STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

Springfield Park District,	)	
	)	
Petitioner	)	
	)	
and	)	Case No. S-UC-14-098
	)	
Illinois Fraternal Order of Police Labor Council,	)	
	)	
Labor Organization	)	
	)	

ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION AND ORDER

On April 25, 2014, the Springfield Park District (Petitioner) filed a unit clarification petition with the Illinois Labor Relations Board (Board) seeking to exclude the Captain position from the bargaining unit recognized by the Board in Case No. S-RC-246 in 1986. The bargaining unit, represented by the Illinois Fraternal Order of Police Labor Council (Union), includes "[a]ll sworn peace officers of the Springfield Park District Police Department with the rank of Captain and below, including those in the following ranks: patrolman, sergeant, lieutenant, and Captain" and excludes "[a]ll sworn peace officers above the rank of Captain, all supervisory, confidential, managerial employees and all other employees excluded by the Act." In the petition, the Petitioner asserts that the Captain position must be excluded from coverage of the Illinois Public Labor Relations Act (Act), 5 ILCS 315 (2012), as amended, because the primary duties of the position are managerial, supervisory, and administrative in nature.

Both the Union and the employee currently holding the Captain position, Jonathan Davis, objected to the petition. The Union later sought and obtained additional information from the Petitioner regarding the factual basis for the petition. Upon receipt and review, the Union withdrew its objection, concurring with the Petitioner that the Captain position was a supervisory employee as defined by the Act. Davis maintains his objection to the petition, and asks the Board to deny the petition and allow the Captain position to remain in the bargaining unit.

I. BACKGROUND

On May 5, 2014, Davis objected to the Petition arguing that the Executive Director is the true head of the police department; the Captain does not have the right to hire or fire; the Captain's decisions regarding scheduled adjustments and overtime are subject to prior approval

by the Executive Director; though the Captain assists in the budget process, the final budget is determined by the Executive Director; the internal investigations he conducts are forwarded to the Executive Director or human resources for discipline, which historically does not follow the Captain's recommendation; and the Captain still performs patrol duties like a patrol officer.

On May 6, 2014, the Union sought additional information regarding the petition because it did not believe it had enough information to fully formulate its position. On May 8, 2014, the Petitioner responded by providing the Union with a copy of the position description for the "Captain/Chief" position effective May 1, 2007, and a document created May 8, 2014, entitled "Additional Information regarding Duties of the Captain Position."

On May 29, 2014, the Union filed a procedural statement objecting to the exclusion of the Captain position as administrative, confidential, or managerial. The Union argued that the job description does not support that the captain makes effective recommendations or that his duties related to scheduling involve discretion. The Union sought that the Petitioner provide specific facts that form the basis for the exclusion. In lieu of additional written pleadings, the Union sought to mediate with the Petitioner. The Union and Petitioner subsequently met and discussed additional questions the Union had about the petition. After which, on July 16, 2014, the Union withdrew its objection. In its withdrawal, the Union included the following undisputed facts:

1. The Illinois Fraternal Order of Police Labor Council represents the Police Officers, Police Sergeants, Police Lieutenants, and Police Captains employed by the Springfield Park District.
2. The unit is presently comprised of three Patrol officers and one Captain.
3. The Captain has been serving as the *de facto* Chief of Police for the past several years. He serves as the department head. He serves as the District's representative at the first step of the grievance procedure. He is involved in conducting disciplinary investigations and makes recommendations to the District's Executive Director as to discipline.

The Union concluded that "by virtue of serving as the *de facto* Chief of Police, [the Captain] has the duties and responsibility that meet the definition of 'supervisor' under Section 3(r) of the Illinois Public Labor Relations Act."

On July 23, 2014, I issued an Order to Show Cause directing the Petitioner and Davis to respond to specific issues. Davis was directed to provide specific evidence, including documentary evidence and/or affidavits, which supports the following: (1) that his work is not substantially different from that of the other unit members; (2) that he does not serve as the first step of the grievance procedure or otherwise perform or effectively recommend any of the enumerated supervisory indicia (hire, transfer, suspend, lay off, recall, promote, discharge, direct, reward, or discipline employees); and (3) that in reviewing grievances, directing patrol officers, or performing other duties outlined in (2) above, he does not make choices between two or more significant courses of action without substantial review by superiors. The Petitioner was ordered to provide the following information: (1) indicate under what circumstances it believes the unit clarification is appropriate and (2) provide any additional specific evidence, including documentary evidence and/or affidavits, which supports its position that the Captain is a supervisor.

