

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

**Minutes of the State Panel Meeting
Held on March 12, 2013**

I. OPENING OF MEETING 11:00 A.M.—160 N. LaSalle Street, Suite N703, Chicago, IL and 500½ Stratton Office Building, Springfield, IL .

II. PRESENT

John Hartnett, Chairman; and Melissa Mlynski, Executive Director; in Springfield and Paul Besson, Member of the Board; James Brennwald, Member of Board; Michael Coli, Member of the Board; Albert Washington, Member of the Board; Jerald S. Post, General Counsel; and staff members in Chicago via video conference pursuant to Section 2.01 of the Open Meetings Act, 5 ILCS 120/2.01.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD February 5, 2013

Chairman Hartnett called for approval of the minutes of the February 5, 2013 meeting. Member Coli moved to approve the minutes. Member Washington seconded. The Board passed the motion unanimously, by a voice vote.

IV. ADMINISTRATIVE MATTERS

Chairman Hartnett asked Executive Director Mlynski to present the State Panel administrative actions report for the period of time from February 1 through February 28, 2013. She presented the report and summarized its highlights. The Board examined the report and discussed it.

V. LEGISLATIVE/FISCAL REPORTS

Executive Director Mlynski reported in detail various legislative issues. She then presented the fiscal report, reviewing the general ledger sheet and the disbursement record. The Board then discussed and questioned various aspects of the fiscal report. Executive Director Mlynski then gave the status on cases that are in mediation. The Board then discussed it.

VI. BOARD ACTIONS

Member Coli made a motion to reconsider the vote on case S-RD-12-006. Member Besson seconded the motion, and the Board passed it unanimously, by a voice vote.

1. Case No. S-RD-12-006

Bruce Auer/ Town of Normal (Public Works Department)/ Laborers International Union of North America, Local 362

Chairman Hartnett asked that General Counsel Post call and present the case. General Counsel Post stated that on October 2, 2012, ALJ Owen issued a Recommended Decision and Order (RDO) finding that the Incumbent had prevailed in an election and the Board should not decertify its status as exclusive representative of a bargaining unit of employees of the Employer and that two ballots that had been cast by ineligible voters should not be counted. General Counsel Post then discussed in detail the exceptions, cross exceptions and response filed and recommended that the Board reverse the ALJ, order that the two ballots in dispute be counted, and the results re-tallied. After discussion, Member Coli moved to accept General Counsel Post's recommendation. Member Washington seconded the motion, the motion passed with three ayes and two nays; Member Brennwald and Besson dissenting.

2. Case No. S-RC-13-031

Illinois Council of Police/ County of Lake and Sheriff of Lake County/ Illinois Fraternal Order of Police Labor Council

Chairman Hartnett asked General Counsel Post to call and present the case. General Counsel Post stated that on January 7, 2013 ALJ Martin Kehoe issued an RDO recommending that a secret ballot election be conducted among employees in the election unit as defined at a time and place set forth in the Board-issued Notice of Election. General Counsel Post then discussed the motion to file an amicus brief by Illinois Public Employer Labor Relations Association, the Petitioner's motion to strike that motion along with the tendered the amicus brief, Incumbent's exceptions and request for oral argument, and Petitioner's responses. After a lengthy discussion by the Board:

(1) Member Brennwald moved to deny the motion to strike the motion to leave to file the amicus brief, Member Besson seconded, and the Board passed it unanimously, by a voice vote; (2) Member Brennwald moved to allow the motion to file amicus brief, Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote; (3) Member Brennwald moved to deny request for oral arguments, Member Besson seconded the motion, and the Board passed it 4-1 with Chairman Hartnett dissenting; and (4) Member Brennwald moved to accept the RDO in its entirety, Member Besson seconded, and the Board passed it unanimously, by a voice vote.

3. Case No. S-CA-11-148

American Federation of State, County and Municipal Employees, Council 31/ City of Clinton (Dr. John Warner Hospital)

Chairman Hartnett asked General Counsel Post to call the case. General Counsel Post asked Counsel Kazanjian to present the case. Counsel Kazanjian stated that on November 12, 2012 ALJ Kimberly Faith Stevens issued an RDO alleging that the Respondent violated Section 10(a)(4) and (1) of the Act. Counsel Kazanjian then presented and discussed the exceptions and recommended that the Board adopt the ALJ's RDO. After detailed discussion, Member Besson moved to accept the RDO. Member Washington seconded the motion, the motion passed with three ayes and two nays; Members Brennwald and Coli dissenting.

4. Case No. S-UC-12-059

Service Employees International Union, Local 73/ County of McHenry (Valley-Hi Nursing and Rehabilitation)

Chairman Hartnett called the case, noting that no party filed exceptions to ALJ Stevens' RDO, and asked whether the Board wished to review the decision on its own motion. The Board declined to do so.

5. Case No. S-CA-12-026

Service Employees International Union, Local 73/ East St. Louis Housing Authority

Chairman Hartnett called the case, noting that no party filed exceptions to ALJ Kehoe's RDO, and asked whether the Board wished to review the decision on its own motion. The Board declined to do so.

6. Case No. S-CA-10-092

Brian Trygg/ State of Illinois, Department of Central Management Services (Department of Transportation)

Chairman Hartnett asked General Counsel Post to call the case. General Counsel stated that on December 7, 2012 he, as the Acting Executive Director, dismissed the charge and an appeal had been filed. General Counsel Post therefore asked Counsel Kehoe to present the case. Counsel Kehoe stated that the Charging Party alleged that the Employer engaged in unfair labor practices in violation of Section 10(a)(1) of the Illinois Public Labor Relations Act. Counsel

Kehoe reviewed the issues raised by the Charging Party's appeal and recommended that the Board affirm the Acting Executive Director's dismissal. After discussion, Member Coli moved to accept the dismissal. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

**7. Case No. S-CB-10-024
Brian Trygg/ General Teamsters/ Professional and Technical Employees, Local 916**

Chairman Hartnett asked General Counsel Post to call the case. General Counsel stated that on December 7, 2012 he, as the Acting Executive Director, dismissed the charge and an appeal had been filed. General Counsel Post therefore asked Counsel Kehoe to present the case. Counsel Kehoe stated that the Charging Party alleged that the Employer engaged in unfair labor practices in violation of Section 10(b)(1) of the Illinois Public Labor Relations Act. Counsel Kehoe reviewed the issues raised by the Charging Party's appeal and recommended that the Board affirm the Acting Executive Director's dismissal. After discussion, Member Coli moved to accept the dismissal. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

VII. EXECUTIVE SESSION

After a short discussion regarding whether there was a need for executive session, the Board concluded that it was unnecessary at this time.

VIII. ADJOURNMENT

Chairman Hartnett called for a motion to adjourn. Member Coli made a motion to adjourn the meeting, and the Board passed it unanimously, by a voice vote.

Adopted and approved by the Chairman and Members of the State Panel of the Illinois Labor Relations Board, this 16th day of April, 2013.