



Illinois Labor Relations Board

**2009
ANNUAL REPORT**

Illinois Labor Relations Board

Chairman
Jackie Gallagher

State Panel
Michael G. Coli
Michael J. Hade
Albert Washington

Local Panel
Charles Anderson
Edward E. Sadlowski

Executive Director
John Brosnan

To the Governor of the State of Illinois, the President of the Illinois Senate, the Speaker of the Illinois House, and the Members of the Illinois General Assembly:

This is the 25th annual report of the Illinois Labor Relations Board (ILRB) giving an overview of decisions rendered, statistics of case activity, relevant court decisions, our budget and staffing from July 1, 2008 through June 30, 2009.

The ILRB has offices in Springfield and Chicago. Once two separate boards, local and state, the ILRB now consists of two panels with four members on the State Panel and two members on the Local Panel. The seventh member is the chairman of both panels. The panels hold monthly meetings and meet jointly at least twice a year. ILRB meetings are open to the public. Dates and locations can be found at www.state.il.us/ilrb.

The Illinois Labor Relations Board is grateful to the Governor, the Chicago Mayor and Cook County Board President for giving us the responsibility to help maintain a positive relationship between public employers and their employees.

Sincerely,


Jackie Gallagher
Chairman

TABLE OF CONTENTS

Jurisdiction of the Board	1
Board Members and Staff	3
Functions of the Board	5
Selected Case Summaries	11
Interest Arbitration Awards	31
State Panel Caseload Statistics	37
State Panel Elections Certified	43
Local Panel Caseload Statistics	55
Local Panel Elections Certified	58
FY 2009 Budget	61
Organizational Chart	62

JURISDICTION OF THE BOARD

The Illinois Public Labor Relations Act, 5 ILCS 315 (2004), as amended, enacted into law as Public Act 83-1012, effective July 1, 1984, and last amended effective June 1, 2005, governs labor relations between most public employers in Illinois and their employees. Throughout the state, the Illinois Labor Relations Board (ILRB) regulates the designation of employee representatives; the negotiation of wages, hours, and other conditions of employment; and the resolution of disputes arising under collective bargaining agreements. Also, as amended, it determines through an administrative adjudicative process whether certain police officers have committed perjury in homicide proceedings that could result in decertification.

On July 9, 2000, amendments to the Illinois Public Labor Relations Act took effect, dissolving the Illinois State Labor Relations Board and the Illinois Local Labor Relations Board and transferring their jurisdiction and authority to the State Panel and Local Panel of the newly-created Illinois Labor Relations Board.

During FY 04, two legislative mandates amending the Act were signed into law. On August 5, 2003, Governor Blagojevich signed Public Act 93-444 known as the "card check" law which allows unions to become certified, without an Election, by showing through signed cards or petitions that they represent a majority of any bargaining unit.

On January 20, 2004, Governor Blagojevich signed Public Act 93-0655, which constitutes the state's most comprehensive death penalty reform package. Part of this law made amendments to Section 6.1 of the Illinois Police Training Act. Under these amendments the ILRB State Panel has been mandated to determine cause for police decertification.

The State Panel has jurisdiction over all public, non-educational employers and employees in the State of Illinois, counties and municipalities with populations not in excess of two million persons, and including the Regional Transportation Authority.

The Local Panel has jurisdiction over units of local government with a population in excess of two million persons. This includes not only the County of Cook and the City of Chicago but also other county- and city-wide governmental entities such as the Forest Preserve District of Cook County, the Metropolitan Water Reclamation District of Greater Chicago, the Chicago Housing Authority, the Chicago Transit Authority, and the Chicago Park District.

Together with the Illinois Educational Labor Relations Act (ILCS, ch. 48, pars. 1701 *et seq.*), the Illinois Public Labor Relations Act is the first comprehensive statutory regulation of public sector collective bargaining in Illinois history. It has many similarities to the National Labor Relations Act, which regulates collective bargaining matters in the private sector, and to the laws of numerous other states which regulate collective bargaining in the public sector.

The Board's major duties under the Act include the following:

1. Rendering determinations on all charges alleging unfair labor practices under the Act, after either investigation or hearing;

2. Processing petitions seeking the certification or decertification of collective bargaining representatives of public employees, and conducting hearings and Elections upon such petitions;
3. Processing petitions to modify or clarify bargaining units and certifications of bargaining units;
4. Providing rosters of mediators, fact-finders, and arbitrators to all parties covered by the Act in order to assist in resolving collective bargaining impasses and grievance disputes; and
5. Conducting emergency investigations of public employee strikes and strike threats upon demand to determine whether judicial proceedings are warranted to restrain or prevent strike activity imperiling the health and safety of the public.
6. Conducting administrative hearings to determine whether certain police officers have committed perjury in homicide proceedings such that they should be decertified.

