

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

Metropolitan Alliance of Police, DuPage)		
County Forest Rangers, Chapter 714,)		
)		
Petitioner)		
)	Case No.	S-RC-15-006
and)		
)		
Forest Preserve District of DuPage County,)		
)		
Employer)		

ADMINISTRATIVE LAW JUDGE’S RECOMMENDED DECISION AND ORDER

On July 16, 2014, Metropolitan Alliance of Police, DuPage County Forest Rangers, Chapter 714, (“Petitioner” or “MAP”), filed a majority interest petition in Case No. S-RC-15-006 with the State Panel of the Illinois Labor Relations Board (“Board”) pursuant to the Illinois Public Labor Relations Act, 5 ILCS 315 (2012) as amended (“Act”), and the Rules and Regulations of the Board, 80 Ill. Admin. Code, Parts 1200 through 1300 (“Rules”). MAP seeks to represent a bargaining unit that includes all employees of the Forest Preserve District of DuPage County (“Employer” or “District”) in the titles of Ranger and Senior Ranger. On August 14, 2014, the District objected to the unit. A hearing was held on March 3, 2015, before the undersigned in Chicago, Illinois. At that time, all parties appeared and were given a full opportunity to participate, adduce relevant evidence, examine witnesses, and argue orally. Briefs were timely filed by both parties. After full consideration of the parties’ stipulations, evidence, arguments, and briefs, and upon the entire record of this case, I recommend the following:

I. PRELIMINARY FINDINGS

1. The District is a public employer within the meaning of Section 3(o) of the Act.
2. The Petitioner is a Union within the meaning of Section 3(i) of the Act.
3. The District contains 60 preserves, 25,000 acres of land, 145 miles of trails, 3 private boating lakes, and 3 golf courses, in addition to other recreational facilities, all within DuPage County, Illinois. The District employs approximately 353 full and part-time employees in addition to intermittent and seasonal employees.

4. The District is governed by a seven-member Board of Commissioners. Voters in each of the six county districts elect one commissioner from each district. The seventh member, the President, is elected by the County at large by popular vote.
5. The only group of District employees currently represented for purposes of collective bargaining is a unit of District Police Officers, who are represented by the Metropolitan Alliance of Police Chapter 471. This unit is made up of sworn police officers, as that term is defined by the Act, who have full police powers, including the duty to enforce federal, state, and county laws, as well as District ordinances. The officers have the right to interest arbitration and other exclusive rights as provided in the Act. There are currently 18 employees in this classification.
6. The Union has petitioned to represent a bargaining unit comprised of Rangers and Senior Rangers. The 20 employees in these two classifications work in the Land Management Department. Rangers and Senior Rangers are assigned to either the East Division or the West Division and report to the Division's Assistant Manager of Site Operations.
7. As there are multiple preserves to cover, Rangers and Senior Rangers move between different District preserves on any given work day.

II. ISSUES AND CONTENTIONS

The issue in this case is whether the petitioned-for unit of Rangers and Senior Rangers is appropriate for the purposes of collective bargaining. The District objects that the petitioned-for unit is presumptively inappropriate because the Rangers and Senior Rangers share a community of interest with the employees holding the following 19 positions: Agricultural Assistant, Auto Mechanic, Custodian, Equestrian Assistant, Equipment Mechanic, Fleet Body Technician, Forestry Worker, Golf Course Grounds Maintenance Worker, Grounds Maintenance Worker, Heavy Equipment Mechanic, Heavy Equipment Operator, Landfill Construction Coordinator, Natural Resource Management Technician, Recreational Facility Attendant, Sign Coordinator/Locksmith, Sign Technician, Structural Maintenance Worker, Supply Center Clerk, and Supply Center Coordinator. MAP contends that the petitioned-for unit consisting of only Rangers and Senior Rangers is not presumptively inappropriate because these positions are sufficiently distinct from the other positions in the District-proposed unit.

III. INVESTIGATORY FACTS

The District currently employs 353 individuals. This includes 309 regular full-time employees, 15 regular part-time employees, and 19 intermittent and seasonal employees. The record does not identify how the District determines whether an employee in a particular position is a regular employee, an intermittent employee, or a seasonal employee. However, as articulated below, the District has different personnel policies depending on the employees' status as a regular or non-regular employee. Here, the Recreational Facility Attendants and six of the seven Equestrian Assistants are intermittent employees, and regular employees hold the remaining at-issue positions.

A. Personnel Policies

District employees are subject to the terms and conditions of employment as outlined in the District's Personnel Policy Manual ("Manual"). The Office of Human Resources is responsible for maintaining the Manual. The Manual is divided into the following six categories: Employment, Compensation, Employee Benefits, Hours of Work and Leaves of Absence, Separation, and Employee Conduct. Within each category, the Manual contains between three and seventeen policies. Each policy is numbered and identifies which District employees it applies, the policy's purpose, and the policy's guidelines. Some policies apply uniformly to all District employees; some policies are even broader and apply to all Elected Officials, District employees, contractual staff, temporary staff, and/or job applicants; some policies apply only to all regular full-time and regular part-time employees, excluding intermittent and seasonal employees; and some policies apply to only intermittent and seasonal employees.

The Manual provides that all District employees are subject to the same application procedure, orientation, deferred compensation, employee assistance program, harassment policy and drug free workplace policy. The following provisions are applicable to regular full-time and regular part-time employees, but are inapplicable to intermittent and seasonal employees: medical and dental insurance, probationary period, vacation eligibility, required participation in the District's retirement fund, tuition reimbursement, bereavement leave, and flexible schedules.

Furthermore, regular employees have a different disciplinary procedure than intermittent and seasonal employees, different evaluation periods, and different options for obtaining life insurance. The disciplinary policy for regular employees involves a four-step progressive discipline procedure beginning with written expectations, progressing to written warning,

followed by suspension, and finally, termination. The disciplinary policy for intermittent and seasonal employees involves a two-step progressive disciplinary process from written warning to termination. Only regular employees are eligible to be placed on a performance improvement plan if the employee's supervisor and a Human Resources representative determine that the employee is involved in a disciplinary situation that cannot be readily resolved, or when the employee's work performance is not meeting expectations. Regular employees are evaluated when they complete their probationary period, and then annually, while intermittent employees are not subject to a probationary period, but are evaluated annually. Life insurance is available to all regular employees, but is provided at no cost to regular full-time employees. Regular part-time employees with at least ten years of service may purchase life insurance at a pro-rated basis only when working at least forty hours per pay period. Intermittent employees are not eligible to receive the same policy offered to regular employees, but may purchase supplemental life insurance through the Human Resources Department.

B. Training

The Human Resources Department conducts employee orientation but "the employees' supervisor or manager is responsible for informing and training the employee regarding department-specific policies, additional job specific orientation and training." East Division and West Division Site Operations supplement the District's Personnel Manual with Division-specific manuals that outline policies and procedures specific to Rangers and Senior Rangers. Site Operations also holds equipment-specific training sessions for employees using newly acquired equipment such as wood splitters, snowplows, and backhoe loaders. OSHA conducts regular training, which includes, respirator training, ladder safety training, CPR training, and hazardous communication training. Many District employees are invited to attend OSHA trainings, though actual attendance is based upon the geographic location of the training. For example, ladder safety training was held in Structural Maintenance Division's lunchroom, which is in the District's West Division, and was attended by all Structural Maintenance employees, three West Division Senior Rangers and one West Division Ranger.

