

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

Minutes of the State Panel Meeting
Held on June 6, 2006

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

II. PRESENT

Jackie Gallagher, Chairman; Charles Hernandez, Member of the Board; Michael Hade (11:13 a.m.), Member of the Board; Rex Piper, Member of the Board; Letitia Taylor, Member of the Board; John F. Brosnan, Executive Director; Jacalyn J. Zimmerman, General Counsel; and staff members.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD MAY 9, 2006

Chairman Gallagher called for approval of the minutes of the May 9, 2006 meeting. Member Piper made a motion for approval of the minutes. Member Taylor 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, 2006. 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 six certifications pursuant to election petitions, seven certifications pursuant to majority interest petitions, five certifications pursuant to unit clarification petitions, and four certifications pursuant to directed unit clarifications. The agency also received withdrawals in connection with two representation petitions, and the agency's Administrative Law Judges (ALJs) issued Recommended Decisions and Orders (RDOs) in three representation cases. The Executive Director also noted that with regard to unfair labor practice cases, the agency issued ten complaints for hearing and fifteen administrative dismissals, deferred six cases to arbitration, had ten charges withdrawn, and the agency's ALJs issued RDOs in three unfair labor practice cases.

V. BOARD ACTIONS

- 1. S-UC-05-039
Chief Judge of the 12th Judicial Circuit (River Valley Detention Center)/
Metropolitan Alliance of Police, River Valley Detention Center, Chapter 228**

General Counsel Zimmerman began by summarizing the case, noting that no party filed exceptions to the ALJ's RDO. She further noted that the ALJ concluded therein that the persons employed as shift supervisors by the Chief Judge of the 12th Judicial Circuit failed to qualify as supervisors pursuant to Section 3(r) of the Act, and accordingly, were not excluded from bargaining. The General Counsel asked whether the Board wished to review the decision on its own motion. The Board declined to do so.

- 2. S-CA-03-099
Metropolitan Alliance of Police, Plainfield Sergeants, Chapter No. 94/
Village of Plainfield**

General Counsel Zimmerman began by summarizing the case, noting that no party filed exceptions to the ALJ's RDO. She further noted that therein, the ALJ dismissed the complaint which alleged violations of Section 10(a)(1) and (2) of the Act. The General Counsel asked whether the Board wished to review the

decision on its own motion. The Board declined to do so.

**3. S-RC-06-012
City of Ulin/International Union of Operating Engineers**

General Counsel Zimmerman 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.

**4. S-RM-06-001
County of Livingston (Livingston Manor)/Service Employees Int'l Union, Local 4**

General Counsel Zimmerman began by summarizing the case, noting that no party filed exceptions to the ALJ's RDO. She further noted that therein, the ALJ directed an election on a representation petition filed by the Employer herein, based on its doubt as to the Union's majority support. The General Counsel cautioned that although in Section 9(a) of the Act, there is language authorizing employers to file election petitions, it does not cover the instant situation and recommended adding a footnote to the Board's customary non-precedential order, indicating its concerns. The Board agreed to the General Counsel's suggestion, but declined to review the decision on its own motion.

**5. S-RD-06-006
County of Perry (Health Department)/Elizabeth Ashauer/LIUNA, Local 477
consolidated with
S-RD-06-008
County of Perry (Health Department)/Kristopher S. Robinson/LIUNA, Local 477**

General Counsel Zimmerman 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.

**6. S-RC-04-121
Village of Niles/Metropolitan Alliance of Police, Niles Police Sgts, Ch. No. 358**

General Counsel Zimmerman began by summarizing the case, noting that no party filed exceptions to the ALJ's Supplemental RDO, but further noted that the parties had filed exceptions to the ALJ's original RDO. In the Supplemental RDO, the ALJ clearly outlined the manner in which the parties could appeal her decision, however, no party complied therewith. Petitioner, immediately prior to the meeting, sought leave to file exceptions instanter, claiming that it did not realize it had to file its exceptions anew. The General Counsel recommended that the Board reject the Petitioner's request, as the claimed reason was in this case, insufficient. Member Taylor moved to reject Petitioner's request and Member Piper seconded the motion. The Board indicated its unanimous agreement with the motion. The General Counsel recommended adding a footnote to the Board's customary non-precedential order, indicating its consideration of Petitioner's request and its denial thereof. The Board agreed to the General Counsel's suggestion, but declined to review the ALJ's decision on its own motion.

