allegations, as administrative agencies have no authority to declare statutes unconstitutional or question their validity. Goodman v. Ward, 241 Ill. 2d 398, 411, 948 N.E.2d 580, 588 (2011); State of Illinois, Department of Central Management Services, 30 PERI ¶80 (IL LRB-SP 2013). Accordingly, this Recommended Decision and Order need not analyze the gravity of the rights affected by the Governor's designation or otherwise address AFSCME's constitutional concerns in detail. See State of Illinois, Department of Central Management Services, 30 PERI ¶148 (IL LRB-SP 2013).

Specific Objections

Susan Berggren

Berggren's title is Director of the Center-Wide Active Treatment Program at the Ann Kiley Center. In her objection, Berggren suggests that she revises policies and, with a committee, advises regarding procedures and changes to policies. Further, Berggren's position description states without contradiction that her position is authorized to plan, develop, and direct the Center-Wide Active Treatment Program; research and analyze techniques to improve services; recommend changes to facility management regarding the Center-Wide Active Training Program; serve as a resource person and collaborate with the habilitation teams responsible for the development and implementation of habilitation plans; identify problem areas; and revise practices or techniques. Berggren does not deny that those functions require the use of

discretion. Accordingly, I find that Berggren's position satisfies the standard of Section 6.1(c)(i).

Regarding a Section 6.1(c)(ii) exclusion, Berggren's objection indicates that, in practice, she does not hire, transfer, suspend, lay off, recall, promote, or discharge her subordinates. It also indicates that, when rewards are considered, she simply recommends and "states the facts." However, those indications do not defeat the presumption of appropriateness.

I note that Berggren's objection confirms she does direct her subordinates and assign them work. Furthermore, Berggren does not dispute the parts of her position description that indicate she is authorized to approve time off; provide guidance and training; complete and sign performance evaluations; establish annual goals and objectives; and counsel staff on problems with productivity, quality of work, and conduct. Likewise, she does not deny that those supervisory functions require independent judgment. Therefore, I find that Berggren's position also satisfies the standard of Section 6.1(c)(ii).

Cedric Berryhill

Berryhill's title is Assistant Local Office Administrator. In AFSCME's initial objection, Berryhill swiftly concludes that he does not write policies or recommend the adoption of policies, does not have any role in the budget process, does not have authority to decide how policies or legislation will be implemented, and does not recommend any actions that control or implement legislation that affects his agency or agency policy. Nevertheless, Berryhill does not dispute the parts of his position description that suggest his position is authorized to plan, organize, direct, review, and evaluate the work performed in his section concerning production and operational efficiency; recommend implementation of policy and procedural changes; establish goals, objectives, operating policies, and procedures for his section; review and

recommend staffing needs; review production reports; prepare operational reports; conduct regularly and specially scheduled staff meetings to discuss, interpret, and implement new policies and procedures or changes in existing policies and procedures; confer with the Bureau of Policy and Training to obtain clarification of agency policy and procedures; and plan and implement special management assignment projects. Also, Berryhill does not deny that those functions require the use of discretion. Accordingly, I find that Berryhill's position satisfies the standard of Section 6.1(c)(i) and, therefore, that of Section 6.1(b)(5) as well.

Regarding a Section 6.1(c)(ii) exclusion, Berryhill concludes without explanation that he cannot hire, transfer, lay off, recall, promote, discharge, or reward. However, Berryhill confirms that he has subordinates and suggests that he can suspend, assign work to, discipline, and direct them. Moreover, Berryhill does not dispute the parts of his position description that suggest he is authorized to provide advice and guidance to subordinates; coordinate and provide training for his staff; reassign staff to meet the day-to-day operational needs of the section; evaluate his staff's activities; establish his staff's goals and objectives; set staff schedules; approve time off; prepare, conduct, and sign annual performance evaluations; counsel employees regarding work performance, productivity, and/or conduct; and hear and adjust employee grievances. He does not deny that those supervisory functions require the use of independent judgment. Thus, I find that Berryhill's position also satisfies the standard of Section 6.1(c)(ii).

Ann Boisclair

Boisclair is a Quality Manager at the Elgin Mental Health Center. In AFSCME's initial objection, Boisclair indicates that a significant portion of her time is spent auditing and surveying units and hospital treatment teams. She also indicates that she chairs the Quality Council, which apparently is the hospital committee for addressing quality of care issues.

Furthermore, Boisclair evidently develops, abstracts, generates, and analyzes data on key quality indicators on a monthly basis and communicates the data to leadership to assist in evaluating hospital operations; participates in policy development by developing drafts based on input from hospital administrative and clinical leadership as well as new requirements from an accrediting body and state laws; and participates in planning meetings to develop implementation processes. Also, Boisclair does not specifically deny the parts of her position description that indicate she directs, coordinates, reviews, and evaluates a facility-wide program for assessing, improving, and managing quality of care and reduction of risk within the facility; designs systems implementing and monitoring programs; generally develops policy and procedures; provides written reports and recommendations regarding plans of correction to obtain compliance; and develops informational sharing methodology. She does not deny that those functions require the use of discretion. Accordingly, I find that her position satisfies the standard of Section 6.1(c)(i).

Regarding a Section 6.1(c)(ii) exclusion, Boisclair concludes that, in practice, she does not hire, transfer, suspend, lay off, recall, promote, discharge, reward, discipline, or direct. However, Boisclair concedes that she has a number of subordinates, that she coordinates their work, and that a percentage of her time "is allocated to work supervision." Further, Boisclair does not specifically dispute the parts of her position description that indicate she reviews her subordinates' work, provides guidance and training to assigned staff, counsels staff regarding work performance, reassigns staff to meet day-to-day operating needs, establishes annual goals and objectives, approves time off, and prepares and signs performance evaluations. She does not meaningfully deny that those functions require the use of independent judgment. Given those circumstances, I find that Boisclair's position satisfies the standard of Section 6.1(c)(ii) as well.

David Brown

Brown serves as the dean of a K-8 dorm. (According to AFSCME's initial objection, Brown is the Residential Manager of the Illinois School for the Deaf.) In an attachment to AFSCME's initial objection, Brown succinctly concludes that he does not in fact write policies, recommend the adoption of policies, have any role in the budget process, have authority to decide how policies or legislation will be implemented, or recommend any actions that control or implement legislation that affects his agency or agency policy. However, he has not meaningfully denied the parts of his position description that indicate Brown is nevertheless authorized to interpret school and departmental policies and procedures for staff and students; consult with members of the Social Services, Education, Evaluation Center and other professional disciplines on program development, staff training, and on individual residential care problems; direct, plan, coordinate, and evaluate residential care services; and assist in the development and implementation of independent living goals and objectives for a residential program. I find that, in this context, those functions can be considered managerial functions, and Brown does not deny that they require the use of discretion. Therefore, I conclude that Brown's position sufficiently satisfies the standard of Section 6.1(c)(i).

Separately, Brown's contribution confirms that he establishes goals and objectives for his subordinate staff, provides training, assigns duties, sets staff schedules, approves time off, and counsels employees. Those duties can generally be considered supervisory duties. Moreover, Brown does not deny that they require the use of independent judgment. Accordingly, I find that Brown's position also satisfies the standard of Section 6.1(c)(ii).

Susan Chapman-Schultz

Chapman-Schultz is a Rehabilitation Services Supervisor or Field Office Supervisor who, in AFSCME's initial objection, states that her position description is correct. That document indicates that her position is authorized to plan, implement, direct, coordinate, and supervise all program activities assigned to her area of the Division of Rehabilitation Services' region structure. Chapman-Schultz also confirms that she creates "inner-office policies," has some say regarding how legislation is implemented in her office, can make suggestions regarding agency-wide implementation, and can "approve office expenditures" under some circumstances. She does not deny that those managerial functions require the use of discretion. Accordingly, I find that Chapman-Schultz's position satisfies the standard of Section 6.1(c)(i).

Regarding a Section 6.1(c)(ii) exclusion, Chapman-Schultz indicates she recommends employees for rewards and "semi-automatic promotions," counsels subordinates, assigns work and specific tasks, and determines the workload and "who is assigned to what." (Notably, that last function can require her to consult with subordinates and "determine the best course of action.") Moreover, Chapman-Schultz's position description states without contradiction that she establishes goals and objectives for subordinate staff; provides training; sets staff schedules; approves time off; prepares, conducts, and signs annual performance evaluations of staff; recommends disciplinary action; and hears and adjusts employee grievances. She does not deny that those supervisory functions require the use of independent judgment. Therefore, I find that Chapman-Schultz's position also satisfies the standard of Section 6.1(c)(i).

Gregory Coughlin

Coughlin is a Clinical Director at the McFarland Mental Health Center. In his objection, Coughlin indicates that he teaches/facilitates groups/classes on the unit and in the central

program area and has "contributed to the writing of policies." Moreover, in his objection, Coughlin does not specifically dispute the parts of his position description that state his position generally supervises the functioning of his unit; coordinates a clinical management team; implements facility policy and procedures; develops, implements, and evaluates the Kennedy Hall Treatment Program and unit treatment programs; and meets with a treatment services coordinator and other clinical directors to review and evaluate activities and implement policies and procedures. Coughlin does not deny that those functions require the use of some discretion. Accordingly, I find that his position satisfies the standard of Section 6.1(c)(i).

Regarding a Section 6.1(c)(ii) exclusion, Coughlin states that he oversees one subordinate, a social worker, but indicates that, in practice, he does not hire, transfer, suspend, lay off, recall, promote, discharge, reward, or issue or recommend discipline. That being said, he essentially concedes that he assigns work to and directs his one subordinate, reviews his subordinate's written work, and recommends revisions as needed. Further, Coughlin does not dispute the parts of his position description that suggest he establishes goals and objectives for subordinate staff; provides training; assigns duties; sets schedules; approves time off; conducts and signs annual performance evaluations; counsels staff regarding work performance, productivity, and/or conduct; hears staff grievances; and confirms appropriate training is provided. He also does not meaningfully deny that those functions require independent judgment. Thus, I find that Coughlin's position also satisfies the standard of Section 6.1(c)(ii).