The District requires some of its employees to be certified in pesticide application, and trained in bloodborn pathogen exposure. The District currently employs 85 individuals who are licensed to administer pesticides. Of the positions at issue, those individuals include three Rangers, three Senior Rangers, four Forestry Workers, twenty-two Grounds Maintenance

Workers, five Heavy Equipment Operators, fifteen Natural Resource Management Technicians, and two Recreational Facility Attendants. The remaining thirty-one employees are not the subject of the petition, nor are they included in the District-proposed bargaining unit. The District also administers a Bloodborn Pathogen Exposure Control Plan. Of the positions at issue, the plan identifies that Rangers, Senior Rangers, Custodians, and Landfill Construction Coordinator may be exposed to bloodborn pathogens but only Ranger Staff are trained and authorized to be first responders.

In addition to safety and equipment specific trainings, Rangers and Senior Rangers have been trained in defensive driving, methamphetamine laboratory awareness, gang awareness, swift water rescue, severe weather preparedness, and various other trainings so that they can perform their recreational education duties. There is no evidence that other positions have received similar training.

C. Pay Scale

In 2007, the District hired a consultant to establish a broadband salary system, which categorizes the District's 153 non-sworn position classifications into nine different categories, or bands based on market data. Without additional evidence as to the bases of these bands, I infer that market data refers to the salary other similarly titled positions are paid in the marketplace. For example, a Custodian at the District is paid a salary comparable to a custodian working for an employer similar to the District. The bands determine the salary range for all the positions within a given band. All bands have a minimum pay, a midpoint pay, and a maximum pay.

The positions at issue are in bands B2, B3, and B4. The salary for the B2 band ranges from \$26,966 to \$46,281. The B2 band is comprised of nine positions, including Custodian, Recreational Facility Attendant, and Supply Center Clerk. The salary for the B3 band ranges from \$33,675 to \$61,547. The B3 band is comprised of of nineteen employment positions, including Ranger, Forestry Worker, Agricultural Assistant, Equestrian Assistant, Golf Course Grounds Maintenance Worker, Grounds Maintenance Worker, Natural Resource Management Technician, and Structural Maintenance Worker. The salary for the B4 ranges from \$42,058 to \$76,864. The B4 band is comprised of fifty-five employment positions, including Senior Ranger, Auto Mechanic, Equipment Mechanic, Fleet Body Technician, Heavy Equipment Mechanic, Heavy Equipment Operator Landfill Construction Coordinator, Sign Technician, Sign Coordinator/Locksmith, and Supply Center Coordinator.

Employment positions at the District have the following Fair Labor Standards Act (“FLSA”) statuses: non-exempt, exempt II, and exempt III. Non-exempt positions receive one-and-half time their hourly rate for overtime worked, exempt II positions are paid at their regular rate for overtime worked, and exempt III positions are ineligible to receive compensation for overtime worked. The Senior Ranger is categorized as exempt II. The remaining employment positions in the District’s proposed unit are non-exempt. Regular newly hired exempt II and exempt III employees are subject to a twelve-month probation period, while non-exempt newly hired and all current District employees transferring from a different position are subject to a six-month probation period.

D. Organization and Position Duties

The District is organized into twelve departments, including the Land Management Department. As identified in an organizational chart dated April 27, 2014, Land Management is divided into the following four sections: Site Operations, Fleet Services, Grounds Maintenance, and Structural Maintenance.

The factual findings regarding the positions’ duties are based almost solely upon position description questionnaires (“PDQ”) that nearly every at-issue employee completed in January 2014. PDQs were submitted for every at-issue position, and were often completed on behalf of every employee in that position, rather than each individual employee completing their own. In each PDQ, the employees identified the percentage of time they spend performing their duties. Each position’s supervisor, manager, and department head reviewed, were allowed to provide comments, and ultimately approved each PDQ.

For example, the PDQ for the Natural Resource Management Technician was completed and agreed upon by nine of the seventeen employees holding that position. When Supervisor Herman Jensen approved the PDQ, he wrote, “[t]his PDQ has been reviewed and revised in consultation with Foreman Jensen on numerous stages in the development of this PDQ. Approval is assumed perfunctory at this juncture as approved by the Manager and Director of [Office of Natural Resources].” Manager Erik Neidy approved the PDQ and commented on the needs of the positions, which did not contradict the duties identified by the employees. To the extent that Neidy testified as to the duties of the Natural Resource Management Technician and those duties are not reflected in the PDQ that he previously approved, I give deference to the PDQ. Employees are often in the best position to describe their duties, and in this case, the

employees' supervisor was very involved in identifying the employees' duties, and the employees' manager reviewed and approved the PDQ.

1. Site Operations

Site Operations is further divided geographically into East Division, West Division, St. James Farm, and Danada Equestrian Center.

i. East and West Divisions

Each Division is comprised of one Manager of Site Operations, two Assistant Managers of Site Operations, one Staff Assistant, six Senior Rangers, Rangers, and Recreational Facility Attendants. West Division contains five Rangers and six Recreational Facility Attendants. East Division contains four Rangers and one Recreational Facility Attendant. Recreational Facility Attendants, Rangers, and Senior Rangers have many of the same duties, with the distinctions being the focus of time spent on particular duties. The positions are hierarchical with the Recreational Facility Attendant being the lowest ranking position. The higher-ranking positions provide the lower ranking positions with working guidance, but do not supervise. Manager of Site Operations Matt Blazek supervises all East Division Rangers, Senior Rangers, and Recreational Facility Attendants. Manager of Site Operations Jay Johnson supervises all West Division Rangers, Senior Rangers, and Recreational Facility Attendants.

East and West Division employees are tasked with ensuring that all visitors have a safe, educational, and enjoyable recreational experience while taking the appropriate action to protect the natural and structural resources. As West Division Rangers described in their PDQ, these positions are "a mix of maintenance, programming, and visitor relations." Director of Land Management Justin Frederick, affirmed that Rangers and Senior Rangers "provide maintenance and customer service to [preserve] patrons." All Senior Rangers spend 45% of their time performing visitor relations duties, 45% of their time performing maintenance duties around the district, and 10% of their time performing administrative duties of hiring, scheduling and training. All Rangers spend 40% of their time performing visitor relations duties, 55% of their time performing maintenance duties, and 5% of their time training and overseeing seasonal employees and volunteers. Recreational Facility Attendants in both divisions spend 60% of their time performing visitor relations duties, 35% of their time performing preserve maintenance, and 5% of their time training and overseeing seasonal employees and volunteers.