Illinois Labor Relations Board

Jackie Gallagher, Chairman
Arlington Heights

STATE PANEL

Michael G. Coli
Crystal Lake

Michael Hade
Springfield

Albert Washington
Matteson

LOCAL PANEL

Charles Anderson
Chicago

Edward Sadlowski
Chicago

ILLINOIS LABOR RELATIONS BOARD STAFF

EXECUTIVE DIRECTOR

John Brosnan

PERSONNEL OFFICER

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ADMINISTRATIVE STAFF

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Melissa McDermott
Dawn Robinson
Lori Novak (SP)
Shannon Trumbo (SP)

(SP) based in Springfield office

FUNCTIONS OF THE BOARD

I – CASE PROCESSING

The following is a brief description of the types of cases processed by the Board and the procedures used in processing them. All references to the Board are applicable to either the State or Local Panel.

A. Representation Petitions

Representation cases can be initiated in several ways. A labor organization seeking recognition as the exclusive bargaining representative of a unit of employees in which no other labor organization has attained recognition rights has two options: by requesting that the employer voluntarily recognize it; or by filing a representation petition with the Board. If another labor organization already is recognized in accordance with the Act, a representation petition must be filed with the Board.

The following types of petitions initiate representation proceedings before the Board:

- Representation/Certification Petitions (RC) are filed by an employee, a group of employees, or a labor organization seeking certification as an exclusive collective bargaining representative for employees in an appropriate unit.

Majority Interest Petitions are filed by a labor organization seeking certification as the exclusive bargaining representative of employees based on evidence that a non-coerced majority of employees in an appropriate unit signed valid cards or petitions indicating they want said labor organization to represent them for the purpose of collective bargaining.

- Employer's Representation Petitions (RM) are filed by an employer alleging that one or more labor organizations have presented a claim to be recognized as an exclusive collective bargaining representative for a majority of the employees in an appropriate unit.
- Voluntary Recognition Requests (VR) are requests for certification of a unit, without an Election, where the labor organization demonstrates it has a majority showing of interest in an appropriate unit and the employer voluntarily recognizes them as the unit's exclusive representative.
- Decertification Petitions (RD) seek a determination as to whether a majority of the employees in an appropriate bargaining unit maintain their desire to be represented by the existing exclusive collective bargaining representative.
- Unit Clarification Petitions (UC) are filed by an exclusive collective bargaining representative or an employer seeking to clarify or amend an existing bargaining unit through the addition or deletion of a position without an Election.

- Petitions to Amend Certification (AC) are filed by an exclusive collective bargaining representative seeking to amend its certification whenever there is a change in its name or structure.
- Declaration of Disinterest Petitions (DD) are filed by an exclusive collective bargaining representative to declare its disinterest in further representation of that bargaining unit.

Upon receipt of a representation petition, each Board provides the employer with a notice to be posted for the benefit of affected employees. An investigation is initiated that includes determining the adequacy of the showing of interest based on employee authorization cards or petitions as well as the appropriateness of the proposed bargaining unit.

Employees or competing labor organizations within specified time limits may file intervention petitions.

Petitions are dismissed by the Executive Director when they have been untimely filed, when the bargaining unit is clearly inappropriate, when the showing of interest is not adequate, when the employer and/or employees are not covered by the Act, or when there is no reasonable cause to believe a question of representation exists.

Following the filing of an Election petition, a stipulation for consent Election -- to be signed by the petitioner, the employer, the labor organization seeking to represent the employees, and any timely intervener -- shall be filed with the Board. If the Board determines that the stipulation is consistent with the Act and its Rules, it directs the holding of a consent Election.

If the investigation of the petition discloses the existence of a question concerning representation, but the parties cannot stipulate to a consent Election, the matter is set for hearing before an administrative law judge. Unlike unfair labor practice hearings, representation hearings are non-adversarial in nature.

Parties may file appeals from the Executive Director's dismissals and exceptions to administrative law judge's recommended dispositions. As in unfair labor practice cases, appeals and exceptions are filed with the General Counsel and thereafter reviewed and ruled upon by the Board. If the Board determines that a question concerning representation exists, it directs the Executive Director to conduct an Election.