Davis responded to the Order to Show Cause on July 30, 2104, and the Petitioner responded on July 31, 2014. In response to the Petitioner's submission, on July 31, 2104, Davis clarified by email that he had been directed by the Executive Director to prepare a specific memorandum submitted by the Petitioner in its response to the Order to Show Cause. On September 5, 2014, I allowed Davis until September 10, 2014, to provide any additional information or evidence in response to the Petitioner's July 31, 2014, submission. Davis did not provide any additional information or otherwise respond.

II. ISSUES AND CONTENTIONS

The Petitioner contends that, in addition to his position having managerial and administrative duties, Davis's position should be excluded from the bargaining unit because he is a supervisory employee as defined by the Act. The Petitioner points to the Union's stipulation that the position is "supervisory and should not be in the bargaining unit" and provides documentary evidence in support of its contention. The Petitioner asserts that the Captain's principal work is substantially different from his subordinates', pointing out that the Captain is required to spend no more than twenty percent of his time on patrol duties. The Petitioner provides documentary support of its assertion that the Captain is authorized to effectively recommend discharge of employees, in that the Executive Director followed his recommendation that Officer Robinson be terminated. In response to the Order to Show Cause, the Petitioner

stated that "[u]less the Exec[utive] Dir[ector] bring a disciplinary matter to the Captain's attention and wants to provide initial input on severity of discipline, the Captain must regularly determine when a disciplinary matter is severe enough to make a recommendation to the E[xecutive] D[irector] versus just issuing an oral or written warning without the E[xecutive] D[irector]'s knowledge or input." The Petitioner provided a number of Employee Discipline Forms, wherein Davis issued discipline to his subordinates.[1]

Davis contends that the Captain position, which has been in the bargaining unit for over thirty years and was included in the original certification, should remain in the bargaining unit. In response to the Order to Show Cause, Davis states that his work is not substantially different from that of the other bargaining unit members. In support of that contention, Davis states that his duties as Captain include all duties performed by the patrol officers and sergeant. Davis also described additional duties of the Captain position that are not performed by other bargaining unit members, including: verifies payroll; inputs the schedule into a printable format; disseminates the schedule; handles time off requests; recommends filling shifts with overtime, recommendations which are not followed "more times than not;" responds to requests from the Executive Director for information; conducts internal investigations; issues discipline including written and oral warnings, which since May 2014 is approved by the Executive Director or the Director of HR; and recommends suspension or termination to the Executive Director, recommendations which historically are not followed. Further, unlike other bargaining unit members, Davis has been directed to spend no more than twenty percent of his time patrolling.

In response to the question of whether he performs or effectively recommends any of the enumerated supervisory indicia, Davis stated that at various times he has responded to grievances at the first step, and other times the Union has advised that he was not in a position to respond to the grievance. Davis recalled responding and resolving a grievance at the first step on at least one occasion. On other occasions, the Executive Director has responded to grievances. Davis denied that he is authorized to transfer, suspend, layoff, recall, or discharge employees. Davis further explained that the Executive Director is responsible for all hiring, and that it is unclear whether his recommendations regarding hiring will be followed in the future.

[1] Though some of the Employee Discipline Forms are unsigned, there is no contention that they are inaccurate or were not, in fact, issued by Davis.

Davis was also asked to provide any information or evidence that "in reviewing grievances, directing patrol officers, or performing other [enumerated supervisory indicia], he does not make choices between two or more significant courses of action without substantial review by superiors." In response, Davis indicated that reports of his internal investigations are forwarded to the Executive Director for "review and final determination of discipline." The reports include recommendations of discipline "which are not historically followed."

III. FINDINGS OF FACT[2]

In 1986, the Board certified the Union as the exclusive bargaining representative for the following bargaining unit: "All sworn peace officers of the Springfield Park District Police Department with the rank of Captain and below, including those in the following ranks: patrolman, sergeant, lieutenant, and Captain" and excludes "[a]ll sworn peace officers above the rank of Captain, all supervisory, confidential, managerial employees and all other employees excluded by the Act." The bargaining unit is currently comprised of one Captain and three patrol officers.