Visitor relations duties consist of performing outdoor educational and recreational programs such as fishing, kayaking, archery, biking, hiking, etc., providing the visiting public with District information, issuing and checking permits, and operating outdoor recreational facilities such as campgrounds, tube hill, and boat rentals. Maintenance duties encompass inspections, janitorial duties, as well as natural resource management. East and West Division employees inspect encroachments, trails, waterways, flood control areas, special use areas, buildings, flags, memorial plaques, culverts, picnic tables, bathrooms, and porta-potties. The janitorial duties include moving picnic tables into trucks, loading salt bags into trucks and hoppers, changing garbage barrels, moving snow grooming equipment, carrying Indian water backpacks, dismantling forts, walking boundaries, picking up trash, loading and unloading recreational equipment including portable archery range, kayaks, garbage barrels, and hot coal containers. They are also authorized to perform minor maintenance to District equipment they are operating, such as checking the oil, windshield wiper fluid, etc. Natural resource management duties include participating in the semi-annual prescription burns, removing invasive trees and brush with chainsaws, rescuing injured wildlife, removing beaver dams, etc.

Rangers and Senior Rangers make independent decisions concerning emergency safety, whether to keep a preserve closed, when to issue work orders, fleet problems, closing a trail system due to flooding, changing opening routes, or responding to short staffing. With their Assistant Managers' approval, they also create new recreational programs.

Senior Rangers are required to have a bachelor's degree and at least 2 years of experience. Rangers are required to have an associate's degree and up to 1 year of experience. Recreational Facility Attendants are required to have a high school diploma.

The positions in each Division are fairly interchangeable within their Divisions, though typically only Senior Rangers close the preserves. These employees are responsible for performing their duties in their respective Divisions, with overlap being the District-wide semi-annual prescriptive burns, which occur over a two-week period, and participation in special events. All the positions report to the Assistant Manager of Site Operations of their respective Divisions. Rangers, Senior Rangers, and these Recreational Facility Attendants work regularly together. Rangers and Senior Rangers also works with law enforcement, Structural Maintenance as needed to make repairs that Rangers and Senior Rangers are unable to perform, and Grounds Maintenance as needed to request specific maintenance be performed.

West Division employees report to Blackwell Shop, and East Division employees report to Churchill Shop. These employees often have lunch at these shops, often with the other Fleet Services employees that work out of those shops. East Division and West Divisions Ranges and Senior Rangers work together to coordinate for programming, special events, and equipment drop-off and pick-up. Rangers and Senior Rangers supervise part-time and seasonal staff.

Site Operations divides Rangers' and Senior Rangers' workday between four shifts, which consist of an opening shift, a mid-shift, maintenance shift, and a late shift. The District schedules two or three Rangers and Senior Rangers on each shift. Rangers and Senior Rangers are responsible for opening each preserve for the public. The late shift usually contains at least one Senior Ranger who is responsible for closing the preserves. In their PDQ, West Division Senior Rangers identified that they "often work past the shift end time to accommodate: [prescription] burns, [l]ate [c]amper check-in, [s]pecial [e]vents, [p]rogams, [and e]mergencies (i.e. wildfire[s])." Since Senior Rangers and Rangers perform these same duties interchangeably, and because overtime was not specifically posed in the PDQ, I infer that both Rangers and Senior Rangers work the same overtime required to complete their duties.

ii. Danada Equestrian Center

Danada Equestrian Center provides educational and recreational equestrian programs. The Danada staff consists of two Equestrian Program Coordinators, one full-time Equestrian Assistant, six intermittent Equestrian Assistants, and one Staff Assistant. In the Equestrian Assistants' PDQ, the Deputy Director of Site Operations identified that this position should be divided into three separate positions each with a different focus because these employees have different duties depending on their focus.

a. Equestrian Assistant

Equestrian Assistants are responsible to care for the District's riding horses, instructing riding lessons, assisting with stable operations, and supervise the 110 volunteers who are responsible for interacting with the public. Each Equestrian Assistant's functions and duties differ depending on the particular employee's focus.

1) *Instructor*

Three Equestrian Assistants focus on horseback riding instruction. These employees spend 70% of their time providing riding lessons to District patrons, leading patrons on trail rides, and

assisting students and volunteers saddling and unsaddling horses. They spend 20% of their time training and scheduling volunteers, and the remainder of their time exercising the farm's horses.

2) *Barn Coordinator*

One Equestrian Assistant focuses on managing the barn that houses the horses. The employee in this position spends 55% of her time managing and training 37 volunteers, and acts as a lead worker for the other Equestrian Assistants. She spends 40% of her time maintaining veterinary records, ordering and maintaining barn supplies, and performing regular maintenance in the barn. She spends the remaining 5% of her time organizing the Center's Fall Festival.

3) *Shift Work*

Two Equestrian Assistants perform routine shift work under the working guidance of the Barn Coordinator. They spend 60% of their time performing stable maintenance duties. They spend 20% of their time directing 110 volunteers.

iii. St. James Farm

Two Grounds Maintenance Workers, two intermittent Recreational Facility Attendants, and one Staff Assistant work on St. James Farm. The farm is the former country home of the historic McCormick family. Today the farm consists of 612 acres that holds stables, barns, paths, and artwork. Farm visitors can fish in one of its streams, picnic at one of the farm's sheltered picnic area, or visit its stables, barns, and paths. The Recreational Facility Attendants and the Ground Maintenance Workers report to Site Operations Manager Wayne Zalninger.

a. Grounds Maintenance Worker

The Grounds Maintenance Workers keep the farm grounds properly maintained by mowing, cutting brush, and removing snow from the property. The employees in these positions also spend less than 5% of their time setting up for special events at the farm, and they assist other District employees in the semi-annual prescriptive burns.

b. Recreational Facility Attendant

This position ensures that the farm is safe and clean for visitors. Recreational Facility Attendants spend 60% of their time maintaining the facility by emptying the trash, inspecting and cleaning porta-a-johns, assisting grounds maintenance, and applying pesticides. They spend 20% of their time interacting with the public by conducting tours of the farm, and issuing permits to visitors. They spend the remaining 20% of their time supervising the 65 farm volunteers.

This position differs from the other Recreational Facility Attendants in that these employees are required to be certified in pesticide application and prescriptive burn procedures, whereas the East and West Divisions Recreational Facility Attendants do not apply pesticides and are thus not required to be certified, nor are they required to be certified in prescriptive burn procedures.