Eileen DeRoze

Disputing her position description, DeRoze's objection indicates DeRoze is unaware of an "Administrative Unit," and contends that, if there is such a unit, DeRoze is its only member. In the same objection, DeRoze also states that no policies, procedures, goals, or objectives are

established, changed, or implemented without a superior making that decision. DeRoze further contends that she is not responsible for creating and updating policy and procedure, has never reviewed and recommended staffing needs, and has nothing to do with the "billing contract" or its implementation. Ultimately, those contentions do not refute the presumption of appropriateness provided by Section 6.1(d).

As suggested above, in this context, it is not necessary that the petitioned-for positions have final decision-making authority. See State of Illinois, Department of Central Management Services (Department of Commerce and Economic Opportunity), 30 PERI ¶163; State of Illinois, Department of Central Management Services (Emergency Management Agency), 30 PERI ¶105. Further, DeRoze generally concedes that she does assist with policy and procedure review, is involved in the review of federal regulation and the discussion of program policies or legislation for compliance, provides "staff support to the annual report," and has "assisted with the development of [the] Early Intervention rule." She also does not specifically dispute the parts of her position description that state her position is authorized to recommend implementation of policy and procedural changes; establish goals, objectives, operating policies, and procedures for her program; develop and implement the request for proposal process for her bureau; develop rules, policies, and procedures to ensure consistency with federal guidelines; develop state initiatives for the 0-3 population in Illinois; and interpret new legislation and administrative policies and procedures having direct impact on the 0-3 programs. Likewise, DeRoze does not dispute that those functions require discretion. Indeed, DeRoze concedes that she plans and

organizes her own work. Accordingly, I find that her position satisfies the standard of Section 6.1(c)(i).[5]

Nancy Desai

Desai is a Unit Director of the Chester Mental Health Center. In AFSCME's initial objection, Desai concludes that she does not have a role in determining staffing needs to achieve program directives, does not write or recommend the adoption of policies, and has no role in the budgetary process. However, Desai does not specifically deny the parts of her position description that suggest she verifies the overall clinical services of her unit are provided to each resident; implements facility policy and procedures; and serves as a member of various hospital committees and/or workgroups. Moreover, she does not deny that those functions require some discretion. When viewed in light of Section 6.1(d)'s presumption of appropriateness, I find that those circumstances satisfy the standard of Section 6.1(c)(i).

Regarding a Section 6.1(c)(ii) exclusion, Desai's contribution suggests that, in practice, she does not hire, transfer, suspend, lay off, recall, promote, discharge, recommend or impose disciplinary action, or recommend grievance resolutions. Yet, Desai does not indicate that she does not assign work to her employees, provide training, or establish annual goals and objectives as her position description suggests. Also, she confirms she completes performance evaluations, provides guidance regarding policies and procedures, and counsels employees. Desai contends that some of her subordinates' time off requests are approved by a "higher level" superior, but that wrinkle is not dispositive, as she evidently approves at least some of her subordinates' requests. She does not deny that the supervisory functions listed above require the use of

[5] DeRoze's objection indicates that, currently, no personnel report to her, as the position that would do so is vacant. (Allegedly, she has not had a subordinate since June of 2012.) For that reason, I decline to determine whether her position also satisfies the standard of Section 6.1(c)(ii).

independent judgment. Under those circumstances, I find that Desai's position satisfies the standard of Section 6.1(c)(ii) as well.

Karen Engstrom

Engstrom is a Supervisor of the Division of Rehabilitation Services or, alternatively, a Field Office Supervisor. In her contribution to AFSCME's initial objection, Engstrom confirms that she performs all of the duties described in her position description. That document indicates Engstrom's position is authorized to plan, implement, direct, coordinate, and supervise all program activities assigned to an area of the Division of Rehabilitation Services' region structure. She does not deny that those duties require the use of discretion. Thus, I find that Engstrom's position satisfies the standard of Section 6.1(c)(i).

Regarding a Section 6.1(c)(ii) exclusion, Engstrom's position description indicates without contradiction that the position is authorized to assign and review work, provides guidance and training to assigned staff, counsel staff regarding work performances, reassign staff to meet day-to-day operating needs, establish annual goals and objectives, approve time off, and prepare and sign performance evaluations. In this context, those duties, which Engstrom does not deny can require the use of independent judgment, can generally be considered supervisory. Accordingly, I find that Engstrom's position also satisfies the standard of Section 6.1(c)(ii). The possibility that her position might not be able to hire, terminate, transfer, lay off, or recall employees is not determinative. The same is true of the possibility that Engstrom's position is "extremely limited in its capacity to recommend hiring, suspending, promotion, or discharging employees."

Dorothy Fairman

Fairman's title is Assistant Local Office Administrator. In AFSCME's objection, Fairman essentially concludes that, since she obtained her current position in November of 2013, she has not been asked to recommend and has not recommended policy and/or procedural changes. Fairman concedes, however, that she has ensured that existing policy and/or procedures are carried out. Further, Fairman does not specifically dispute the parts of her position description that indicate her position is authorized to plan, organize, direct, review, and evaluate the work performed in her section concerning production and operational efficiency; recommend implementation of policy and procedural changes; establish goals, objectives, operating policies, and procedures for her section; review and recommend staffing needs; review production reports; prepare operational reports; conduct regularly and specially scheduled staff meetings to discuss, interpret, and implement new policies and procedures or changes in existing policies and procedures; confer with the Bureau of Policy and Training to obtain clarification of agency policy and procedure; and plan and implement special management assignment projects. She also does not suggest that those functions to do not require the use of discretion. Therefore, I find that Fairman's position satisfies the standard of Section 6.1(c)(i).

Regarding a Section 6.1(c)(ii) exclusion, Fairman's contribution concedes that Fairman has a number of subordinates, acts as a "working supervisor," and directs her subordinates. Moreover, Fairman does not dispute the parts of her position description that state her position is authorized to provide advice and guidance to subordinates; coordinate training for her staff; reassign staff to meet the day-to-day operating needs of her section; review her subordinates' work and workloads; counsel staff regarding work performance; establish annual goals and objectives; approve time off; and prepare and sign performance evaluations. Also, Fairman does

not deny that those supervisory functions do not require independent judgment. Accordingly, I find that her position satisfies the standard of Section 6.1(c)(ii) as well.

Frank Gardner

Gardner functions as the Quality Assurance Unit Supervisor. In his objection, Gardner contends that his position is bound by the Social Security Act. He then concedes that those laws require interpretation, but claims that all professional staff at the Bureau of Disability Determination Services associated with the adjudication of disability claims make similar interpretations. I find that that possibility alone would not disqualify Gardner's position from being selected for exclusion. Indeed, it generally serves to support CMS' designation.

Gardner next contends that his position is bound by DHS rules and procedures that do not require interpretation. However, because Gardner has not meaningfully developed that argument, I find that it cannot overcome the presumption of appropriateness provided by Section 6.1(d). I also note that, to some degree, it does not negate the other parts his objection that concede his position may be required to recommend and interpret policies. Further, he does not dispute that those functions require the use of some discretion.

Notably, Gardner also confirms that his position description accurately describes his position's duties. That document indicates that he generally develops and directs quality assurance, establishes and modifies methodologies to achieve operative and supervisory programs and procedures within his areas of responsibility, assists in the development and implementation of agency policies and regulations, coordinates activities of his section, and assists in the development of quality appraisal techniques. Under those circumstances, I find that Gardner's position satisfies the standard of Section 6.1(c)(i).

In addition to the foregoing, I note that Gardner's uncontested position description states that Gardner assigns and reviews work, provides guidance and training to assigned staff, counsel staff regarding work performance, reassigns staff to meet day-to-day operating needs, establishes annual goals and objectives, approves time off, prepares and signs performance evaluations, and reviews and participates in the training of staff. He does not sufficiently contend that those supervisory functions do not require the use of independent judgment. Therefore, I find that Gardner's position satisfies the standard of Section 6.1(c)(ii) as well.

Anthony Grady

Grady is an Assistant Local Office Administrator. In AFSCME's initial objection, Grady generally concludes that he does not write polices, recommend the adoption of policies, have any role in the budget process, have the authority to decide how policies or legislation will be implemented, or recommend any actions that control or implement legislation that affects his agency or agency policy. However, significantly, he does not specifically deny the parts of his position description that suggest his position is authorized to plan, organize, direct, review, and evaluate the work performed in his section concerning production and operational efficiency; recommend implementation of policy and procedural changes; establish goals, objectives, operating policies, and procedures for his section; review and recommend staffing needs; review production reports; prepare operational reports; conduct regularly and specially scheduled staff meetings to discuss, interpret, and implement new policies and procedures or changes in existing policies and procedures; and plan and implement special management assignment projects. Further, he does not deny that those functions require the use of discretion. Therefore, I find that Grady's position satisfies the standard of Section 6.1(c)(i).

Regarding a Section 6.1(c)(ii) exclusion, Grady concludes that he cannot hire, transfer, suspend, lay off, recall, promote, discharge, reward, or discipline his subordinates. That being said, Grady concedes that he can make recommendations about work flow and can assign work "based on need." He also does not dispute the parts of his position description that indicate his position is authorized to provide advice and guidance to subordinates; coordinate training for his staff; reassign staff to meet the day-to-day operational needs of his section; review his subordinates' work and workloads; counsel staff regarding work performance; establish annual goals and objectives; approve time off; and prepare and sign performance evaluations. Likewise, Grady does not deny that those supervisory functions require independent judgment. Accordingly, I also find that Grady's position satisfies the standard of Section 6.1(c)(ii).