On May 1, 2007, a position description for a "Captain/Chief" position became effective. Davis has been working under this position description since that time. The duties of the position were further clarified on May 8, 2014. The position description and clarification documents identify the following duties: daily oversight, instruction, and supervision of police officers; primary responsibility of management oversight and control of the police department; ultimately responsible for all people under his/her command; organize, direct, and control the personnel and resources of the police department to include holding rank staff positions accountable for the effective and efficient conduct of members under their supervision and control; and establish, issue, and enforce rules, regulations, policies, and procedures for all members of the police department.

If the appropriate level of discipline for a bargaining unit member's conduct is something less than a suspension (counseling, oral warning, or written warning), Davis issues that discipline to the member. If Davis determines that a suspension or termination is appropriate, he forwards that recommendation to the Executive Director. Reports of internal investigations Davis conducts, which may contain a recommendation for discipline, are forwarded to the Executive

[2] Though I did not hold a formal hearing, the parties provided information and documentation in support of their positions, most notably in response to the Order to Show Cause. These Findings of Fact are based on the parties' submissions in response to the Order to Show Cause and other filings.

Director for review and final determination on Davis's recommendation of discipline. On one specific occasion, Davis's report of a sustained internal investigation informed the Executive Director that he had already counseled the officer and unilaterally amended Park District Police Department policy to bring the policy in line with the verbal commands he gives officers regarding personal use of their assigned vehicles. In 2014, Davis was informed that he was to have the discipline he issues approved by the Executive Director or Director of HR. Davis's recommendation to terminate an officer's employment has been followed at least once, but is not "almost always" followed.

On numerous occasions since 2009, Davis has issued discipline, including oral and written warnings, to other bargaining unit members below him in the chain of command. Davis regularly determines whether a disciplinary matter is severe enough to make a recommendation to the Executive Director versus issuing an oral or written warning without the Executive Director's knowledge or input. Though the Executive Director reviews Davis's internal investigations reports, not all discipline issued by Davis is related to internal investigations. With respect to one particular officer, Davis issued seven verbal warnings and one written warning, in addition to a verbal warning related to an internal investigation. The warnings Davis issued related to the officer's damage to department vehicles, being late reporting to his shift, submitting reports in a timely manner, failing to follow procedures regarding timekeeping, and leaving the evidence room unlocked. Davis noted on nearly every warning that future violations would result in progressive discipline and noted a prior warning when issuing discipline on the same issue. Davis also takes other actions in an effort to correct officer conduct. When a sergeant was found to have misused his assigned vehicle, Davis suspended the sergeant's privilege to take his assigned vehicle home for six months.

The Union, Davis, and the Petitioner stipulate that the Captain position serves as the first step of the grievance procedure. On at least one occasion, Davis has responded and resolved grievances at the first step of the grievance procedure.

IV. <u>ANALYSIS</u>

A. The unit clarification petition is procedurally appropriate.

The unit clarification procedure is procedurally proper because it comports with the Board's Rules and Regulations, 80 Ill. Admin. Code Parts 1200-1240 (Rules). Section 1210.170(a)(1) of the Board's Rules allows for the filing of unit clarification petitions when there

has been a "substantial change[] in the duties and functions of an existing title." Moreover, the Board and courts have held that a unit clarification is appropriate when statutorily-excluded employees are included in a bargaining unit. City of Washington v. Ill. Labor Relations Bd., 383 Ill. App. 3d 1112, 1119 (3rd Dist. 2008); *see e.g.* Dep't of Cent. Mgmt. Servs. (Dep't of Corrections) v. Ill. Labor Relations Bd., 364 Ill. App. 3d 1028 (4th Dist. 2006)(unit clarification petition proper process for excluding confidential employees previously included in the bargaining unit); Treasurer of the State of Ill., 30 PERI ¶ 53 (IL LRB-SP 2013), *reversed on other grounds* 2014 IL App (1st) 132455 (unit clarification process used to exclude confidential employee included in the bargaining unit for several years); Office of the Comptroller, 30 PERI ¶ 282 (IL LRB-SP 2014) (unit clarification appropriate to remove Public Service Administrator positions newly excluded by amendments to the Act).