2. Fleet Services

Fleet Services is responsible for maintaining the Districts fleet of vehicles including automobiles, equipment, and heavy equipment. This section operates the following three facilities: the Supply Center Warehouse, Blackwell Shop, and Churchill Shop.

i. Supply Center Warehouse

Manager of Fleet Services, Assistant to the Manager of Fleet Services, the Supply Center Coordinator, the Supply Center Clerk, and the Staff Assistant work out of the Central Warehouse. The two employees at issue that work out of the Supply Center Warehouse are the Supply Center Coordinator and the Supply Center Clerk.

a. Supply Center Coordinator

The Supply Center Coordinator oversees the Staff Assistant and Supply Center Clerk. The Coordinator is responsible for maintaining inventory in the parts rooms, warehouse and storage areas. This includes ordering daily stock, and non-stock parts, materials, and equipment, including preparing specifications and obtaining formal price quotes.

b. Supply Center Clerk

The Supply Center Clerk is responsible for stocking parts, supplies and other materials at the District's fleet facility. This involves purchasing, receiving, labeling, stocking, and inventorying the materials. The Clerk operates a forklift to load and unload delivery trucks, and sometimes picks up parts directly from vendors. He ensures that parts and supplies are entered accurately into the District's computer system.

ii. Blackwell Shop and Churchill Shop

The District operates two repair shops, Blackwell Shop, which is located in the West Division, and Churchill Shop, which is located in the East Division. Blackwell Shop operates with one Heavy Equipment Operator and one Heavy Equipment Mechanic, who both report to Mechanic Foreman Bob Glaysher. Churchill Shop operates with two Heavy Equipment Operators, two Auto Mechanics, two Equipment Mechanics, one Fleet Body Technician, and two

Heavy Equipment Mechanics who all report to Mechanic Foreman Stew McHugh. These Equipment Mechanics are considered part of the Golf Operations Department.

a. Auto Mechanic

Auto Mechanics are responsible for skilled mechanical maintenance, inspection, and repair of District's vehicles. Auto Mechanics have regular contact with other departments regarding vehicle maintenance and repair. Auto Mechanics spend the vast majority of their time performing preventative maintenance, diagnosing, and repairing the District's fleet of vehicles up to one-ton in size. These vehicles include trucks, cars, trailers, mowers, cranes, vans, SUVs, plows, shop equipment, and other motorized equipment. Auto Mechanics spend the remainder of their time decommissioning vehicles and equipment, inspecting vehicles upon delivery, making service calls, inspecting equipment, refurbishing vehicles, and welding.

b. Equipment Mechanics

Equipment Mechanics perform preventative maintenance, diagnostics, and repairs District equipment. The Blackwell Equipment Mechanics exclusively repair golf course equipment, while the Churchill Mechanic focuses on landscape and forestry equipment.

c. Fleet Body Technician

Fleet Body Technician's work involves fleet body design, corrective repair, body preventive maintenance, and modification to the District's vehicles and equipment. In order to achieve that end, the Technician welds, fabricates, designs, and paints. The District employs one Fleet Body Technician who reports to the Churchill Shop Mechanic Foreman.

d. Heavy Equipment Mechanics

Heavy Equipment Mechanics perform preventative maintenance, inspections, repairs, and diagnostic checks on the District's fleet of heavy equipment.

3. Grounds Maintenance

Grounds Maintenance is organized into four sections: Forestry, Landscape, Road Crew, and Trails and Streams. Different Grounds Maintenance Foremen are responsible for each section.

i. Forestry

Grounds Maintenance Foreman Mike Weisman oversees the Forestry section that is comprised of himself, five Forestry Workers, and one Grounds Maintenance Worker. The

Grounds Maintenance Worker and Forestry Workers work together to maintain the District's trees and shrubs by removing hazardous, dead and damaged trees, planting and trimming trees and shrubs, managing the District's nurseries, participating in the semi-annual prescribed burns, and assisting with public events. The Grounds Maintenance Worker works with the Forestry Workers, but is in a subordinate role and is involved in the menial tasks such as job site clean up, brush chipping, and chain saw usage. Forestry Workers are expected take on the more difficult tasks, and train the Grounds Maintenance Worker. The Forestry Crew spends 40% of their time is spend removing hazardous trees. They spend 30% planting and ensuring plant health care, which includes administering pesticides to District trees, fertilizing trees and cultivating seeds. The Forestry Crew spends 15% of their time trimming trees, and 5% of their time removing weeds/invasive species and participating the semi-annual prescribed burns. They spend 10% of their time restoring turf due to erosion and drainage, and less than 1% assisting in setting up chairs at special events.

ii. Landscape

Grounds Maintenance Foreman Ron Williams oversees the Landscape crew that consists of thirteen Grounds Maintenance Workers. As their title suggests, Landscape Grounds Maintenance Workers are responsible for landscape maintenance, installation, and resource management tasks at all preserves, and implementing a professional landscape management plan. They assist with weed contractors, and fill work order requests from other departments. Examples include, picking up organic waste pile and dropping off firewood and woodchips at other preserves. Landscape Grounds Maintenance Workers spend 50% of time their time mowing grass in picnic areas, the archery range, dog parks, District trails, and planting and fertilizing new grass. They spend 20% of their time on clearing projects such as removing non-native plant species by cutting, chopping, burning and spraying. Landscape Grounds Maintenance Workers spend 10% of their time planting approximately 800-1200 trees per year, and removing weeds by spraying herbicides and cutting down the weed. They spend 10% of time removing leaves and downed trees from lawns, fine mow areas, and river areas, and then mulching those leaves to fertilize the grass. The Landscape crew spends 5% of their time assisting the Natural Resource Management Technicians on prescribed burns. They spend the remaining 5% of their time on miscellaneous projects such as installing drain tile lines, installing ponds, cleaning storm damage, removing snow, and maintaining equipment.

iii. Road Crew

Grounds Maintenance Foreman Rich Long oversees the Road Crew, which consists of three Grounds Maintenance Workers, and one Heavy Equipment Operator. The Road Crew's purpose is to preserve, restore, and maintain the land assets for the forest preserves, and to provide support to other departments for education, events, and specialty projects. The Road Crew spends 45% of their time maintaining the District's asphalt and gravel roads by using pavers, rollers, heavy trucks, skidsteers, cold planners, tractors, semi-trucks, sealcoat machines, corecut saws, k-12 saws, jack hammers, etc. They spend 20% of their time on non-native species-control which consists of cutting down or burning trees, and using herbicides to prevent regrowth. They spend 10% of their time clearing riverbanks, which includes removing river debris, trees, beaver dams, etc. The Road Crew spends 10% of their time on the storm water inventory/maintenance program, which includes inspecting, maintaining, and repairing the District's complex storm water systems. They are on call for winter snow removal, and spend approximately 5% of their time removing snow. They spend the remaining 10% of their time on miscellaneous maintenance and assisting other departments in storm clean up, prescribed burns, cleaning and maintaining horse stalls and barns, and moving bleachers for special events.

iv. Trails and Streams

Grounds Maintenance Foreman Steve Schultz oversees the Trails and Streams crew, which consists of nine Grounds Maintenance Workers and one Heavy Equipment Operator. As in the Roads Crew, the Heavy Equipment Operator is responsible for the crew and equipment when Foreman Schultz is offsite. The purpose of this crew is to maintain the District's 145 miles of trails, 47 miles of river ways, to maintain the growth of native species, and to eliminate invasive species. They spend 45% of their time on landscaping trails maintenance, and 30% on preparing trails for construction, which involves some demotion, and maintaining the equipment used in performing these functions. The trails and streams crew spends 10% of time cleaning streams and rivers, which consists of removing obstructions such as dams, trees, and debris. They spend 10% of time on clearing non-native species by cutting them down. Finally, they spend the remaining 5% of their time on miscellaneous tasks such as assisting Natural Resources with prescribed burns, ice and snow removal, delivering wood to campsites, and using herbicides to eliminate weeds.