Janine Gudac

Gudac is the South Suburban Region Facilitator for the Division of Developmental Disabilities. In her objection, Gudac indicates that she participates in the review committee process that helps determine who and what gets funded. She also indicates that she reviews e-mail from and provides feedback regarding policy and procedure formulation and modification to her superiors. Additionally, Gudac's position description states without contradiction that her position is authorized to monitor the design, analysis, and implementation of department and division initiatives; convene Suburban South Region Advisory Council meetings for the development of policy and local program planning and implementation; direct the development and ongoing activities of the Advisory Council; develop and direct the communication between the Suburban South Region and the Division of Developmental Disabilities in partnership to facilitate coordination of planning, needs, analysis, development and implementation of services, reporting methodologies and general information sharing to fully effect, enhance, and influence

the local service system and the statewide service system for individuals with developmental disabilities; and serve on ad-hoc and standing workgroups to review and analyze DHS policies and procedures. Gudac does not deny that those particular functions do not require discretion. Therefore, I find that her position satisfies the standard of Section 6.1(c)(i).

Regarding a Section 6.1(c)(ii) exclusion, Gudac confirms that she is responsible for signing off on her subordinates' time as long as it meets parameters set by her bureau chief. She also indicates that any timekeeping issue is thoroughly scrutinized by her superiors, implies that work assignments are divided evenly, and suggests that, in practice, she does not hire, fire, lay off, reassign, suspend, promote, discipline, transfer, or recall staff and is not asked to recommend the same. Those concerns are not determinative.

Gudac does not deny the part of her position description that states that her position is authorized to review her subordinates' work, provide guidance and training to assigned staff, counsel staff regarding work performance, establish annual goals and objectives, and prepare and sign performance evaluations. Further, Gudac does not suggest that those supervisory functions do not require independent judgment. Also, she does not dispute the portion of CMS' submission that states Gudac's position is authorized to monitor work flow. Accordingly, I find that Gudac's position meets the standard of Section 6.1(c)(ii) as well.

Felicia Guest

Guest's title is Assistant Local Office Administrator. Guest's objection suggests that there are already standard office procedures, that she has no authority to decide how polices or legislation will be implemented, and, in practice, does not recommend any actions that control or implement legislation that affects her agency or agency policy. However, Guest does not dispute the parts of her position description that state her position is nevertheless authorized to

recommend implementation of policy and procedural changes; establish goals, objectives, operating policies, and procedures for her section; review and recommend staffing needs; review production reports; prepare operational reports; conduct regularly and specially scheduled staff meetings to discuss, interpret, and implement new policies and procedures or changes in existing policies and procedures; and plan and implement special management assignment projects. Also, Guest does not deny that those functions require the use of discretion. Thus, I find that his position satisfies the standard of Section 6.1(c)(i).

Regarding a Section 6.1(c)(ii) exclusion, Guest's objection confirms that she assigns work daily and monitors work production. Further, Guest does not dispute that parts of her position description that indicate she is authorized to review the work of her section and its workloads; provide advice and guidance to her subordinates, coordinate training for staff; reassign staff to meet the day-to-day operational needs of the section; counsel staff regarding work performance; establish annual goals and objectives; approve time off; and prepare and sign performance evaluations. She does not dispute that those supervisory functions require the use of independent judgment. In light of those circumstances, I find that Guest's position also satisfies the standard of Section 6.1(c)(ii).

Gregory Hammer

Hammer serves as the Document Management Architecture/Electronic Medical Evidence Coordinator for the Bureau of Disability Determination Services. According to Hammer's contribution to AFSCME's initial objection, in that role, Hammer coordinates with all of his bureau's divisions to facilitate and guide staff through the transition to the utilization of an electronic folder and coordinates the electronic medical evidence transition from paper files to electronic folders of records by working with adjudicative staff and with experience in claim

adjudication. Hammer also confirms that he helps to plan the "internal procedure" of how his group is going to implement policy and gives input on how policies and legislation will be implemented. He does not deny that those functions require the use of discretion. Given those circumstances, I find that Hammer's position satisfies the standard of Section 6.1(c)(i).

Regarding a Section 6.1(c)(ii) exclusion, Hammer's contribution separately confirms that Hammer assigns work to employees and coordinates and trains staff to assist with questions/problems as they arise. Moreover, Hammer's position description states without contradiction that he evaluates the activities of his staff; establishes goals and objectives for subordinate staff; provides training and assigns duties; sets staff schedules; approves time off; prepares, conducts, and signs annual performance evaluations of staff; counsels employees regarding work performance, productivity, and/or conduct; and hears and adjusts employee grievances. He does not deny that those particular supervisory functions require the use of independent judgment. Therefore, I also find that Hammer's position also satisfies the standard of Section 6.1(c)(ii).

Joseph Harper

Harper is a Unit Director at the Chester Mental Health Center. In his objection, Harper generally concludes that he does not develop and implement the "unit clinical structure" as his position description suggests. Nevertheless, he does not deny that parts of his position description that suggest his position is in fact authorized to verify the overall clinical services of his unit are provided to each resident, implement facility policy and procedures on the unit, meet with other unit directors to review and evaluate activities and implement policies and procedures, verify that policies of his hospital and accrediting bodies are being met, develop and implement unit action plans, and serve as a member of various hospital committees and/or workgroups. He

also does not deny that those authorized functions require the use of discretion. Accordingly, I find that Harper's position satisfies the standard of Section 6.1(c)(i).

Regarding a Section 6.1(c)(ii) exclusion, Harper states that, in practice, he does not recommend or impose disciplinary action, does not recommend grievance resolutions, and does not have a role in determining staffing needs to achieve program directives. However, he does not deny the parts of his position description that suggest he is authorized to assign work; provide guidance and training; complete and sign performance evaluations; establish annual goals and objectives; and counsel staff on problems with productivity, quality of work, and conduct. Harper suggests that he does not approve time off requests for the "vast majority" of his subordinates, but does not dispute that he does not do so for a least one subordinate. Also, he does not deny that those functions require the use of discretion. Given those circumstances, I find that Harper's position satisfies the standard of Section 6.1(c)(ii) as well.

Brian Henry

Henry is the Fraud Unit Supervisor of the Bureau of Disability Determination Services. In his objection, Henry contends, in part, that his agency is "contracted out" and funded by the federal government. He also asserts that he is obligated to follow laws set by Congress and the Social Security Act. Henry then concludes that, for those reasons, it cannot be said that his position satisfies the standard of Section 6.1(c)(i). I find that that conclusion is misguided, as I see no clear reason why his agency's policies cannot parallel those of a federal program. See State of Illinois, Department of Central Management Services (Illinois Council on Developmental Disabilities), 30 PERI ¶169.

Notably, Henry indicates that, at times, he provides suggestions or recommendations regarding changes to internal procedures. That is supported by uncontested parts of his position

description, which, in addition, indicates without contradiction that he is authorized to plan and develop training programs for staff. He does not deny that that those functions require the use of discretion. For those reasons, I find that his position satisfies the standard of Section 6.1(c)(i).

Regarding a Section 6.1(c)(ii) exclusion, I note that Henry's objection asserts that, in practice, he does not hire, fire, transfer, suspend, lay off, promote, discharge, reward, or recall employees. However, Henry's position description nevertheless suggests without contradiction that Henry assigns and reviews work, provides guidance and training to assigned staff, counsels staff regarding work performance, reassigns staff to meet day-to-day operating needs, establishes goals and objectives, and prepares and signs performance evaluations. He has not denied that those supervisory functions require the use of independent judgment. Accordingly, I find that Henry's position also satisfies the standard of Section 6.1(c)(ii).

Deborah Higgins

Higgins' title is a Regional Service Delivery Coordinator. In her objection, Higgins generally concludes that her position does not have significant or independent discretionary authority to make any decisions or impact DHS policies or initiatives. She also concludes that she only serves in a "supportive role" and follows established rules and policies created by others. Ultimately, those conclusions are unmoving.

Elsewhere in her objection, Higgins confirms that she promotes agency activities and practices that support and move local offices toward improved service delivery; can provide written or verbal suggestions that can later be implemented by others; provides creativity in encouraging local office staff to provide excellent customer service and issue timely SNAP benefits to eligible customers; networks and collaborates with other agencies, departments, and entities to assist with maintaining agency goals; provides a regional administrator and local

officers with feedback so they can correctly assess their performance; recommends ideas to assist with promoting effective service delivery; and assists a Local Office Administrator by providing suggestions on better ways to provide service delivery to customers. Also, she does not deny that those functions require the use of discretion. Therefore, I find that Higgins' position sufficiently satisfies the standard of Section 6.1(c)(i).

Lisa Hollabough

Hollabough is a Clinical Director of the Choate Mental Health and Developmental Center. In AFSCME's initial objection, Hollabough indicates that she provides professional guidance to a team; acts as a clinical consultant; plays a role in ensuring that clinical and direct care staff's clinical activities are delivered in a manner consistent with facility, departmental, and agency policy; is a member of various hospital committees and workgroups; is involved in periodic review of existing policies and procedures; and makes recommendations regarding the same. She does not deny that those functions require the use of discretion.

Under those circumstances, I find that Hollabough's position satisfies the standard of Section 6.1(c)(i), and conclude Hollabough's "ancillary/supportive role" is sufficient in this context. I also note that the language of Section 6.1 does not overtly require that her input be weighed more heavily than that of the other committee/workgroup members, and find that the possibility that Hollabough's work is often guided by her "professional training and experience" is not dispositive.

Tracey King

King is an Assistant Local Office Administrator. King's contribution to AFSCME's supplemental objection swiftly concludes that she does not have the authority to write policies or recommend the adoption of policies, recommend or decide how policies or legislation will be

implemented, and does not have a role in the budget process. That being said, King's contribution fails to meaningfully dispute the parts of her position description that indicate her position is nevertheless authorized to plan, organize, direct, review, and evaluate the work performed in her section concerning production and operational efficiency; recommend implementation of policy and procedural changes; establish goals, objective, operating policies, and procedures for her section; review and recommend staffing needs; review production reports; prepare operational reports; conduct regularly and specially scheduled staff meetings to discuss, interpret, and implement new policies and procedures or changes in existing policies and procedures; and plan and implement "special management assignment projects." Moreover, King does not deny that those functions require the use of discretion. Accordingly, I find that King's position satisfies the standard of Section 6.1(c)(i).