Here, the petition is appropriate both under Section 1210.170(a)(1) and because it is designed to remove a statutorily-excluded employee from the bargaining unit. The duties of the Captain position have significantly changed since its inclusion in the bargaining unit.[3] Davis's position has operated under the "Captain/Chief" position description effective on May 1, 2007. Though many years have passed without the Petitioner seeking to exclude the Captain position, the present petition is timely, as statutory exclusions can be properly raised at any time. *See* Dep't of Cent. Mgmt. Servs. (Dep't of Corrections) v. Ill. Labor Relations Bd., 364 Ill. App. 3d 1028, 1036 (4th Dist. 2006)(The State could file a unit clarification petition to remove the statutorily-excluded employee from the bargaining unit "at any time."); *see also* Will County State's Attorney, 31 PERI ¶39 (IL LRB-SP 2014)(Board found unit clarification appropriate and timely even though employer did not petition to exclude managerial employees for nearly 20 years).

B. The Springfield Park District Police Captain is a supervisory employee as defined by the Act.

In relevant part, Section 3(r) of the Act defines a supervisory employee as follows:

> an employee whose principal work is substantially different from that of his or her subordinates and who has authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, direct, reward, or discipline

[3] It is undisputed that the Petitioner has not employed a Chief of Police for more than six years and does not intend to refill the position in the foreseeable future. Submissions by the parties further reveal that since at least 2009, the Springfield Park District Police Department letterhead identifies "Captain Jonathan Davis" as "Command" or "Commanding Officer."

> employees, to adjust their grievances, or to effectively recommend any of these actions, if the exercise of that authority is not of a merely routine or clerical nature, but requires the consistent use of independent judgment. Except with respect to police employment, the term 'supervisor' includes only those individuals who devote a preponderance of their employment time to exercising that authority.

Applying this definition, a peace officer will be deemed a supervisor within the meaning of the Act if he or she meets a three-part test: the alleged supervisor must (1) perform principal work substantially different from that of his subordinates; (2) exercise or recommend the exercise of one or more supervisory functions enumerated in Section 3(r) of the Act; and (3) consistently use independent judgment in the performance of those functions. City of Freeport v. Ill. State Labor Relations Bd., 135 Ill. 2d 499, 512 (1990). As a peace officer, the Captain may qualify as a supervisory employee within the meaning of the Act even if he does not devote a preponderance of their employment time exercising supervisory authority. Id. at 512.

1. The principal work of the Captain position is substantially different from his subordinates.

First, the Captain position performs principal work that is substantially different from that of his subordinates. To determine whether a person's principal work is substantially different from that of his or her subordinates, the Board first considers whether a person's work is obviously and visibly different from that of his or her subordinates. City of Freeport, 135 Ill. 2d at 513. If it is not, the first prong of the statutory definition may be satisfied where the nature and essence of a person's work is different from that of his or her subordinates. Id. at 513-14.

In this case, both the Petitioner and Davis agree that he is expected to patrol no more than twenty percent of his work time. Therefore, Davis spends eighty percent of his time doing tasks other than those patrol duties that are performed by the other bargaining unit members. Davis explained that, in addition to his patrol responsibilities, he also performs duties other bargaining unit members do not, including: verifies and submits payroll, processes and disseminates the staff schedule, makes recommendations to the Executive Director regarding shift scheduling and overtime requests, compiles statistics and other information at the request of the Executive Director, can issue written and oral warnings, conducts internal investigations; and makes recommendations regarding discipline resulting from his internal investigations. Because these duties both make his work obviously and visibly different from that of his subordinates and the

essence of the Captain position is different from that of a patrol officer or sergeant, the first prong of the supervisory definition is satisfied.

2. The Captain is authorized to perform at least two supervisory indicia and performs those tasks with independent judgment.

With regard to the second and third prongs of the Act's supervisory definition, the Board will determine (1) whether the alleged supervisor has the authority to perform any of the 11 supervisory functions enumerated in the Act or to effectively recommend the same and (2) that performance of those indicia involves the use of independent judgment in the interest of the employer. Davis concedes that he is authorized to "issue discipline including a written and [verbal] warning," and that he has adjusted at least one grievance, so the second prong of the supervisor test is met.[4]

In order to meet the third prong of the supervisory test, the Petitioner must show that Davis uses independent judgment in performing the indicia of supervisory authority. The requirement that an alleged supervisor consistently use independent judgment when exercising supervisory authority requires that the employee at issue "make choices between two or more significant courses of action without substantial review by superiors." Chief Judge of the Circuit Court of Cook County v. AFSCME, Council 31, 153 Ill. 2d 508, 516 (1992) *quoting* St. Clair Housing Authority, 5 PERI ¶ 2017 (IL SLRB 1989).