After an Election is conducted, any party may file objections with the Board alleging that the result was not fairly and freely chosen by a majority of the employees. If, after investigation and hearing, it is determined that the objections are valid, a new Election is conducted. If no objections are filed or if the Board determines after investigation or hearing that filed objections are not well-founded, the Board either certifies the collective bargaining representative that received a majority of the votes cast or, if no representative is chosen, certifies the Election results. Subsequent Elections cannot be conducted in the bargaining unit for one year following an Election that results in a Board certification.

Following the filing of a Majority Interest Petition, the petition is investigated to ensure that the labor organization has provided evidence that a non-coerced majority of the employees in the appropriate unit want to be represented for the purposes of collective bargaining. If the employer objects to the petition because it believes that specific positions are not eligible to be

represented in a bargaining unit because the positions are either confidential or managerial employees or supervisors, the Board will nevertheless certify the labor organization if the number of contested positions are not sufficient to affect the labor organization's evidence of majority support. The disputed positions inclusion in the bargaining unit will be resolved by utilizing the Board's unit clarification procedures. If a Majority Interest petition seeks to represent a bargaining unit that combines both professional and nonprofessional employees, the Board will first conduct an Election to determine whether both the professional and nonprofessional employees want to be represented in such a combined unit. If both the professional and nonprofessional employees do not vote to be represented in a combined unit, the Board will certify separate professional and nonprofessional units if the labor organization has demonstrated majority support for the separate units. If a party or individual provides evidence demonstrating a material issue of fact or law that the labor organization's majority support was obtained by fraud or through coercion, the Board will conduct a hearing to determine whether there is a clear and convincing evidence of fraud or coercion, the Board will conduct an Election to determine majority support for the labor organization in the appropriate unit. If the Board finds that there is not clear and convincing evidence of fraud or coercion, the Board will certify the unit based on the labor organization's evidence of majority support.

B. Unfair Labor Practice Charges

Section 10 of the Act prohibits employers and labor organizations from engaging in certain enumerated unfair labor practices. An employer, a labor organization, or an employee may file an unfair labor practice charge with the Board. There are two types of unfair labor practice charges:

- Charge Against Employer (CA) alleges that an employer has violated one of the provisions under Section 10(a) of the Act;
- Charge Against Labor Organization (CB) alleges that a labor organization has violated one of the provisions under Section 10(b) of the Act.

Upon receipt of a charge, the case is assigned to an investigator. If the investigation reveals that there is no basis to sustain the charge, the Executive Director dismisses the charge. If, on the other hand, the investigation reveals the existence of a dispositive question of law or fact, the Executive Director issues a complaint and the case is set for hearing before an administrative law judge. Unlike the National Labor Relations Board, once a complaint is issued, the Board does not perform the prosecutorial function. Instead, prosecution of unfair labor practice cases is undertaken by the charging parties or their representatives. Because it does not prosecute, the Board's "issue of law or fact" standard for issuance of a complaint is less strenuous than the reasonable cause standard used by the National Labor Relations Board.

At unfair labor practice charge hearings, charging parties and respondents produce and examine witnesses, adduce evidence in support of their positions, and, typically, file written briefs. Thereafter, after considering the hearing's record and briefs, the administrative law judge issues a "recommended decision and order".

Parties may file appeals from the Executive Director's dismissals and exceptions to administrative law judge's recommended dispositions. Appeals and exceptions are filed with the General Counsel and thereafter reviewed and ruled upon by the Board. Parties aggrieved by Board decisions and orders can obtain judicial review in the Illinois Appellate Court. Enforcement of Board orders is also obtainable in the Illinois Appellate Court.

C. Mediation/Arbitration Cases

Upon request, the Board provides mediation/arbitration (MA) services to parties who have reached an impasse in collective bargaining. A roster of mediators and arbitrators is maintained from which panels are provided to parties requesting such services. The Act prohibits protective services employees (security employees, peace officers, firefighters) from striking. Disputes over their negotiations are subject to mandatory mediation and interest arbitration. Units of non-protective services employees utilize mediation in the event of impasse, and can only use interest arbitration on agreement of the parties. Other services, such as fact-finding, grievance arbitration, and grievance mediation are provided at the request of one or both parties.

D. Strike Investigations

If a unit of non-protective services employees engages in a strike that the employer believes presents "a clear and present danger to the health and safety of the public," the employer may petition the Board for a strike investigation (SI). The Board has 72 hours to determine whether such a clear and present danger exists. The employer may then take the Board's findings to Circuit Court to seek to enjoin the work stoppage in a manner that would eliminate the danger. When employees have been enjoined from striking pursuant to this procedure, interest arbitration is used to resolve the issues in dispute.