Regarding a Section 6.1(c)(ii) exclusion, King concedes that she can recommend promotion, discharge, discipline and, when needed, can direct, get involved in, and prioritize her subordinates' work assignments. Further, King fails to dispute the parts of her position description that indicate her position is authorized to provide advice and guidance to subordinates, coordinate and provide training for her staff, reassign staff to meet the day-to-day operational needs of her section, review her subordinates' work and workloads, counsel staff regarding work performance, establish annual goals and objectives, approve time off, and prepare and sign performance evaluations. She does not deny that those supervisory functions require independent judgment. Therefore, I find that King's position satisfies the standard of Section 6.1(c)(ii) as well.

James Knauf

Knauf serves as a Field Office Supervisor or Rehabilitation Services Supervisor. In his contribution to AFSCME's initial objection, Knauf concedes that he performs all of the duties listed in his position description, but generally concludes that those duties "are performed more in the manner of a lead worker rather than an administrator." That sort of argument, however, is not meaningfully tailored to the language of Section 6.1. I also note that the uncontested position description states Knauf's position is authorized to plan, implement, direct, coordinate, and supervise all program activities assigned to an area of the Division of Rehabilitation Services' region structure. Ultimately, I find that those functions, which Knauf does not deny require some discretion, sufficiently demonstrate the kind of authority required by Section 6.1(c)(i).

Regarding a Section 6.1(c)(ii) exclusion, I note Knauf does not dispute the parts of his position description that indicate his position is authorized to assign and review work, provide guidance and training to assigned staff, counsel staff regarding work performance, reassign staff to meet day-to-day operating needs, establish annual goals and objectives, approve time off, and prepare and sign performance evaluations. He does not meaningfully deny that those functions require independent judgment. Thus, I find that Knauf's position also satisfies the standard of Section 6.1(c)(ii). The possibility that, in practice, he does not fire or terminate employees and may only have a limited ability to recommend hire, suspension, promotion, or discharge is not determinative in this instance.

Ronald Korza

Korza serves as the Supervisor of the Disability Hearings Unit. Korza's objection confirms that his position is responsible for overseeing the operations of that unit, and concedes that that responsibility includes effectuating management policies and practices. However,

Korza contends that that effectuation "requires little independent discretion as they are carried out under the direction and supervision of the Technical Services Division Administrator," and contends that the aforementioned policies and practices are clearly defined by agency directives and federal regulations that leave little room for interpretation or discretion. Simply put, those concerns have not been determinative, and are ultimately unmoving in this instance. See State of Illinois, Department of Central Management Services (Illinois Gaming Board), 30 PERI ¶167; State of Illinois, Department of Central Management Services (Department of Commerce and Economic Opportunity), 30 PERI ¶163; State of Illinois, Department of Central Management Services (Emergency Management Agency), 30 PERI ¶105.

Notably, elsewhere in his objection, Korza essentially concedes that he has the authority to make recommendations regarding the Disability Hearings Unit's policy and practices, and does not dispute the parts of his position description that indicate his position is authorized to direct, coordinate, and monitor policy review and formulation as it relates to the disability hearings process; establish and maintain statewide hearings sites; participate in formulation of new policy and procedures as it relates to the Disability Hearings Unit; recommend alteration or creation of policies and procedures; and act as a "general office manager." Furthermore, Korza does not contend that those functions require no discretion. Under those circumstances, I find that Korza's position satisfies the standard of Section 6.1(c)(i).

Regarding a Section 6.1(c)(ii) exclusion, Korza concedes that he has the authority to counsel staff regarding work performance, take corrective action, monitor workflow, evaluate subordinates' work performance, and reassign staff to meet day-to-day operating needs. In general, Korza does not specifically contend that those supervisory functions do not require any independent judgment. Also, Korza's position description indicates without contradiction that

Korza's position is authorized to coordinate the activities of staff; make case assignments; monitor the scheduling of hearings; review the work and decisions of subordinate hearing officers; establish annual goals and objectives; approve time off; prepare and sign performance evaluations; conduct staff training; and provide advice, counsel, and/or instructions to employees regarding work and administrative matters. Under those circumstances, I also find that Korza's position satisfies the standard of Section 6.1(c)(ii).

Stevie Lemon

Lemon is a Quality Assurance Supervisor for the Division of Rehabilitation Services. In AFSCME's initial objection, Lemon does not specifically deny the parts of his position description that indicate his position is authorized to establish goals and objectives for the Rehabilitation Service Delivery Program; establish timeframes for completion, monitor progress toward goal achievement; reassess stated goals and make revisions; analyze and review long-range and immediate program goals to Division of Rehabilitation objectives and goals, recommend revisions to achieve optimum operational status; initiate special studies for improving existing programs and procedures; assist in the analysis, formulation, and review of Division of Rehabilitation policies and programs and in the development or modification of existing legislation to improve or refine Division of Rehabilitation programs and initiatives; testify at legislative hearing on matters pertinent to the Division of Rehabilitation and the Department of Human Services; and review drafts of proposed legislation including bills, amendment, resolutions, etc. Furthermore, Lemon confirms that he currently reviews and approves travel reimbursement requests; establishes and maintains cooperative and effective liaison relationship with and among other bureaus, sections, units, and divisions in DHS, state and federal agencies, the public, profession and lay groups, and employees; attends and

represents the Division of Rehabilitation is statewide conferences and meetings; consults with "other managers" in the proper interpretation and application of statutes and departmental rules and regulations and convenes meetings and/or confers with agency officials, administrators, administrators, and staff on matters related to program development, new or amendments to existing legislation, and policy and procedural changes; assists with the planning and assigning of local DHS offices to be audited; assists with the development of policies that will allow quality assurance undertakings to be more productive; and interprets rules and policies for local DHS office staff. Lemon does not deny that those functions require the use of discretion. Accordingly, I find that Lemon's position satisfies the standard of Section 6.1(c)(i).

Regarding a Section 6.1(c)(ii) exclusion, Lemon's contribution essentially concedes that Lemon serves as a "working supervisor" who directs subordinates, reviews their work, assists with assigning work, provides guidance and training to assigned staff, counsels staff regarding work performance, reassigns staff to meet day-to-day operating needs, establishes annual goals and objectives, approves time off, prepares and signs performance evaluations, assures that staff members are completing assigned office audits, trains staff members, and refers staff for possible disciplinary action when needed. Those functions generally demonstrate supervisory authority, and Lemon does not specifically deny that those functions require the use of independent judgment. Thus, I find that Lemon's position also satisfies the standard of Section 6.1(c)(ii).

Rosalind Leonard-Coleman

Leonard-Coleman is an Assistant Local Office Administrator. In AFSCME's supplemental objection, Leonard-Coleman indicates that she can recommend practices and day-to-day procedures, facilitates the management team in a service coordination unit, and works to ensure her subordinates comply with federal program guidelines and work rules. Moreover,

Leonard-Coleman does not dispute the parts of her position description that indicate her position is authorized to plan, direct, review, and evaluate the work performed in her section concerning production and operational efficiency; recommend implementation of policy and procedural changes; establishes goals, objectives, operating policies, and procedures for her section; review and recommend staffing needs; review production reports; prepare operational reports; conduct regularly and specially scheduled staff meetings to discuss, interpret, and implement new policies and procedures of changes in existing policies and procedures; confer with the Bureau of Policy and Training to obtain clarification of agency policy and procedures; and plan and implement special management assignment projects. Leonard-Coleman does not deny that those functions require the use of discretion. Accordingly, I find that her position satisfies the standard of Section 6.1(c)(i).

Separately, Leonard-Coleman confirms that she has subordinates and indicates that she can recommend discipline, provides guidance and direction, conducts evaluations, and assigns work. Also, Leonard-Coleman does not deny the parts of her position description that indicate she reviews and evaluates her subordinates' workload; provides advice to subordinates; coordinates training; reassigns staff to meet day-to-day the operation needs of her section; sets staff schedules; approves time off; counsels staff regarding work performance, productivity, and/or conduct; and hears and adjusts employee grievances. She does not deny that those supervisory functions require the use of discretion. Therefore, I also find that Leonard-Coleman's position satisfies the standard of Section 6.1(c)(ii).

Cynthia Lilburn

Lilburn serves as a Field Service Officer or a Rehabilitation Services Supervisor. In AFSCME's initial objection, Lilburn contends that she does not write policies or recommend the

adoption of policies, does not have any role in the budget process, does not have the authority to decide how policies or legislation will be implemented, and does not recommend any action that control or implement legislation that affects her agency or its policy. However, she does not dispute the parts of her position description that indicate her position is authorized to plan, implement, direct, and coordinate all program activities assigned to an area of the Division of Rehabilitation Services' region structure; assure all services needs are being met in accordance with applicable rules, policies, standards, and procedures; and coordinate staff planning and fiscal monitoring for an assigned section of the state. Further, she does not deny that those functions require the use of discretion. Accordingly, I find that Lilburn's position satisfies the standard of Section 6.1(c)(i).

Regarding a Section 6.1(c)(ii) exclusion, Lilburn concedes that she directs employees by telling them how to carry out their job duties. In addition, uncontested parts of Lilburn's position description indicate she reviews her subordinates' work, provides guidance and training to assigned staff, counsels staff regarding work performance, establishes annual goals and objectives, approves time off, and prepares and signs performance evaluations. Lilburn does not deny that those functions require independent judgment. Thus, I find that Lilburn's position satisfies the standard of Section 6.1(c)(ii) as well.

Ralphael Longmire

Longmire is an Assistant Local Office Administrator. Without meaningful explanation, Longmire concludes in AFSCME's initial objection that, currently, he does not write policies or recommend the adoption of policies, have any role in the budget process, have the authority to decide how policies or legislation will be implemented, or recommend any actions that control or implement legislation that affects his agency of agency policy. Yet, he does not specifically

dispute the parts of his position that indicate his position is authorized to plan, organize, direct, review, and evaluate the work performed in his section concerning production and operational efficiency; recommend implementation of policy and procedural changes; establish goals, objectives, operating policies, and procedures for his section; review and recommend staffing needs; review production reports; prepares operational reports; conduct regularly and specially scheduled staff meetings to discuss, interpret, and implement new policies and procedures or changes in existing policies and procedures; confer with the Bureau of Policy and Training to obtain clarification of agency policy and procedures; and plan and implement special management assignment projects. Further, Longmire does not deny that those functions require the use of discretion. Accordingly, I find that his position satisfies the standard of Section 6.1(c)(i).