a. Adjusting grievances

Davis exercises independent judgment in adjusting grievances. It is uncontested that Davis is the first step of the grievance procedure and has "responded to grievances at the first step and resolved them." When responding to the Order to Show Cause, Davis did not contend that "in reviewing grievances, […] he does not make choices between two or more significant courses of action without substantial review by superiors."[5] It follows that when presented with a grievance, Davis must use his judgment to determine whether the grievance is warranted or

[4] Though it is further uncontested that Davis is authorized to recommend discipline to the Executive Director (including more severe discipline like suspensions or termination), the record at this stage is insufficient to determine that Davis "effectively recommends" suspensions and terminations. Despite evidence that Davis's recommendation for termination was followed, Davis contends that his recommendations for more severe discipline are not historically followed. For purposes of the Act, an effective recommendation, which can evidence performance of a supervisory indicia "is one that is almost always adopted by the employee's superiors." Ill. Dep't of Cent. Mgmt. Servs. v. Ill. Labor Relations Bd., 2011 IL App 4th 090966 at ¶ 135.

[5] In response to this point, Davis pointed only to the Executive Director's role in final determinations of discipline arising out of internal investigations.

whether it should be denied. If the grievance has merit, he must decide whether to resolve it himself (as he has in the past) or to forward it to the Executive Director for his handling.

That, in a specific situation, the Captain was not in a position to respond to an otherwise meritorious grievance does not undermine the Union's and Park District's contention that Davis exercises independent judgment in handling grievances. For instance, a grievance complaining of a Park District-wide policy would certainly be more appropriately addressed by the Executive Director than the commanding officer of the police department. Moreover, as evidenced by the stipulations and the Union's withdrawal of its objection, both parties to the collective bargaining agreement (the Petitioner and the Union) believe that the Captain's authority acting as the first step of the grievance procedure (among other things) results in his being a "'supervisor' under Section 3(r) of the Illinois Public Labor Relations Act."

In Metro. Alliance of Police v. Ill. Labor Relations Bd., 362 Ill. App. 469, 480 (2nd Dist. 2005), the court found that the employer's police sergeants "enjoy more than a 'mere designation' as first reviewers of grievances," even absent specific evidence that a sergeant had granted a grievance, because the sergeants were identified as the first step of the grievance procedure, have "addressed grievances at the first step," and have not been directed of an unwritten rule to deny all grievances, even those with which they agree. By addressing grievances, the Court found that the sergeants were statutory supervisors because they adjust grievances with independent judgment. This case calls for the same conclusion.

b. Disciplining Subordinates

Davis exercises independent judgment in disciplining his subordinates. It is uncontested that Davis issues discipline, including verbal and written warnings. Davis stated that around the time the present petition was filed, he was informed that the discipline he issues must be approved by the Executive Director or Director of HR.[6] However, Davis does not allege that this limited his ability to independently determine whether to issue discipline in lieu of other corrective measures or that the Executive Director or Director of HR in "approving" the discipline he issues intend substantially review the discipline, rather than just rubber stamping it. *See* City of Chicago, 28 PERI ¶ 86 (IL LRB-LP 2011) *citing* City of Peru v. Ill. State Labor Relations Bd., 167 Ill.App.3d 284, (3rd Dist. 1988)(approval by supervisors where there was

[6] This contention was included in Davis's response to the Order to Show Cause directing him to provide information and evidence that "his work is not substantially different from that of other unit members."

little, if any, independent or de novo review did not diminish the employee's authority to use independent judgment, even where supervisor was not merely a rubber stamp). Moreover, when asked to provide any information supporting a contention that he does not choose between two significant courses of action "without substantial review by superiors," Davis referenced the Executive Director's role in review of reports of internal investigation and accompanying recommendations for discipline. However, the record reveals that Davis issues discipline separate and apart from the internal affairs investigation process.

On numerous occasions, Davis has issued discipline, including oral and written warnings, to other bargaining unit members below him in the chain of command. With respect to one particular officer, Davis issued seven verbal warnings and one written warning unrelated to internal investigations. The warnings Davis issued related to various issues: the officer's damage to department vehicles, being late reporting to his shift, submitting reports in a timely manner, failing to follow procedures regarding timekeeping, and leaving the evidence room unlocked. Davis noted on most of the warnings that future violations would result in progressive discipline and referenced a previous warning when issuing discipline on the same issue. Davis uses his independent authority not only when he issues formal discipline but also when he decides to take other corrective action. For example, when a sergeant took his personal vehicle to Peoria for a personal purpose, Davis decided to both issue a verbal warning, but also suspended for six months the sergeant's privilege of taking his department vehicle home. On another occasion when faced with a question of officer misconduct, Davis counseled an officer and unilaterally changed police department policy, notifying the Executive Director after the fact of his actions.