4. Structural Maintenance

Structural Maintenance is comprised of the Manager of Structural Maintenance, Assistant to the Manager of Structural Maintenance, Support Services Coordinator, Structural Maintenance Supervisor, Electrician, HVAC Technician, Master Plumber/Pipefitter, Heavy Equipment Operator, Carpenter, Bricklayer/Stone Mason, Welder/Metal Fabricator, Facility Maintenance Foreman, Custodian, Painter, Sign Coordinator/Locksmith, Sign Technician and Structural Maintenance Worker, and Staff Assistant.

i. Sign Coordinator/Locksmith

This position's purpose is to ensure that sign requests are completed in a timely manner, and to address all lock issues for the District. The District employs one person in this title, who reports directly to the Structural Maintenance Supervisor. He spends 85% of this time fabricating signs, installing and signs, purchasing sign materials, and coordinating sign requests from various District departments. He spends 12% of his time performing locksmith duties. He spends the remainder of his time estimating costs for signs, locksets etc. He supervises the Sign Technician. He has regular contact with some other District employees including, Rangers and Senior Rangers.

ii. Sign Technician

The Sign Technician spends 90% of his time designing, developing, fabricating, and installing signs for the District. He works out of the District's sign shop and spends the remaining 10% of his time installing the signs at various other sites.

iii. Custodian

Custodians keep their assigned structural assets clean, safe, and well maintained. Three of the four District Custodians work out of the Education buildings. This requires that the Custodians spend about 60% of their time performing general housekeeping duties such as washing windows, changing light bulbs, emptying trash cans, polishing furniture, hanging pictures, sweeping, etc., and 10% of their time on HVAC maintenance. Custodians also spend approximately 20% of their time assisting other District staff setting up and breaking down events, and are responsible for shoveling snow from the sidewalks leading to the entrances of District facilities. Custodians are also responsible for unlocking building facilities prior to staff arrival, and spend approximately 5% of their time performing these duties.

iv. Structural Maintenance Worker

The District employs seven Structural Maintenance Workers. The employees in this position supplement trade positions with labor, troubleshooting, and repairs associated with the maintenance of all man-made structures throughout every preserve in the District. The largest portion of their work consists of painting District structures, and they spend 60% of their time doing this. They also spend 15% of their time performing general maintenance repairs that do not require a specific trade to complete. Structural Maintenance Workers spend 15% of their time preparing at worksite for maintenance and transporting the necessary equipment to the site. A Structural Maintenance Worker may work with specific trained staff on a crew or may work independently. They spend less than 5% of their time removing snow, and their remaining time on miscellaneous equipment maintenance. They are exposed to all facets of maintenance trades, and all of the hazards and safety conditions related to those trades.

v. Heavy Equipment Operator

Two of the District's Heavy Equipment Operators are organized into Structural Maintenance and report directly to the Structural Maintenance Supervisor. Heavy Equipment Operators spend 80% of their time operating a crane, emptying the District's 150 dumpsters into the garbage truck, and other heavy equipment use for excavation, demolition, etc. This position's purpose is to safely and efficiently operate and maintain the heavy equipment with complex controls and trucks utilized in the maintenance and construction of District roads and parking lots, storm drainage systems, and natural area management/restoration. While leading job sites, they supervise Grounds Maintenance crews, Rangers, and other District employees.

5. Positions outside of Land Management

Also at issue in this case are three Agricultural Assistants, one Golf Course Grounds Maintenance, two Landfill Construction Coordinators, and seventeen Natural Resource Management Technicians.

i. Agricultural Assistant

Agricultural Assistants operate the livestock farming facilities at the District's Kline Creek Farm. The Farm is a "living-history farm" which consists of restored farmhouse, a restored barn, and restored working reproductions of a summer kitchen, chicken coop, and wagon shed. The Farm houses cows, horses, chickens, sheep and cats. Agricultural Assistants support the

Agricultural Specialist, and spend around 45% of their time caring for and feeding the farm animals, 10% of their time overseeing 25 volunteers, 30% of their time educating the public on historical farming practices, and approximately 15% of their time maintaining the pastures and agriculture-related buildings, such as fences and gates. Caring for the animals includes daily tasks such as cleaning and strawing stalls and pens, and seasonal duties such as breeding, sheep shearing, trimming cattle and sheep hooves, applying worming agents and vaccinating livestock.

ii. Golf Course Grounds Maintenance Worker

The District employs one Golf Course Grounds Maintenance employee. This employee performs irrigation repairs, machine operations and golf course maintenance, and assists and trains seasonal employees at the District's three golf courses. Golf course maintenance consists of mowing turf, pruning shrubs and trees, and other tasks to maintain golf playing surfaces. This employee also removes snow from around the golf clubhouse.

iii. Landfill Construction Coordinator

The Landfill Construction Coordinator position is organized in the Environmental Service Department and reports directly to the Environmental Compliance Manager. The two employees in this position monitor and record liquid levels in wells and gas probes on the District's closed landfills in order to ensure all compliance regulations. They spend 30% of their time overseeing leachate and landfill gas management systems and coordinates leachate removal from landfills. They spend 25% of their time monitoring and assisting construction activities at inactive landfills. Landfill Construction Coordinators spend 20% of their time inspecting sites to ensure government regulations are met by reviewing permits, hand tools, district vehicles, and compiling monitoring data. They spend 10% of their time coordinating security at inactive sites and removing invasive species using weed whackers, and removing snow from the construction sites. These employees spend 5% of their time responding to citizen complaints regarding landfill operations. They spend remainder of their time overseeing construction projects performed by outside contractors, and responding to hazardous material emergencies.

iv. Natural Resource Management Technician

Fifteen of the seventeen Natural Resource Management Technicians spend nearly 90% of their time maintaining the Preserve's plants by administering herbicides, trimming, mowing, and performing the semi-annual prescription burns. They spend the remainder of their time

maintaining the equipment necessary to perform these duties. The other two Natural Resource Management Technicians are trained to work in Specialty Aquatics and work out of the Urban Stream Research Center. They spend 20% of their time performing the same duties as the other Natural Resource Management Technicians, and 80% of their time maintaining and operating water source systems.

IV. DISCUSSION AND ANALYSIS

To determine whether a unit limited to Rangers and Senior Rangers is appropriate for the purposes of collective bargaining Section 9(b) of the Act states, in relevant part:

[t]he Board shall decide in each case, in order to assure public employees the fullest freedom in exercising the rights guaranteed by this Act, a unit appropriate for the purpose of collective bargaining, based upon but not limited to such factors as: historical pattern of recognition; community of interest including employee skills and functions; degree of functional integration; interchangeability and contact among employees; fragmentation of employee groups; common supervision, wages, hours and other working conditions of the employees involved; and the desires of the employees. For purposes of this subsection, fragmentation shall not be the sole or predominant factor used by the Board in determining an appropriate bargaining unit.