Regarding a Section 6.1(c)(ii) exclusion, Longmire asserts that he does not hire, transfer, suspend, lay off, recall, promote, discharge, reward, or discipline his subordinates. However, he generally confirms that he has a number of subordinates, that his position is authorized to assign work, and that he delegates task and job assignments. Moreover, Longmire does not dispute that parts of his position description that indicate his position is authorized to provide guidance and training to subordinates; coordinate training for staff; reassign staff to meet the day-to-day operational needs of the section; review subordinates' work and workloads; establish annual goals and objectives; approve time off; and prepare and sign performance evaluations. Also, Longmire does not deny that those supervisory functions require the use of independent judgment. Therefore, I also recommend that his position satisfies the standard of Section 6.1(c)(ii).

Amanda Lucki

Lucki is a Field Office Supervisor or Rehabilitation Services Supervisor. In Lucki's contribution to AFSCME's objection, Lucki generally confirms that she performs all of the duties described in her position description. That position description provides that her position is authorized to implement, direct, coordinate, and supervise all program activities assigned to an area of the Office of Rehabilitation Services' zone structure. The record does not suggest that those functions do not require the use of discretion. Accordingly, I find that Lucki's position satisfies the standard of Section 6.1(c)(i).

Separately, I note that Lucki's position description indicates without contradiction that Lucki's position is authorized to evaluate her staff's activities; establish goals and objectives for them; provide training and assign duties; set staff schedules; approve time off; prepare, conduct, and sign annual performance evaluations; counsel employees regarding work performance, productivity, and/or conduct; and hear and adjust employee grievances. Those supervisory functions, which Lucki has not denied require some independent judgment, lead me to conclude that Lucki's position also satisfies the standard of Section 6.1(c)(ii). The possibility that Lucki may, in practice, only have a limited ability to "recommend hiring, suspending, promotion, or discharging employees" or transfer, lay off, or recall subordinates does not alter that conclusion.

Kelly Lynch

Lynch's formal title is Regional Training Coordinator. In AFSCME's objection, Lynch concludes that, instead of writing or recommending polices, she merely adheres to recommended policies or follows established rules. Lynch also concludes that she does not have any role in the budget process and does not recommend action that control or implement legislation that affects her agency or agency policy. I find that those conclusions are not dispositive in this instance.

Notably, Lynch does not meaningfully dispute the parts of her position description that indicate her position is authorized to conduct, organize, plan, execute, control, and evaluate the region's policy and procedures training; review the training activities of local office staff; commit the region to a specific course of action in the implementation of training on agency policy and procedures; provide input on Family and Community Services' statewide training program planning and development; develop and implement the in-office segment of the training program; develop training programs relative to all areas of Family and Community Services; and generally revise and present training programs; gather data from regional staff and local office staff through meetings, questionnaires, and interviews; analyze data for operational problems or other potential problems and develop recommendations on the basis of the data collected; with "full authority," serve as liaison for a region with central office bureaus and divisions on issues of policy, program, and customer service training and curriculum development; and conduct analysis of policy impacts on training issues. Also, Lynch does not deny those authorized functions require the use of discretion. Accordingly, I find that Lynch's position satisfies the standard of Section 6.1(c)(i).

Kimberly Martens

Martens is the Vocational Administrator and Training Coordinator at the Jack Mabley Developmental Center. Martens' contribution to AFSCME's objection indicates that, if there is a need or a request for a policy or procedure change regarding vocational services or staff training, she seeks input from her subordinates when applicable, looks to ensure DHS directives are followed, and makes the necessary revisions. Those revisions are sent to a team for a review and discussion. Purportedly, Martens can give similar input regarding the implementation of legislation. I find that that kind of authority can and does satisfy the standard of Section

6.1(c)(i), as Section 6.1(c)(i) does not strictly require final decision-making authority. See State of Illinois, Department of Central Management Services (Emergency Management Agency), 30 PERI ¶105. In addition, I note that Martens' position description suggests without contradiction that Martens develops, implements, and verifies service program objectives and related standards are met; identifies budget issues associated with program delivery; provides input in the decision making process for redesigns/reorganizations necessitated by budget cuts; and generally recommends changes in policies for improved services and care and treatment of individuals served.

Regarding a Section 6.1(c)(ii) exclusion, Marten concludes that she does not have the authority to make "independent decisions" regarding discipline. Allegedly, if a subordinate has violated a policy or procedure, she reviews the subordinate's disciplinary record and then, depending on whether or not the issue has happened previously, either discusses the issue with the subordinate, conducts a meeting with a union representative, and then makes a "decision" that is submitted to her superiors for final approval. Once again, I find that that kind of authority can be sufficient. In this context, an "effective recommendation" will suffice. See State of Illinois, Department of Central Management Services (Department of Military Affairs), 28 PERI ¶113 (IL LRB-SP G.C. 2012).

Separately, I note that Martens' contribution essentially concedes that she assigns her subordinates work and provides direction. Also, Martens' position description indicates without contradiction that she coordinates training programs for staff; develops, evaluates, and implements training curriculum; schedules staff for training sessions; teaches various subjects; reviews work; counsels staff regarding work performance; reassigns staff to meet day-to-day needs; establishes annual goals and objectives; manages and approves time off; and prepares and

signs performance evaluations. Martens does not dispute that those supervisory functions require the use of independent judgment. Therefore, I find that Martens' position also satisfies the standard of Section 6.1(c)(ii).

Andrea Medley

Medley is the North Central Region Facilitator of the Division of Developmental Disabilities. In AFSCME's supplemental objection, Medley indicates that she receives e-mails regarding the adoption or modification of policy and procedure and is subsequently expected to provide feedback to a deputy director. Additionally, Medley's position description indicates without contradiction that her position is authorized to ensure increased local planning and input into DHS policy development by individuals with developmental disabilities and their family members; convene North Central Advisory Council meetings for the development of policy and program planning and implementation; direct the development and ongoing activities of the Advisory Council; develop and direct the communication between the North Central Network and the Office of Development Disabilities in partnership to facilitate coordination of planning, needs analysis, development and implementation of services, reporting methodologies and general information sharing to fully effect, enhance, and influence the local service system and the statewide service system for individuals with developmental disabilities; and serve on ad-hoc and standing workgroups to review and analyze DHS policies and procedures. Medley does not deny that those authorized functions require the use of discretion. Accordingly, I find that Medley's position satisfies the standard of Section 6.1(c)(i).

Regarding a Section 6.1(c)(ii) exclusion, Medley contends she has not been asked to assist or make recommendations regarding reassigning staff or transferring employees; has not been asked to meet with staff to set or review goals or complete performance evaluations; and, in

practice, does not hire, suspend, lay off, recall, promote, discharge, or discipline. Nevertheless, Medley does not appear to dispute the parts of her position description that indicate her position is actually authorized to perform many of the functions outlined above. Also, Medley does not dispute the part of her position description that indicates she assigns duties; sets staff schedules; approves time off; counsels employees regarding work performance, productivity, and/or conduct; hears employee grievances; and ensures that the appropriate training provided. Further, she does not deny that those supervisory functions require independent judgment. Accordingly, I find that Medley's position also satisfies the standard of Section 6.1(c)(ii).

Asia Nash

Nash serves as a Regional SNAP Accuracy Coordinator/Liaison. In her objection, Nash centrally concludes that position does not have significant and independent discretionary authority to make any decisions or impact agency policies or initiatives. She also contends the position serves a "supportive role" and follows established rules and policies. However, those comments are not necessarily dispositive in this instance, and do not defeat the presumption of appropriateness provided by Section 6.1(d).

In her objection, Nash indicates that she currently promotes agency activities and practices; networks and collaborates with other agencies, departments, and entities to assist with maintaining agency goals; monitors and records quality control data in order to provide a Regional Administrator and offices with trends so they can correctly assess their performance; recommends ideas to assist with promoting efficiency in the offices; assists a Local Office Administrator by clarifying or reviewing policies and procedures; discusses her subordinates' errors with them in order to give them a clear understanding of the agency's policy; reviews new policies and procedures with staff; and submits data that Local Office Administrators use to plan

and create effective strategies for SNAP accuracy. I find that those functions, which Nash does not deny require the use of discretion, sufficiently satisfy the standard of Section 6.1(c)(i).

Rodney Pierce

In AFSCME's initial objection, Pierce, a Field Office Supervisor or Rehabilitation Services Supervisor, flatly confirms that he performs all of the duties described in his position description. That document indicates that his position is authorized to plan, direct, coordinate, and supervise all program activities assigned to his area of the Division of Rehabilitation Services' region structure. Pierce does not deny that those functions require the use of discretion. Therefore, I find that his position satisfies the standard of Section 6.1(c)(i).

Pierce's position description also indicates without contradiction that Pierce can assign and review work, provide guidance and training to assigned staff, counsel staff regarding work performance, reassign staff to meet day-to-day operating needs, establish annual goals and objectives, approve time off, and prepare and sign performance evaluations. Pierce does not deny that those duties would require the use of independent judgment. Thus, I find that Pierce's position satisfies the standard of Section 6.1(c)(ii) as well. The possibility that Pierce's position is limited in its capacity "to recommend hiring, suspending, promotion, or discharging employees" or cannot transfer lay off, or recall is not dispositive in this instance.

