

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

Minutes of the State Panel Meeting
Held on June 5, 2007

I. OPENING OF MEETING 11:00 A.M.—160 North LaSalle Street, Suite S-400, Chicago, IL

II. PRESENT

Jackie Gallagher, Chairman; Michael Coli, Member of the Board; Charles Hernandez, Member of the Board; Michael Hade, Member of the Board; Rex Piper, Member of the Board; John F. Brosnan, Executive Director; and staff members. John F. Brosnan and Ellen M. Strizak acted as counsel to the Board at this meeting.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD MAY 8, 2007

Chairman Gallagher called for approval of the minutes of the May 8, 2007 meeting. Member Piper moved to approve the minutes. Member Coli seconded. The Board passed the motion unanimously, by a voice vote.

IV. ADMINISTRATIVE MATTERS

Chairman Gallagher asked Executive Director Brosnan to present the State Panel administrative actions for the period of time from May 1 through May 31, 2007. He distributed the report to the Board for review, and the Board examined it. The Executive Director summarized the report's highlights, noting that during the month, the agency issued five certifications pursuant to representation elections, nineteen certifications pursuant to majority interest petitions, eight certifications pursuant to unit clarification petitions, and eight certifications directed pursuant to unit clarification petitions. The agency also received withdrawals in connection with eight representation petitions, and the agency's Administrative Law Judges (ALJs) issued five Recommended Decisions and Orders (RDOs), resolving eight representation cases. The Executive Director also noted that with regard to unfair labor practice cases, the agency issued twelve complaints for hearing and six administrative dismissals, three deferrals, and had twenty-two charges withdrawn.

V. BOARD ACTIONS

1. Case No. S-UC-05-062
Laborers International Union of North America, Local 1197/City of Newton

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

2. Case No. S-CA-05-004
American Federation of State, County and Municipal Employees, Council 31/State of Illinois, Department of Central Management Services (Department of Corrections)

Chairman Gallagher began by summarizing the case, noting that the ALJ dismissed in part and sustained in part the unfair labor practice complaint. Acting General Counsel Brosnan, after a review of the decision and exceptions, recommended that the Board accept the ALJ's recommendation. The Chairman and Board Members then engaged in a discussion of ALJ's determinations and the issues raised by the exceptions. At the conclusion thereof, Member Piper moved to accept the recommendation of the Acting

V. BOARD ACTIONS (Continued)

General Counsel, but his motion died for lack of a second. Member Hade pointed out specifically where he disagreed with the ALJ's findings and detailed the facts in support of his position, concluding that Respondent failed to bargain in good faith before implementing the layoff. Member Coli agreed and noted that there was no valid excuse for Respondent's failure to bargain the impact before implementing the layoff. Member Hade moved to reverse the ALJ's recommended decision and order, to order the parties to bargain the impact of the layoff to agreement or impasse, and until agreement or impasse, to return to the status quo. Member Coli seconded the motion. The motion passed with three ayes and two nays; Chairman Gallagher and Member Piper dissented.

**3. Case Nos. S-UC-06-082 and S-UC-06-084
Laborers International Union of North America, Local 231/City of Washington**

Chairman Gallagher began by summarizing the case. Acting General Counsel Brosnan reviewed the issues presented by the exceptions and recommended that the Board accept the ALJ's recommendation. After the Board's discussion, Member Coli moved to accept the ALJ's recommendation. Member Piper seconded the motion, and the Board passed it unanimously, by a voice vote.

**4. Case No. S-CA-07-109
Robert Rodeghero/City of Joliet**

Chairman Gallagher began by summarizing the case. Acting General Counsel Strizak detailed her review of the matter and recommended that the Board uphold the Executive Director's order directing that the case be held in abeyance pending completion of the grievance procedure. After a short discussion by the Board, Member Coli suggested upholding the Executive Director's decision, but in addition, requiring a status update on the underlying grievance on August 7, 2007. Member Hade moved to uphold the Executive Director's decision contingent upon the August 7, 2007 update. Member Coli seconded the motion, and the Board passed it unanimously, by a voice vote.

VI. OTHER BOARD MATTERS

Chairman Gallagher sought and was granted leave to discuss the fiscal and legislative reports at the Joint Panel meeting scheduled for 11:30 a.m.

VII. ADJOURNMENT

Chairman Gallagher called for a motion to adjourn. Member Piper 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, in Chicago, Illinois, this 9th day of July, 2007.