The standard for judging unit appropriateness is whether the petitioned-for unit is an appropriate unit, not whether it is the most appropriate unit, or even more appropriate than the unit proposed by the employer. Ill. Council of Police v. Ill. Labor Rel. Bd. Local Panel, 404 Ill. App. 3d 589, 600 (1st Dist. 2010); Vill. of Franklin Park (Dep't of Pub. Works and Utilities), 30 PERI ¶52 (IL LRB-SP 2013); State of Ill., Dept. of Cent. Mgmt. Serv., 1 PERI ¶2025 (IL SLRB 1985). However, the Board has a clear preference for broadly based bargaining units, and has squarely identified a presumption in favor of such broad units. Cnty. of McHenry and McHenry Cnty. Recorder of Deeds, 31 PERI ¶8 (IL LRB-SP 2014) (“McHenry Cnty.”); City of Naperville, 28 PERI ¶98 (IL LRB-SP 2011); Vill. of Bartlett, 3 PERI ¶2010 (IL SLRB 1986); DuPage Cnty. Bd., 1 PERI ¶2003 (IL SLRB 1985).

The Board has held that when the employer has an established centralized personnel system, a petitioned-for unit is presumptively inappropriate where the petitioner seeks to represent only a portion of employees in the same job classification or, alternatively, only a portion of employees who perform similar duties. McHenry Cnty, 31 PERI ¶8; City of Naperville, 28 PERI ¶98. The existence of the presumption does not suggest that the employees in the smaller unit lack a

community of interest; rather the existence of a centralized personnel system raises a presumption there is a community of interest among all employees in similar job classifications or employees who perform similar duties. This suggests that a proposed unit of only some of those employees is inappropriate because it is an arbitrary selection from among all the employees who share a community of interest. City of Rolling Meadows, 16 PERI ¶2022 (IL SLRB 2000).

If the employer shows that the presumption applies to the petitioned-for unit, the petitioner can successfully rebut it by providing evidence that the classification encompasses employees who do not in fact have the same functions and community of interest, or by providing evidence that there is a legitimate and rational basis for the smaller, petitioned-for unit, even though the employees in the larger unit perform similar duties. Dep't of Cent. Mgmt. Serv. /Dep't of Healthcare & Fmly. Serv. v. Ill. Labor Rel. Bd., State Panel, 388 Ill. App. 3d 319, 336 (4th Dist. 2009); McHenry Cnty., 31 PERI ¶8; City of Naperville, 28 PERI ¶98. The Board will find a legitimate and rational basis for a smaller unit where the smaller group is internally cohesive such that it shares a strong, identifiable community of interest separate from that of employees in the larger proposed unit. McHenry Cnty., 31 PERI ¶8; City of Naperville, 28 PERI ¶98; Cook Cnty. (Office of the Medical Examiner), 3 PERI ¶3033 (IL LLRB 1987). To determine whether the presumption is rebutted, the Board applies factors listed in Section 9(b) of the Act to both groups and then compares which group has a stronger community of interest. McHenry Cnty., 31 PERI ¶8. The Board has also found that a legitimate and rational basis for a smaller unit exists when employees in the petitioned-for unit have different collective bargaining needs or objectives than those outside the unit. See City of Naperville, 28 PERI ¶98 (employees in the petitioned for unit had similar collective bargaining needs where they had similar terms and conditions of employment); Rend Lake Conservancy, 14 PERI ¶2051 (seasonal workers had different collective bargaining interests from full-time workers because many of the seasonal employees were students, retirees, or had other full-time employment elsewhere).

Here, the District argues that the presumption of inappropriateness applies because the District operates a centralized personnel system and the petitioned-for unit excludes employees who perform most of the same tasks, or have the same overall responsibilities as the employees in the petitioned-for unit. In order to determine whether the presumption applies, I must first assess the District's personnel system to determine whether it is centralized and applicable to all

the employees in the District-proposed bargaining unit. I must then determine whether all the employees in the District-proposed unit perform duties so similar to the Rangers and Senior Rangers that is presumptively inappropriate to certify a unit excluding those employees. If both prongs are satisfied, the presumption applies, and MAP must successfully rebut the presumption. If the presumption is not raised because either prong is unsatisfied, I must still determine if the petitioned-for unit is in fact appropriate under the factors identified in Section 9(b) of the Act.

A. The Presumption of Inappropriateness is Inapplicable

I cannot find that the petitioned-for unit is presumptively inappropriate because the District's personnel system does not apply uniformly to all employees in the District-proposed unit, nor do all these employees perform sufficiently similar duties.

1. Personnel System

The Board has found a centralized personnel system exists where the employer has one human resources department that hires, transfers, promotes, and demotes all at-issue employees, and the at-issue employees are subject to the same policies in the employer's personnel manual. McHenry Cnty, 31 PERI ¶8; City of Naperville, 28 PERI ¶98. The Board has found that employees in a proposed bargaining unit are subject to the same personnel policies when the personnel manual applies to all those employees, and includes policies regarding probation, training, discipline, resignation, salary, performance, retirement, medical and insurance benefits, time off, and timekeeping. City of Naperville, 28 PERI ¶98. The Board has found that an employer does not have a centralized personnel system when it has not established personnel policies or has not established employee benefits that apply uniformly throughout the employer's operations. Vill. of Norridge, 13 PERI ¶2005 (IL SLRB 1997). Where the employer has not established a uniform policy there is no presumption that all its employees share the same terms and conditions of employment. Id.; see Rend Lake Conservancy, 14 PERI ¶2051 (holding that, aside from having different bargaining needs, seasonal and regular employees also had different terms and conditions of employment because the seasonal employees did not work year-round, earn fringe benefits, or serve a probationary period).

Here, the District has one human resources department, which administers the District's personnel policies to all its employees through the Manual. However, the Manual does not apply uniformly; rather it is simply a centralized location where all employee policies can be located.

Not all policies within the Manual apply to all District employees. Specifically, regular employees have several terms and conditions of employment different from intermittent and seasonal employees. The District proposes a unit of both regular employees and intermittent employees. These employees do not share the same terms and conditions of employment because they do not share fringe benefits or probationary periods, nor are they subject to the same disciplinary proceedings. Thus, there is no presumption that a larger bargaining unit containing regular, intermittent, and seasonal employees is an appropriate unit. Therefore, the Recreational Facility Attendants, and the six intermittent Equestrian Assistants cannot be included in a presumptively appropriate unit.

However, the District's policies applicable to regular employees are uniformly applied to those employees. Therefore, I find that in this case, the smallest appropriate unit to which the presumption of appropriateness can be applied is a unit comprised of all the District's regular employees that perform similar duties.

2. Job Duties

When determining whether duties are sufficiently similar to raise the presumption that the smallest appropriate unit must consist of every employee performing those duties, the Board has found the presumption is raised when those duties are so similar that they constitute the defining characteristic that identifies the group as a logically appropriate bargaining unit. See McHenry Cnty., 31 PERI ¶8; City of Naperville, 28 PERI ¶98.