The Board and courts have long held that this ability to decide whether discipline is warranted consistently requires the use of independent discretion. In Metro. Alliance of Police, Bellwood Command Chapter No. 339 v. Illinois Labor Relations Board, 354 Ill. App. 3d 672, 680 (1st Dist. 2004), the appellate court affirmed the Board's decision that sergeants and lieutenants employed by the Village of Bellwood were supervisors within the meaning of the Act because they possessed discretionary authority to choose between different disciplinary measures for minor infractions committed by their subordinates. *See also* Village of Hazel Crest v. Ill. Labor Relations Bd., 385 Ill. App. 3d 109, 118-19 (1st Dist. 2008)(sergeants were supervisors within the meaning of the Act where they had authority to issue verbal reprimands, authority to recommend more severe disciplinary action, and consistently used independent judgment in

exercising such authority). Where police sergeants issued oral reprimands that can be used as the basis for more severe discipline, like Davis does here, the Illinois appellate court has found that the sergeants had the requisite authority exercised with independent judgment to be statutory supervisors. Metro. Alliance of Police, 362 Ill. App. 479-80. Similarly, I find that Davis exercises independent judgment in the disciplining of his subordinate employees.

C. Other potential bases for exclusion

As described above, there is no question of fact that the Captain is authorized to adjust grievances and to issue discipline. However, evidence in the record tends to support that the Captain is authorized to perform other supervisory indicia, as well. For example, the Captain/Chief position description indicates that an essential function of the Captain position is that it "[o]rganize, direct and control the personnel and resources of the Department to include holding rank staff positions accountable for the effective and efficient conduct of members under their supervision and control." However, questions exists as to the level and manner of direction, such that without a hearing I am unable to determine whether the Captain actually directs his subordinates and whether he exercises independent judgment when doing so. Similarly, I do not address the additional statutory bases for exclusion offered by the Petitioner, namely that Davis is also a confidential or managerial employee.

I make the decision not to address these alternative bases because I need not do so to determine the outcome in the case and because all interested parties have indicated their desire to have this issue dispatched with haste. I find that it is not a good use of resources for the Board or the parties to hold a hearing on the duplicative bases for exclusion, particularly in light of the fact that the Union has stipulated to the exclusion of the position as a supervisory employee and has withdrawn its objection.

Should the present "bizarre arrangement," as the Union describes the Petitioner's use of the Captain to act in the stead of a Chief of Police, ever be discontinued, the Union reserves its right to petition for the inclusion of the position. At that time, and with the participation of all parties, the parties will be able to fully litigate all of the potential bases for exclusion. That need not occur here.

V. CONCLUSIONS OF LAW

1. The unit clarification petition is appropriate.
2. The Captain position employed at the Petitioner is a supervisory employee as defined by the Act.

VI. ORDER

The unit clarification petition is granted.

EXCLUDE: The position of Captain.

VII. EXCEPTIONS

Pursuant to Section 1200.135 of the Board's Rules, the parties may file exceptions to this recommendation and briefs in support of those exceptions no later than 14 days after service of this recommendation. Parties may file responses to any exceptions, and briefs in support of those responses, within 10 days of service of the exceptions. In such responses, parties that have not previously filed exceptions may include cross-exceptions to any portion of the recommendation. Within five 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, if at all, with the General Counsel of the Illinois Labor Relations Board, Jerald Post, 160 North LaSalle Street, Suite S-400, Chicago, Illinois 60601-3103. Exceptions, responses, cross-exceptions, and cross-responses will not be accepted in the Board's Springfield office. Exceptions and/or cross-exceptions sent to the Board must contain a statement listing the other parties to the case and verifying that the exceptions and/or cross-exceptions have been provided to them. If no exceptions have been filed within the 14-day period, the parties will be deemed to have waived their exceptions.

Issued at Springfield, Illinois, this 16th day of September, 2014.

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

/s/ Sarah R. Kerley
Sarah R. Kerley
Administrative Law Judge