Ruby Powell

Powell is an Assistant Local Office Administrator. In AFSCME's initial objection, Powell concludes that she does not write policies or recommend the adoption of policies, does not have any role in the budget process, does not have authority to decide how policies or legislation will be implemented, and does not recommend any actions that control or implement legislation that affects her agency or agency policy. That being said, Powell does not dispute the

parts of her position description that indicate her position is authorized to plan, organize, direct, review, and evaluate the work performed in her section concerning production and operational efficiency; recommend implementation of policy and procedural changes; establish goals, objectives, operating policies, and procedures for her section; review and recommend staffing needs; review production reports; prepare operational reports; conduct regularly and specially scheduled staff meetings to discuss, interpret, and implement new policies and procedures or changes in existing policies and procedures; confer with the Bureau of Policy and Training to obtain clarification of agency policy and procedures; and plan and implement special management projects. Also, Powell does not dispute that those functions require the use of discretion. Accordingly, I find that Powell's position satisfies the standard of Section 6.1(c)(i).

Separately, I note that Powell's contribution confirms she does have subordinates and can assign them work. Moreover, Powell does not dispute the parts of her position description that indicate her position is authorized to provide advice and guidance to subordinates; coordinate and provide training; reassign staff to meet the day-to-day operational needs of her section; review her subordinates' work and workloads; counsel staff regarding work performance; establish annual goals and objectives; approve time off; and prepare and sign performance evaluations. Further, Powell does not deny that those supervisory functions require the use of independent judgment. Therefore, I find that her position also satisfies the standard of Section 6.1(c)(ii).

Rhonda Scruggs

Scruggs is an Assistant Local Office Administrator. In her objection, Scruggs briefly indicates that there are already standard office procedures; that she does not have the authority to decide how policies or legislation will be implemented; and that, in practice, does not

recommend any actions that control or implement legislation that affects her agency or agency policy. However, Scruggs does not specifically dispute the parts of her position description that state her position is authorized to plan, organize, direct, review, and evaluate the work performed in her section concerning production and operational efficiency; provide advice and guidance to subordinate supervisory personnel; recommend implementation of policy and procedural changes; establish goals, objectives, operating policies, and procedures for her section; review and recommend staffing needs; conduct regularly and specially scheduled staff meetings to discuss, interpret, and implement new policies and procedures or changes in existing policies and procedures; and target and plan for improvements. She also does not deny that those functions require the use of discretion. Accordingly, I find that Scrugg's position satisfies the standard of Section 6.1(c)(i).

Regarding a Section 6.1(c)(ii) exclusion, Scruggs confirms that she assigns work daily and monitors work production. She also does not deny the parts of her position description that suggest her position is authorized to provide advice and guidance to subordinate personnel; coordinate and provide training; reassign staff to meet day-to-day operational needs; review work; evaluate workloads; counsel staff regarding work performance; establish annual goals and objectives; approve time off; and prepare and sign performance evaluations. Scruggs does not deny that those functions require independent judgment. Therefore, I find that Scruggs' position satisfies the standard of Section 6.1(c)(ii) as well.

Tina Sekimi

Sekimi's title is Field Office Supervisor or Rehabilitation Services Supervisor. In AFSCME's initial objection, Sekimi concedes that she performs all of the duties listed in her position description. That position description indicates Sekimi's position is authorized to plan,

implement, direct, coordinate, and supervise all program activities assigned to an area of the Division of Rehabilitation Services' region structure. Sekimi does not dispute that those managerial functions require the use of some discretion. Accordingly, I find that Sekimi's position satisfies the standard of Section 6.1(c)(i).

Sekimi's position description also indicates without contradiction that she is authorized to assign and review work, provide guidance and training to assigned staff, counsel staff regarding work performance, reassign staff to meet day-to-day operating needs, establish annual goals and objectives, approve time off, prepare and sign performance evaluations, provide or arrange for in-service training of all staff, and monitor and provide training to new staff. Sekimi does not dispute that those supervisory functions require the use of independent judgment. Thus, I find that Sekimi's position satisfies the standard of Section 6.1(c)(ii). I am not dissuaded by the possibility that Sekimi's position might have limited authority to recommend hiring, suspending, promoting, discharging, or disciplining employees.

Sharon Spinks

Spinks is Supervisor of the Domestic Violence and Sexual Assault Prevention Unit. (Elsewhere in the record, it appears that Spinks serves as Manager of the Victim Services Program.) In AFSCME's initial objection, Spinks states that she performs quality reviews; provides technical assistance to 64 statewide domestic violence shelter and walk-in facilities to ensure federal grant requirements are maintained and corrective action is completed; reviews and approves program plans, expenditure documentation forms, and closeout reports for accuracy; provides review of an Illinois Domestic Violence Service Provider Guidelines Manual and determine modifications; is responsible for a Domestic Violence Training contract for the Illinois Coalition Against Domestic Violence and Chicago Battered Women's Network and provides

suggestions for topics relevant to provider needs; represents her department on issues pertaining to the victim services program with community groups and federal and state agencies; makes recommendations regarding the budget process to her bureau chief; prepares position papers and makes recommendations regarding how policies or legislation will be implemented. Spinks does not deny that those significant functions require the use of discretion. Accordingly, I find that her position satisfies the standard of Section 6.1(c)(i).

Separately, Spinks contends that she does not counsel staff and denies performing a number of other supervisory functions. However, she does indicate that she signs off on time slips and "first level evaluations." Further, she does not deny the parts of her position description that indicate she is authorized to review subordinates' work, provide guidance and training to assigned staff, counsel staff regarding work performance, reassign staff to meet day-to-day operating needs, establish annual goals and objectives, and prepare and sign performance evaluations. Likewise, she does not deny that those supervisory functions require independent judgment. Therefore, I find that Spinks' position also satisfies the standard of Section 6.1(c)(ii).

Steven Strode

Strode's title is Vendor Relations Manager and/or Assistant Bureau Chief. Strode's contribution to AFSCME's initial objection indicates that his duties have changed over time, but generally does not specifically clarify what those changes are. Accordingly, Strode's contribution is unmoving, and generally does not refute his position description or the rest of CMS' submission. Regarding a Section 6.1(c)(ii) exclusion, Strode states that his position description misidentifies which subordinates report to him. Yet, significantly, it is clear that he does have subordinates that do so. Moreover, Strode admits that he assigns them work, and does not dispute the parts of a corresponding position description that state he reviews his

subordinates' work, provides guidance and training to assigned staff, counsels staff regarding work performance, reassigns staff to meet day-to-day operating needs, establishes annual goals and objectives, approves time off, and prepares and signs performance evaluations. Also, he does not meaningfully dispute that those functions require independent judgment. Accordingly, I find that Strode's position satisfies the standard of Section 6.1(c)(ii).

Lizette Tripur

Tripur is a Field Office Supervisor or Rehabilitation Services Supervisor. In AFSCME's initial objection, Tripur essentially confirms that she performs the functions listed in her position description. That position description indicates that her position is authorized to plan, implement, direct, coordinate, and supervise all program activities assigned to an area of the Division of Rehabilitation Services' region structure. Tripur does not strictly deny that those managerial functions require the use of discretion. Therefore, I find that Tripur's position satisfies the standard of Section 6.1(c)(i).

Regarding a Section 6.1(c)(ii) exclusion, Tripur does not dispute the parts of her position description that indicate her position is authorized to evaluate staff activities; assign work; approve time off; provide guidance and training; recommend disciplinary action; effectively recommend grievances resolutions; complete and sign performance evaluations; establish annual goals and objectives; and counsel staff on problems with productivity, quality of work, and conduct. Moreover, Tripur does not specifically deny that those functions require the use of independent judgment. Accordingly, I find that Tripur's position also satisfies the standard of Section 6.1(c)(ii). I am not dissuaded by the possibility that Tripur's capacity to transfer, lay off, recall or "recommend hiring, suspending, promotion, or discharging employees" is limited.

Emily Vincent

Vincent's title is Metro Chicago Director of Quality Review. In her contribution to AFSCME's initial objection, Vincent baldly concludes that she presently does not write policies, recommend the adoption of policies, have any role in the budgetary process, have the authority to decide how policies or legislation will be implemented, or recommend actions that control or implement legislation that affects her agency or agency policy. However, she does not deny the parts of her position description that suggest her position is authorized to establish schedules of reviews and agencies which will be investigated and determine staffing needs and allocate staff time necessary to accomplish reviews; project budget expenditures; verify funds are available to complete the schedule; and review proposed rules, regulations, legislation, and policies for impact on quality assurance issues and reviews the content and significance of survey findings with management personnel of the local agency and with DHS staff. On balance, I find that those significant functions, which Vincent does not deny require the use of discretion, demonstrate that Vincent's position satisfies the standard of Section 6.1(c)(i).

Separately, Vincent asserts that, in practice, she does not assign work, and merely assists with the "logistics" of completing the work. She also indicates that she does not hire, transfer, suspend, lay off, recall, promote, discharge, reward, discipline, or direct her subordinates. Whether or not those assertions are true, however, Vincent has not specifically denied that her position is nevertheless authorized to perform those functions. Further, Vincent does not clearly deny the parts of her position description that indicate she is authorized to review her subordinates' work, provide guidance and training to her staff, counsel staff regarding work performance, establish annual goals and objectives, approve time off, and prepare and sign performance evaluations. Likewise, she does not deny that those supervisory functions require

the use of independent judgment. Therefore, I find that Vincent's position also satisfies the standard of Section 6.1(c)(ii).

Sean Walsh

Walsh is a Regional Facilitator for the Department of Developmental Disabilities. In his objection, Walsh concedes that he receives e-mails regarding the adoption or modification of policy and procedure and is expected to subsequently provide feedback to a deputy director. Moreover, Walsh's position description states without contradiction that his position is authorized to monitor the design, analysis, and implementation of department and division initiatives; convene City of Chicago Advisory Council meetings for the development of policy and local program planning and implementation; direct the development and ongoing activities of the Advisory Council; and develop and direct communication between the City of Chicago Region and the Division of Developmental Disabilities in partnership to facilitate coordination of planning, needs analysis, development, and implementation of services, reporting methodologies, and general information sharing to fully effect, enhance, and influence the local service system and the statewide service system for individuals with developmental disabilities. Also, Walsh does not deny that those functions require the use of discretion. Therefore, I find that Walsh's position satisfies the standard of Section 6.1(c)(i).