The presumptively appropriate unit must have a defining characteristic that separates it from other groups, and must be inclusive of all the positions that perform those duties. See City of Naperville, 28 PERI ¶98. However, to find that the petitioned-for unit is presumptively inappropriate, it is enough that it excludes at least one position that is sufficiently similar. See McHenry Cnty., 31 PERI ¶8; City of Naperville, 28 PERI ¶98.

In City of Naperville, the union petitioned to represent a bargaining unit of full-time and part-time employees in the city's Department of Electric and Department of Water/Wastewater. 28 PERI ¶98. The city argued that the petitioned-for unit was inappropriately narrow because the appropriate bargaining unit either should be a citywide unit containing all the employees with job classifications identical to the employees in the petitioned-for unit, or should be organized into units consisting of positions that perform similar duties. Id. The city contended that positions that perform similar duties constitute a job family. Id. The city also identified the duties that all

employees in each family performed that were sufficiently similar to each other that those duties became the defining characteristics of the family, such that it raised a presumption that the petitioned-for unit of employees was inappropriately narrow because it did not contain all the employees within the family. Id.

The city identified five distinct job families, Safety and Training, Analyst, Technician, Customer Service, and Administrative Support job family. City of Naperville, 28 PERI ¶98. For example, the Safety and Training family consisted of utilities safety and training instructor, safety & training assistant, and fire prevention inspector. Id. These employees all coordinated and conducted safety inspections and training, determined compliance with government regulations, analyzed plans and contingencies to evaluate their safety, monitored projects and reported on their progress, engaged in internal and external customer service, gathered data and maintained detailed records of inspections and investigations. Id. While, the Analyst family consisted of utility analyst, utility specialist, benefits specialist, technical services assistant, benefits and wellness specialist, criminal intelligence analyst, administrative analyst, and budget and CIP analyst. Id. The employees in this family all performed research; identified historical trends; maintained the integrity of data and documents they analyzed; communicated information to department personnel, customers, vendors and third parties; engaged in significant customer service (both internal and external); and used spreadsheets, word processing and other data systems to create and process reports and documents that demonstrated their analyses. Id. These two families both performed customer service duties, but performed enough duties characteristically distinct from themselves, and from the Customer Service family to constitute their own presumptively appropriate units.

In McHenry Cnty., the union petitioned for a bargaining unit consisting of all the full-time and part-time Recording Specialists and Record/Office Clerks jointly employed by the County of McHenry and Recorder of Deeds of McHenry County. 31 PERI ¶8. The employer argued that the petitioned-for unit was inappropriate because it did not include all of the public employees in the Recorder's Office. Id. The Board found that City of Naperville, was controlling, and held that because the employer had a centralized personnel system the presumptively appropriate unit contained all the employees performing recording duties. Id. In addition to the petitioned-for employees, two other employees performed recording work when they acted as recorders for a majority of their time. Id. The two employees each performed recording duties three days of the

week, for two days a week one employee performed accounting functions, and the other employee performed computer functions. Id. Since performing recording duties was the defining characteristic of the presumptively appropriate unit, the petitioned-for unit was presumptively inappropriate because it did not include those two additional employees. Id.

Here, the District argues that the employees in the larger unit share sufficiently similar duties to make a unit comprised of only Rangers and Senior Rangers inappropriate because these positions “[s]hare a multitude of job responsibilities” with the other District employees in the larger unit. The District argues that employees in each of the positions in the larger unit share at least one duty or responsibility that the Rangers and Senior Rangers also perform or are responsible for, and that this overlap constitutes sufficiently similar duties to raise the presumption that the petitioned-for unit is inappropriate. MAP argues that the fact that these positions have some shared duties is insufficient to create a presumption that the positions share a community of interests. Rather, the positions must share similar primary functions. MAP contends that only the Rangers and Senior Rangers share similar primary functions, such that there is no presumption that the petitioned-for unit consisting of only Rangers and Senior Rangers is inappropriate.

The District lists each position and identifies which of its duties the Rangers and Senior Rangers also perform, or in the absence of overlapping duties, argues that the positions share the same primary responsibilities, or identifies other reasons they share a community of interest. To illustrate, the District contends that the appropriate unit should include Auto Mechanics, Equipment Mechanics, Fleet Body Technician, Heavy Equipment Mechanics, Rangers, and Senior Rangers because they are all responsible for equipment maintenance. The District argues that the Natural Resource Management Technician is one of the most closely aligned positions to the Ranger and Senior Ranger positions because all the employees in these three positions are responsible for equipment maintenance, providing information to the public, prescription burn work, brush pile burning, invasive species removal, herbicide and pesticide application, and are responsible for providing guidance and assistance to seasonal and intermittent employees.

The District does not argue that Sign Coordinator/Locksmith, Sign Technician, Supply Center Clerk, Supply Center Coordinator, Rangers, and Senior Rangers have overlapping, or even similar duties. It argues that Rangers, Senior Rangers, and the Sign Coordinator/Locksmith share the primary responsibility of ensuring the visiting public’s safety. The District argues that

the presumption is raised because the Sign Technician, Supply Center Clerk, Supply Center Coordinator, Rangers, and Senior Rangers are functionally integrated because they work together to obtain supplies.

The Board has found that “it is not strict interchangeability that triggers the presumption under a centralized personnel system, but a similarity of duties.” McHenry Cnty., 31 PERI ¶8. Thus, the District’s argument that overlapping duties or responsibilities is sufficient fails on its face, because the District has not identified a single overlapping duty or responsibility that all the employees in its proposed unit perform, and its argument inconsistent with the Board’s precedent. Similar duties are determined by considering what duties are similar among the petitioned-for employees in order to determine whether other employees also perform those similar duties. See McHenry Cnty., 31 PERI ¶8. In McHenry Cnty., the fact that the two employees also performed non-recording work for a significant portion of their time did not render the presumption inapplicable. 31 PERI ¶8. The defining feature of the petitioned-for positions was that all the employees performed recording work, making it inappropriate to exclude any employees who also perform recording work for the majority of their time. Id.

The District has not articulated that the positions in the proposed unit all share any inherently similar duties such that those duties become the defining features of the presumptively appropriate bargaining unit. While Auto Mechanics, Equipment Mechanics, Fleet Body Technician, Heavy Equipment Mechanics, Rangers, and Senior Rangers are all, to some degree responsible for equipment maintenance, the District has not identified that all the employees in its proposed unit perform equipment maintenance such that performing this single duty sufficiently identifies the group as presumptively sharing a community of interest. The District’s argument regarding the Natural Resource Management Technician similarly fails, because it does not identify whether the other eighteen positions it advocates to be included also perform all of these duties.

The fact that Rangers, Senior Rangers, and some of the petitioned-for employees are responsible for public safety is also insufficient. It is not the end goal that raises the presumption, but rather that the duties performed in reaching that end goal are sufficiently similar. In addition, while functional integration is a factor that weighs in favor of the employees sharing a community of interest, the community of interests among the employees in the District-proposed unit is only analyzed to determine whether the presumption is rebutted. See McHenry

Cnty., 31 PERI ¶8. In order for that analysis to occur, the presumption must first be raised by establishing that the positions share sufficiently similar duties. Id. Thus, whether the Sign Technician, Supply Center Clerk, Supply Center Coordinator, Rangers, and Senior Rangers are functionally integrated is not relevant to determining whether the presumption has been raised.

