

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

State of Illinois, Department of Central Management Services, (Department of Commerce and Economic Opportunity),)	
)	
Petitioner)	
)	Case No. S-DE-14-253
and)	
)	
American Federation of State, County and Municipal Employees, Council 31,)	
)	
Labor Organization-Objector)	
)	

INTERIM ORDER

On April 4, 2014, the Illinois Department of Central Management Services (CMS or Petitioner), on behalf of the Governor, filed the above-captioned designation petition pursuant to Section 6.1 of the Act and Section 1300.50 of the Board’s Rules. The filing consists of a petition form, a spreadsheet, and two CMS-104 position descriptions. The petition form alleges that positions at issue have the title of Public Service Administrator Option 1 at the Illinois Department of Commerce and Economic Opportunity, and qualify for exclusion under Section 6.1(b)(3) and Section 6.1(b)(5) of the Act. The petition form instructs a petitioner, that if the proposed designation is filed for multiple positions, it must attach a spreadsheet identifying the required information for each employee. In accordance with those instructions, along with the petition form, CMS submitted a spreadsheet and the CMS-104 position description for two positions. The spreadsheet identifies that the position numbers of the petitioned for positions as 37015-13-42-40-720-30-01 and **37015-13-42-35-230-20-01**. The spreadsheet also identified that each position is a Public Service Administrator Option 1, has the working title of Policy and Grants, is vacant, is a member of bargaining unit R-63, and qualifies for exclusion un statutory category 6.1(b)(5). The submitted CMS-104s identify the position numbers of the two positions as 37015-42-40-720-30-01 and **37015-42-40-720-40-01**. The CMS-104s also identify that each position is a Public Service Administrator and each have the working title of Policy and Grants.

On April 8, 2014, CMS filed a Motion For Leave to File an Amended Designation Petition, with the proposed amended petition and supporting documents attached to the motion.

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In its motion, CMS acknowledges that its face the submission does not consistently identify the position number of one of the petitioned-for positions, nor does it consistently identify whether the petitioner alleges that the positions qualify for designation under both Section 6.1(b)(3) and 6.1(b)(5), or solely under section 6.1(b)(5) of the Act. The motion seeks to amend the petition to correct these inconsistencies, by modifying the petition form to indicate that it alleges that the at-issue positions qualify for designation solely under Section 6.1(b)(5), and to modify the position number 37015-13-42-35-230-20-01 to 37015-42-40-720-40-01, in order to be consistent with the submitted CMS-104. On April 9, 2014, the American Federation of State, County and Municipal Employees, Council 31 (AFSCME) filed objections to CMS's motion, arguing that CMS is requesting to designate another position number and that this designation would occur outside the statutory time frame allotted in Section 6.1 of the Act.¹ Also on April 9, 2014, CMS filed a Reply to AFSCME's objections, arguing that the amended petition does not designate a new position but merely corrects typographical errors on the original petition and submission spreadsheet. AFSCME filed a response to CMS's Reply, arguing that because positions are designated by number the proposed amendment seeks to designate a position outside the statutory time limit.

Position numbers are not the sole identifying feature in which to distinguish one designated position from another. The Board has previously certified the designation of positions with the same position number. Ill. Dep't Cent. Mgmt. Serv. (Ill. Commerce Commission) and Am. Fed'n of State, Cnty. & Mun. Emp., Council 31, Case No. S-DE-14-209, (IL LRB-SP April 1, 2014)(certifying five different Administrative Law Judge positions, three of which shared one position number, and the remaining two shared another position number). Also, the language of the Act suggests that position title, duties, and incumbent can be sufficient means of identifying a position for designation under Section 6.1. Section 6.1(b) of the Act states:

In order to properly designate a State employment position under this Section, the Governor [or his agent] shall provide in writing to the Board: the job title and job duties of the employment position; the name of the employee currently in the

¹ Section 6.1(d) of the Act requires that the governor must exercise his authority to designate employment positions within 365 calendar days after the effective date of Section 6.1 of the Act. Section 6.1 became effective on April 5, 2013.

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employment position, if any; the name of the State agency employing the public employee; and the category under which the position qualifies for designation under this Section.

The inclusion of a position number in a designation petition is only required by Board Rule 1300.50(a), which states that a “designation shall be made on a [petition] form provided by the Board for this purpose and must provide the information required by Section 6.1(b) of the Act.” 80 Ill. Admin. Code §1300.50. The petition form identified in Rule 1300.50, requires that the Governor provide the position number of the position to be excluded. Board Rule 1300.50(b) states “[f]ailure to fully complete the form could result in rejection of the filing of the designation by the Board.” This rule allows for some discretion on the part of the Board in determining whether the petition filing is sufficient on its face. I find that CMS’s original filing as a whole identifies the position number of the position in which it seeks to designate, and this filing was submitted within the statutory time frame. Accordingly, because AFSCME’s only objection to the motion is that the petition itself did not identify the correct position number within the statutory time period, I find that there are no reasonable grounds on which to deny CMS’s motion.

Therefore, **IT IS HEREBY ORDERED** that the Petitioner’s motion is **granted**, and the designation petition is amended according to the attachment supplied by CMS with its motion.

IT IS HEREBY ORDERED that AFSCME has up to, and including April 21st, 2014, to file any objections to the amended designation petition.

Pursuant to 80 Ill. Admin. Code §1300.70, this ruling is not appealable at this juncture.²

Issued at Chicago, Illinois this 10th day of April, 2014.

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/s/ Deena Sanceda

Deena Sanceda
Administrative Law Judge

² Under 80 Ill. Admin. Code §1300.70(h) the parties will have an opportunity to file exceptions once a Recommended Decision and Order is issued in this case.