Regarding a Section 6.1(c)(ii) exclusion, Walsh contends that he does not and has not been asked to assist or make recommendations regarding reassigning staff. He also contends that he has not been asked to meet with staff to set or review goals or complete or review performance evaluations. In addition, he suggests he does not hire, transfer, suspend, recall, lay off, recall, promote, discharge, reward, or make recommendations regarding those functions. Walsh concedes that he does assign work to his employees, but, allegedly, established guidelines

dictate that work is to be distributed evenly among his staff. He also concedes that he directs his employees, but allegedly only serves as a conduit between others.

Ultimately, Walsh's clarifications are unpersuasive. For one, Walsh does not specifically deny that his position is authorized to perform the functions noted above. By failing to do so, Walsh's contribution to AFSCME's objection generally misses the mark. See State of Illinois, Department of Central Management Services (Department of Commerce and Economic Opportunity), 30 PERI ¶163. Further, Walsh does not deny the parts of his position description that suggest his position is authorized to review work, provide guidance and training to assigned staff, counsel staff regarding work performance, approve time off, and prepare and sign performance evaluations. He also does not deny that those functions require independent judgment. Accordingly, I find that Walsh's position satisfies the standard of Section 6.1(c)(ii) as well.

Xiaorong Wang

Wang's title is Director of Physical and Occupational Therapy of the Kiley Developmental Center. Wang's position description indicates without contradiction that the position is authorized to "manage" the occupational and physical therapy programs; establish, review, and provide feedback to staff regarding quality control documents and procedures established to address applicable standards, policies, and regulations; identify budget issues associated with Wang's departments and recommend revisions to operating policies and procedures; and make recommendations on policy/procedural changes. Wang does not deny that those authorized functions require discretion. Therefore, I find that Wang's position satisfies the standard of Section 6.1(c)(i). Again, an employee's professional status is not dispositive in this context.

Regarding a Section 6.1(c)(ii) exclusion, Wang indicates that, currently, the incumbent does not hire, transfer, suspend, lay off, recall, promote, discharge, reward, or discipline. However, Wang also generally confirms that the position can and does assign work and direct subordinates. Further, Wang's position description indicates without contradiction that the position is authorized to establish goals and objectives for subordinate staff; provide training and assign duties; set staff schedules and approve time off; prepare, conduct, and sign annual performance evaluations; counsel employees concerning work performance, productivity, and/or conduct; recommend disciplinary action; hear and adjust employee grievances; ensure appropriate training is provided; and provide training. Wang does not specifically contend that those functions do require independent judgment. Accordingly, I find that Wang's position also satisfies the standard of Section 6.1(c)(ii).

Jonathan Warshawsky

Warshawsky is a Clinical Director of the Choate Mental Health and Developmental Center, Upper Treatment Complex. In AFSCME's initial objection, Warshawsky confirms that he provides oversight, serves as a consultant, gives clinical guidance and support to treatment teams, assists teams in addressing clinical or legal guideline questions, implements and assists in the implementation of policy, consults with teams on questions and complexities that arise, and provides guidance and recommendations during treatment team meetings. The record also indicates that Warshawsky meets with leadership and assists the staff in terms of guidance in the proper implementation of legal standards, policy, and accreditation standards. Further, as a member of several hospital committees, Warshawsky has reviewed and given input and contributed for the purpose of policy development. (The possibility that others give similar input or are expected to perform similar roles is not dispositive in this context.) Ultimately, I find that

the foregoing duties, when combined with Section 6.1(d)'s presumption of appropriateness, satisfy the standard of Section 6.1(c)(i).

Alfred Watson

Watson's title is Assistant Local Office Administrator. In AFSCME's initial objection, Watson raises a number of concerns, but does not strictly dispute the parts of his position description that indicate that his position is authorized to plan, organize, direct, review, and evaluate the work performed in his section concerning production and operational efficiency; generally recommend the implementation of policy and procedural changes; establish goals, objectives, operating policies, and procedures for his section; review and recommend staff needs; review production reports; prepare operational reports; conduct regularly and specially scheduled staff meetings to discuss, interpret, and implement new policies and procedures or changes in existing policies and procedures; and plan and implement special management assignment projects. Likewise, he does not deny that those functions require the use of discretion. Accordingly, I find that Watson's position satisfies the standard of Section 6.1(c)(i).

Regarding a Section 6.1(c)(ii) exclusion, Watson swiftly concludes that he cannot hire, transfer, suspend, lay off, recall, promote, discharge, reward, or discipline his subordinates. Yet, Watson concedes he deploys his staff to complete assignments and uses some discretion to do so. He also generally confirms that he can direct his subordinates. In addition, Watson does not dispute the parts of his position description that indicate he is authorized to provide advice and guidance to subordinates, coordinate training for his staff, reassign staff to meet day-to-day his section's operational needs, coordinate workflow, review his subordinates' work and their workloads, counsel staff regarding work performance, establish annual goals and objectives, approve time off, and prepare and sign performance evaluations. He does not specifically deny

that those supervisory functions require the use of independent judgment. Thus, I find that Watson's position also satisfies the standard of Section 6.1(c)(ii).

Daniel Williams

Williams' title is Assistant Local Office Administrator. In AFSCME's initial objection, Williams contends that he does not in fact establish goals, objectives, operating policies, and procedures for his section; plan or implement special management liaison functions; or coordinate workflow throughout the office on a rotational basis. Further, he broadly concludes that he does not actually write policies or recommend the adoption of policies, have any role in the budget process, have the authority to decide how policies or legislation will be implemented, of recommend any actions that control or implement legislation that affects his agency or agency policy. That being said, Williams does not meaningfully dispute the parts of his position description that indicate his position is authorized to review and recommend staffing needs; review production reports; prepare operational reports; conduct regularly and specially scheduled staff meetings to discuss, interpret, and implement new policies and procedures or changes in existing policies and procedures; confer with the Bureau of Policy and Training to obtain clarification of agency policy and procedures. Williams does not deny that those functions would require the use of discretion. Accordingly, I find that Williams' position satisfies the standard of Section 6.1(c)(i).

Regarding a Section 6.1(c)(ii) exclusion, Williams contends that he does not hear and/or adjust grievances as indicated by his position description. However, he does confirm that he assigns work to employees, and notes that he is responsible for making sure that the managers who report to him are controlling their subordinates' work. Moreover, Williams does not specifically dispute the parts of his position description that indicate his position is authorized to

provide advice and guidance to subordinate supervisory personnel; coordinate and provide training; reassign staff to meet day-to-day operating needs; evaluate activities of staff; assign duties; set staff schedules; approve time off; prepare, conduct, and sign performance evaluations; counsel employees regarding work performance, productivity, and/or conduct; recommend disciplinary action. He does not deny that those supervisory functions require the use of independent judgment. Therefore, I find that Williams' position also satisfies the standard of Section 6.1(c)(ii).

Martha Younger-White

Younger-White is the Bureau Chief of the Bureau of Accessibility and Job Accommodation. In AFSCME's initial objection, Younger-White does not specifically dispute the parts of her position description that indicate her position is responsible for directing the statewide coordination of access and job accommodations and is generally authorized to organize, plan, direct, control and evaluate the operations of her bureau; direct the formulation of access initiatives and strategies; maintain liaison relationship with other divisions; advise and consult with divisions regarding accessibility and job accommodations; review reports with recommendations for improvements; implement new programs, operations, and procedures; determine staffing needs to achieve program objectives; verify compliance with ADA and state accessibility codes; work with others to plan and implement special projects, programs, policies, and procedures; assist in providing direction in matters relating to budget and administrative personnel utilization, methods of program operations, and responsibilities of specialized operations; define areas of additional funding needs; and approve and review program and operational proposals from subordinates. She does not deny that those functions require the use of discretion. Moreover, Younger-White's contribution confirms that she can recommend policy

changes and updates and comments on bills and legislation. Accordingly, I find that Younger-White's position satisfies the standard of Section 6.1(c)(i).

Regarding a Section 6.1(c)(ii) exclusion, Younger-White contends she has three "immediate" reports and suggests that she can direct them. Furthermore, Younger-White does not strictly dispute the parts of her position description that indicate her position is authorized to approve time off; provide guidance and training; effectively recommend grievance resolutions; complete and sign performance evaluations; establish annual goals and objectives; and counsel staff on problems with productivity, quality of work, and conduct. She does not meaningfully deny that those supervisory functions require the use of independent judgment. Therefore, I also find that Younger-White's position satisfies the standard of Section 6.1(c)(ii).

II. CONCLUSION OF LAW

Based on my review of the designation, the documents submitted as part of the designation, the objections, and the documents and arguments submitted in support of those objections, I find the instant designations to have been properly submitted and consistent with the requirements of Section 6.1 of the Illinois Public Labor Relations Act.