**7. S-RC-06-153
Clerk of the Circuit Court of Cook County/Int'l Brotherhood of Teamsters, Local
714/American Federation of State, County and Municipal Employees, Council 31**

General Counsel Zimmerman began by summarizing the case, noting that the Executive Director issued a "Report on Objections to Election" on April 14, 2006, with an appeal filed. She further noted that one of the parties had requested oral argument, but that she had denied the request, as it failed to comport with

the Board's Rules on such matters. Chairman Gallagher then questioned Executive Director Brosnan regarding the "Proof of Conduct" form completed by the election observers. The Chairman and the Board then held an extensive discussion regarding the election misconduct alleged by AFSCME. At the conclusion thereof, Member Taylor moved to add AFSCME's objections 12, 14, 15, and 16, to the five objections which the Executive Director previously sent to hearing, and to reject the remainder of AFSCME's motion. Member Hade seconded the motion, and the Board conducted a roll call vote which showed unanimous support for Member Taylor's motion. Member Hade then moved to include AFSCME's objection one to those set for hearing, but after further discussion among the Board, he withdrew the motion.

8. **S-CA-05-044**
Kenneth Wiggs/State of Illinois, Department of Central Management Services (Corrections)
S-CB-05-012
Kenneth Wiggs/International Union of Operating Engineers, Local No. 399

General Counsel Zimmerman began by summarizing the case, noting that the Executive Director issued a Dismissal on May 3, 2006, with an appeal filed. She explained that on June 5, 2006, Charging Party filed a "Reply to Respondent's Response to Appeal of Executive Director's Dismissal," but the Board never received a response to the appeal from either Respondent. Consequently, she recommended that the Board not consider Charging Party's reply. The General Counsel then recommended that the Board affirm the Dismissal and suggested adding a footnote to the Board's order, indicating its refusal to consider Charging Party's reply. Member Piper moved that the Board accept the General Counsel's recommendation to uphold the dismissal and to refuse to consider Charging Party's reply. Member Taylor seconded the motion, and the Board passed it unanimously, by a voice vote.

VI. OTHER BOARD MATTERS

The Chairman distributed the year-to-date fiscal report, the report on estimated year-end account balances, and the "actual v. budgeted" year-to-date report, prepared by Fiscal Officer Nicole Hildebrand. The Board discussed various aspects of the agency's budget. The Chairman and the Board then held an abbreviated discussion about new legislation which might have an impact on Board operations. Member Piper made a motion to go into Executive Session to discuss litigation matters, with Assistant Attorney General Jerald S. Post. Member Hade seconded the motion, and the Board passed it unanimously, by a voice vote. Subsequently, at the end of the discussion, Member Piper made a motion to leave Executive Session. Member Hade seconded the motion, and the Board passed it unanimously, by a voice vote. Member Piper then made a motion to return to open session. Member Hade seconded the motion, and the Board passed it unanimously, by a voice vote. Member Hade made a motion to conclude Board action with regard to County of DuPage and DuPage County Sheriff v. ILRB and MAP, Ill. App. Ct. No. 2-04-0392 and Champaign-Urbana Public Health District v. ILRB and AFSCME, Ill. App. Ct. No. 4-03-1081. Member Taylor seconded the motion, and the Board passed it unanimously, by a voice vote.

VII. ADJOURNMENT

Chairman Gallagher called for a motion to adjourn. Member Piper made a motion to adjourn the meeting. Member Taylor seconded the motion, and the Board passed it unanimously, by a voice vote.