The record reveals that the defining features of the Ranger and Senior Ranger positions are that they focus equally on their visitor relations duties and performing their maintenance duties. The petitioned-for employees perform educational programs, have regular interaction with preserve guests, and maintain the preserves by performing custodial duties and natural resource management duties. Thus, the petitioned-for unit is presumptively inappropriate if it excludes any regular employees who also perform similar duties with a similar, equally divided focus.

There are no other regular positions that perform the same functions because most of them do not spend any appreciable amount of their time interacting with the visiting public. Auto Mechanics, Custodians, Equipment Mechanics, the Fleet Body Technician, Forestry Workers, Golf Course Grounds Maintenance Workers, Grounds Maintenance Workers, Heavy Equipment Mechanics, Heavy Equipment Operators, Natural Resource Management Technicians, the Sign Coordinator/Locksmith, the Sign Technician, Structural Maintenance Workers, the Supply Center Clerk, and the Supply Center Coordinator do not engage in visitor relations at all.

I find that the 5% of the Landfill Construction Coordinators' time spent addressing citizen complaints regarding landfill operations to be insignificant compared to the 40% to 45% of the Rangers and Senior Rangers' time spent engaging with the visiting public. Despite the District's argument that the Rangers, Senior Rangers, and the Natural Resource Management Technicians have many overlapping duties, the PDQ completed by these Natural Resource Management Technicians, and approved by Neidy, does not identify that they spend any of their time engaging in visitor relations. Because this is such a large function of the petitioned-for positions' duties, I do not find the petitioned-for employees and the Natural Resource Management Technicians perform sufficiently similar duties, and thus conclude that a unit including Rangers and Senior Rangers but excluding the Natural Resource Management Technicians is not presumptively inappropriate.

The only two regular positions that have a similarly divided focus are the Agricultural Assistants and the non-intermittent Equestrian Assistant. While the Agricultural Assistants and the non-intermittent Equestrian Assistant do educate visitors and engage in other visitor

relations, these positions' maintenance duties revolve around caring for animals, rather than the District's land or structural buildings as the Rangers and Senior Rangers' maintenance duties do. Thus, these positions' duties are not sufficiently similar to be the basis of their own identifiably distinct unit. Therefore, the proposed unit of Rangers and Senior Rangers is not presumptively inappropriate because no regular District employee also performs similar maintenance and visitor relations duties with a similar equally divided focus.

B. Appropriateness of the Petitioned-For Unit Under Section 9(b) of the Act

By arguing that a larger unit containing Rangers and Senior Rangers share community of interest, the District has conceded that a unit consisting solely of Rangers and Senior Rangers also share a community of interest. However, because it is the Board's duty only to certify statutorily appropriate units, my analysis determine whether a unit of Rangers and Senior is appropriate under the factors articulated in Section 9(b) of the Act.

The record demonstrates that Rangers and Senior Rangers share a community of interest in accordance with Section 9(b) of the Act. Because the District's only existing bargaining unit consists of sworn police officers, and the at-issue employees are new to collective bargaining, there is no historical pattern of recognition. See McHenry Cnty., 31 PERI ¶8 (rejecting the argument that the employer's other bargaining units should be considered with respect to historical recognition); c.f. City of Naperville, 28 PERI ¶98 (considering both the at-issue employees' bargaining history and the city's past practice of bargaining with units organized by department). Rangers and Senior Rangers possess the same skills and functions despite having different position requirements. Rangers and Senior Rangers are functionally integrated within their geographical division, and have regular contact with each other. East Division and West Division Rangers and Senior Rangers have contact when coordinating programming, during special events, and when transferring equipment. Rangers and Senior Rangers also work the same shifts and have the same supervisory structure. Certifying the petitioned-for bargaining unit would not cause fragmentation among employees engaging in similar duties because as described at length above, Rangers and Senior Rangers perform a distinct focus of duties in the District. Finally, while there is no direct evidence that the Rangers and Senior Rangers desire to be in a bargaining unit together, they presumably were aware of the group of employees that the union sought to represent. See McHenry Cnty., 31 PERI ¶8. More than 50% the petitioned-for employees support the petition seeking a unit of both Rangers and Senior Rangers. Accordingly,

I find that the Rangers and Senior Rangers favor the petitioned-for unit

There are three factors that could weigh against certification: that Rangers and Senior Rangers have different FLSA statuses resulting in different probationary period and different overtime rates, are in different wage bands, and their lack of common supervision. The different FLSA statuses can result in different probation periods if a Senior Ranger is a first time employee with the District. There is no evidence regarding whether the District typically fills Senior Ranger positions from the pool of existing Rangers, such that there is insufficient evidence to conclude that Rangers and Senior Rangers actually serve different probationary periods. The record does indicate that Rangers and Senior Rangers often work overtime, and are therefore paid different rates for those hours worked. However, because Rangers have a lower starting salary than Senior Rangers, but Rangers are paid at a higher overtime rate than Senior Rangers, I cannot conclude that Senior Rangers and Rangers actually receive different overall compensation. The only remaining factor that weighs against certification is that because Rangers and Senior Rangers are supervised according to geographic location, and each geographic location contains Rangers and Senior Rangers, the petitioned-for unit lacks common supervision over all its employees. However, balanced against the factors that weigh in favor of certification, I find that this single factor does not outweigh the aforementioned 9(b) factors that weigh in favor of certifying a bargaining unit consisting of Rangers and Senior Rangers.

V. CONCLUSIONS OF LAW

I find that the petitioned-for-bargaining unit is appropriate.

VI. RECOMMENDED ORDER

IT IS HEREBY ORDERED that the following bargaining unit be certified:

Included: All Rangers and Senior Rangers

Excluded: All other management, supervisory, confidential, and professional employees as defined by the Act, as amended.

VII. EXCEPTIONS

Pursuant to Section 1200.135 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 14 days after service of this Recommendation. Parties may file

responses to exceptions and briefs in support of the responses no later than 10 days after service of the exceptions. In such responses, parties that have not previously filed exceptions may include cross-exceptions to any portion of the Administrative Law Judge's Recommendation. Within five (5) days from the filing of cross-exceptions, parties may file cross-responses to the cross-exceptions. Exceptions, responses, cross-exceptions, and cross-responses must be filed with Kathryn Nelson, General Counsel, Illinois Labor Relations Board at 160 North LaSalle Street, Suite S-400, Chicago, IL 60601-3103, and served on all other parties. Exceptions, responses, cross-exceptions, and cross-responses will not be accepted at the Board's Springfield office. The exceptions and/or cross-exceptions sent to the Board must contain a statement of listing the other parties to the case and verifying that the exceptions and/or cross-exceptions have been provided to them. The exceptions and/or cross-exceptions will not be considered without this statement. If no exceptions have been filed within the 14-day period, the parties will be deemed to have waived their exceptions.

Issued at Chicago, Illinois this 31st day of March, 2016.

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



**Deena Sanceda
Administrative Law Judge**