III. RECOMMENDED ORDER

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

Position Number	Working Title
37015-10-16-400-00-01	Manager of Accessibility, Job Accommodation and Safety

37015-10-41-151-00-01	VR/HSP Quality Assurance Manager
37015-10-41-180-00-29	Manager/ Hispanic and Latino Services
37015-10-41-340-10-01	Manager/AIDS Waiver Unit
37015-10-41-340-30-01	Manager/PWE Waiver Unit
37015-10-41-340-50-01	HSP Policy/Training Manager
37015-10-41-910-10-01	Manager/Community Resources
37015-10-43-210-00-20	Residential Manager
37015-10-43-220-00-20	Residential Manager
37015-10-44-400-30-01	Residential/Nursing Manager
37015-10-44-600-00-01	Residential Manager
37015-10-45-240-00-01	Residential Manager
37015-10-47-000-30-01	VR Policy Manager
37015-10-48-101-00-01	Office Supervisor
37015-10-48-102-00-01	Office Supervisor
37015-10-48-103-00-01	Office Supervisor
37015-10-48-104-00-29	Office Supervisor
37015-10-48-106-00-01	Office Supervisor
37015-10-48-107-00-01	Office Supervisor
37015-10-48-108-00-01	Office Supervisor
37015-10-48-109-00-01	Office Supervisor
37015-10-48-110-00-01	Office Supervisor
37015-10-48-111-00-01	Office Supervisor
37015-10-48-113-00-01	Office Supervisor
37015-10-48-115-00-01	Office Supervisor
37015-10-49-101-00-01	Office Supervisor
37015-10-49-103-00-01	Office Supervisor
37015-10-49-103-10-01	Office Supervisor
37015-10-49-104-00-01	Office Supervisor
37015-10-49-105-00-01	Office Supervisor
37015-10-49-109-00-01	Office Supervisor
37015-10-49-110-00-01	Office Supervisor
37015-10-49-113-00-01	Office Supervisor
37015-10-49-114-00-01	Office Supervisor
37015-10-50-101-00-01	Office Supervisor
37015-10-50-102-00-01	Office Supervisor
37015-10-50-103-00-09	Office Supervisor
37015-10-50-105-00-01	Office Supervisor
37015-10-50-106-00-01	Office Supervisor
37015-10-50-107-00-01	Office Supervisor
37015-10-51-101-00-01	Office Supervisor
37015-10-51-102-00-01	Office Supervisor
37015-10-51-103-00-01	Office Supervisor
37015-10-51-104-00-01	Office Supervisor
37015-10-51-201-00-01	Office Supervisor
37015-10-51-202-00-01	Office Supervisor
37015-10-51-203-00-01	Office Supervisor

37015-10-51-204-00-01	Office Supervisor
37015-10-51-205-00-01	Office Supervisor
37015-10-51-206-00-01	Office Supervisor
37015-10-51-207-00-01	Office Supervisor
37015-10-56-100-00-01	Instructor/ Counselor Supervisor
37015-10-57-000-00-01	Regional Office Supervisor
37015-10-58-000-00-01	Regional Office Supervisor
37015-10-59-000-00-01	Regional Office Supervisor
37015-10-60-000-00-01	Regional Office Supervisor
37015-10-61-000-00-01	Regional Office Supervisor
37015-10-64-000-11-01	BDDS Document Management Architecture/Electronic Medical Evidence Coordinator
37015-10-64-000-30-01	BDDS/Manager Fraud Unit
37015-10-64-110-20-01	BDDS Quality Assurance Manager
37015-10-64-150-00-01	BDDS Hearings Unit
37015-10-66-141-00-01	Supervises contractual funded
37015-10-66-142-00-01	Supervises contractual funded
37015-10-66-143-00-01	Supervises contractual funded
37015-10-66-144-10-01	Supervises contractual funded
37015-10-66-146-00-01	Supervises contractual funded
37015-10-66-160-00-01	Monitor the transition of individuals who reside in SODC
37015-10-66-200-10-01	Confidential/Managerial
37015-10-66-700-10-01	Supervise staff engaged in conducting on and off-site assessments
37015-10-66-700-11-01	Supervise review staff completing joint on-site reviews
37015-10-66-700-12-01	Supervise review staff completing joint on-site reviews
37015-10-66-700-20-01	Supervise staff engaged in the development and delivery of developmental disabilities training programs
37015-10-70-000-11-22	Community Placement
37015-10-70-000-20-21	Supervises Centerwide active treatment program
37015-10-70-140-00-01	Dir Quality Enhancement Program
37015-10-70-300-00-21	Supervises Physical & Occupational Therapy and serves as head therapist
37015-10-70-600-10-21	Director Psychologist Services
37015-10-73-060-00-01	Residential Service Director
37015-10-73-060-00-22	Clinical Services Director
37015-10-73-063-00-22	Vocational administrator/Staff Trainer
37015-10-75-001-02-21	Vocational Coordinator
37015-10-76-343-10-01	Director of Quality Management
37015-10-76-343-20-01	Director of Quality Management
37015-10-77-322-00-88	Director of Social Work
37015-10-77-400-00-88	Quality Manager
37015-10-78-170-00-21	Quality Manager
37015-10-78-250-10-21	Unit Director
37015-10-78-250-20-21	Unit Director
37015-10-78-250-30-21	Unit Director

37015-10-78-250-40-21	Unit Director
37015-10-78-250-50-21	Unit Director
37015-10-79-200-00-01	Quality Manager
37015-10-80-125-00-01	Clinical Director
37015-10-80-126-00-01	Clinical Director
37015-10-80-200-00-21	Transition Coordinator
37015-10-80-200-30-01	Chief Psychologist
37015-10-80-200-51-01	Unit Director
37015-10-80-200-53-01	Unit Director
37015-10-80-200-55-01	
37015-10-80-200-57-01	Unit Director
37015-10-80-260-00-88	Unit Director
37015-10-81-420-00-21	Quality Manager
37015-10-83-233-00-01	Unit Director
37015-10-83-234-00-01	Unit Director
37015-10-83-235-10-88	Unit Director
37015-10-83-235-11-88	Unit Director
37015-10-83-236-00-01	Unit Director
37015-10-83-237-00-88	Unit Director
37015-10-88-500-00-01	Quality Manager
37015-10-90-112-20-01	Manager/Supervisor
37015-10-90-223-10-01	Supervisor
37015-10-90-223-20-01	Supervisor
37015-10-90-223-41-01	Manager/Supervisor
37015-10-90-224-10-01	Supervisor
37015-10-90-224-20-01	Supervisor
37015-10-90-224-21-29	Supervisor
37015-10-90-225-30-01	Manager/Supervisor
37015-10-90-226-10-01	Supervisory/Managerial
37015-10-90-226-20-01	Supervisory/Managerial
37015-10-90-334-13-01	Supervisor
37015-10-90-335-30-01	Manager/Supervisor
37015-10-91-100-10-01	Managerial/Supervisory
37015-10-91-100-30-01	Managerial
37015-10-91-100-50-01	Managerial
37015-10-91-101-10-01	ALOA
37015-10-91-101-20-01	ALOA
37015-10-91-102-10-01	ALOA
37015-10-91-102-20-01	ALOA
37015-10-91-110-10-01	ALOA
37015-10-91-110-40-01	ALOA
37015-10-91-117-00-01	ALOA
37015-10-91-128-20-01	ALOA
37015-10-91-133-10-01	ALOA
37015-10-91-133-20-29	ALOA
37015-10-91-133-30-29	ALOA

37015-10-91-137-10-01	ALOA
37015-10-91-137-20-01	ALOA
37015-10-91-204-10-01	ALOA
37015-10-91-220-10-29	ALOA
37015-10-91-229-20-29	ALOA
37015-10-91-229-30-01	ALOA
37015-10-91-231-10-29	ALOA
37015-10-91-231-20-01	ALOA
37015-10-91-401-10-01	ALOA
37015-10-91-402-10-01	ALOA
37015-10-91-402-20-01	ALOA
37015-10-91-403-10-01	ALOA
37015-10-91-405-10-01	Acting LOA/ALOA
37015-10-91-405-20-01	ALOA
37015-10-91-406-10-01	ALOA
37015-10-91-406-20-01	ALOA
37015-10-91-406-30-01	ALOA
37015-10-91-406-40-01	ALOA
37015-10-91-408-10-01	ALOA
37015-10-91-408-20-01	ALOA
37015-10-91-408-40-29	ALOA
37015-10-91-415-20-29	ALOA
37015-10-91-512-10-01	ALOA
37015-10-91-700-30-01	Managerial
37015-10-91-700-41-01	Managerial/Supervisory
37015-10-91-700-60-01	Managerial
37015-10-91-723-10-01	ALOA
37015-10-91-723-20-01	ALOA
37015-10-91-726-10-01	ALOA
37015-10-91-726-20-01	ALOA
37015-10-91-726-30-01	ALOA
37015-10-91-736-10-01	ALOA
37015-10-91-736-20-01	ALOA
37015-10-91-813-10-01	ALOA
37015-10-91-813-20-01	ALOA
37015-10-91-818-20-01	ALOA
37015-10-91-818-30-01	ALOA
37015-10-92-000-30-01	Managerial
37015-10-92-000-40-01	Managerial/Supervisory
37015-10-92-000-50-01	Managerial
37015-10-92-030-10-01	ALOA
37015-10-92-030-20-01	ALOA
37015-10-92-053-10-01	ALOA
37015-10-92-057-10-01	ALOA
37015-10-92-057-20-01	ALOA
37015-10-92-107-10-01	ALOA

37015-10-92-107-20-01	ALOA
37015-10-92-109-10-01	ALOA
37015-10-92-109-20-01	ALOA
37015-10-92-114-10-01	ALOA
37015-10-93-000-10-01	Managerial
37015-10-93-000-40-01	Managerial/Supervisory
37015-10-93-000-50-01	Managerial
37015-10-93-080-00-52	ALOA
37015-10-93-089-00-52	ALOA
37015-10-94-000-10-01	Managerial/Supervisory
37015-10-94-000-40-01	Managerial
37015-10-94-000-50-01	Managerial
37015-10-94-091-00-52	ALOA
37015-10-95-000-30-01	Managerial
37015-10-95-000-50-01	Managerial
37015-10-95-111-00-52	ALOA
37015-10-96-445-10-01	Manager/Supervisor
37015-10-96-446-00-01	Manager/Supervisor
37015-10-97-557-40-01	Managerial/Supervisory
37015-10-97-666-40-01	Supervisory

IV. EXCEPTIONS

Pursuant to Sections 1300.90 and 1300.130 of the Board's rules, 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 the Administrative Law Judge's Recommended Decision and Order. All exceptions shall be filed and served in accordance with Section 1300.90 of the rules. Notably, exceptions must be filed by electronic mail sent to ILRB.Filing@Illinois.gov. Each party shall serve its exceptions on the other parties. A party that does not file timely exceptions waives its right to except to the Administrative Law Judge's Recommended Decision and Order.

Issued in Chicago, Illinois this 21st day of March 2014.

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

Martin Kehoe
Administrative Law Judge