E. Declaratory Rulings

Employers and labor organizations may also request that the Board's General Counsel issue a declaratory ruling (DR) stating whether the Act requires bargaining over a particular subject or subjects. Such requests must be made jointly, unless it involves a protective services employee unit where a request for interest arbitration has been made.

F. Police Decertification Cases

Amendments to Section 6.1 of the Illinois Police Training Act through Public Act 93-0655 instituted a process for the decertification of a police officer when it has been proven that, while under oath, he or she has knowingly and willfully made false statements as to a material fact going to an element of the offense of murder. There are two instances where the ILRB State Panel may be required to conduct hearings involving alleged police perjury. In the first scenario, the Illinois Law Enforcement Training Standards Board (ILETSB) investigates verified complaints of police perjury in cases where there has been an acquittal. Following an investigation, ILETSB will forward a report to the Executive Director of the ILRB who will review the evidence to determine whether the evidence is sufficient to warrant a hearing before an administrative law judge of the ILRB. In these cases, the Executive Director may either dismiss the complaint that is not appealable, or order a hearing. In the second scenario where there has been a finding of guilt on the offense of murder, if a new trial is granted on direct appeal, or a state post-conviction evidentiary hearing is ordered, based on a claim of police perjury that goes to an element of the offense of murder, a request for hearing is filed directly with the ILRB

without an investigation by ILETSB. If any of these cases proceed to hearing an administrative law judge will make a recommendation to the ILRB State Panel as to whether certain police officers have committed perjury in homicide proceedings such that they should be decertified. The Administrative Law Judge's decision may be appealed to the Board and the Board decision may be further appealed to court.

II - RULE MAKING

The Labor Relations Board is authorized to promulgate rules and regulations governing its activity. ILCS, ch. 48, pars.1605 (i), (j) and (k). It takes a vote of four of the seven Board members to enact or amend rules.

The Board has adopted regulations governing its internal structures (2 Ill. Adm. Code 2500), implementation of the Illinois Freedom of Information Act (2 Ill. Adm. Code 2501), general provisions applicable to all Board proceedings (80 Ill. Adm. Code 1200), procedures in representation cases (80 Ill. Adm. Code 1210), procedures in unfair labor practice cases (80 Ill. Adm. Code 1220), and procedures for resolving collective bargaining impasses (80 Ill. Adm. Code 1230). The latter four sets of rules governing Board proceedings are available from the Board in a handy pamphlet form.

In fiscal year 1989, the Board adopted revisions to the Rules and Regulations that updated and clarified many of the procedural provisions.

During fiscal year 1990, the Board adopted further revisions to the Rules and Regulations to conform to revised statutory impasse procedures; increase compensation for appointed counsel to indigent parties; and to modify the procedures for the issuance of subpoenas and the filing of voluntary recognition petitions.

Updates and additions to Board rules were adopted during both FY2003 and 2004 to reflect the many statutory and regulatory changes that had occurred since the 1990 revisions.

III - REFERRALS TO OTHER AGENCIES

The Board spends a considerable amount of time talking to members of the general public who either call or walk into the Board's office seeking information regarding their work-related problems. When, as often happens, a Board agent determines that the Board has no jurisdiction to remedy the problem presented by the person, the agent directs the person to the appropriate governmental agency.

IV - LAW LIBRARY/CONTRACT REPOSITORY

Specialized public sector labor relations law libraries are maintained in the Board's Chicago and Springfield offices. The libraries, which are open to the public, contain the Illinois Public Employee Reporter as well as the official decisions from many other states, which have public employee labor relations boards.

The Board also serves as the repository of public sector collective bargaining agreements for employees under the Board's jurisdiction.

ILLINOIS LABOR RELATIONS BOARD SELECTED CASE SUMMARIES

I. Jurisdiction

The six-month limitations period

In Aurora Sergeants Association/City of Aurora, 24 PERI 118 (IL LRB-SP 2008), the Board upheld the administrative law judge's refusal to grant Charging Party's motion to amend complaint, finding that when Charging Party first made the motion to amend, it was over twenty months after it had learned Respondent took the action complained of, and therefore, well beyond the six month time limitation set forth in Section 11(a) of the Illinois Public Labor Relations Act (Act), 5 ILCS 315 (2006), as amended, and reiterating that the six month limitations period begins to run when the charging party has knowledge of the alleged unlawful conduct or reasonably should have known of it.

II. Representation issues

A. Showing of interest

In County of DuPage v. Ill. Labor Relations Bd., 231 Ill. 2d 593, 900 N.E.2d 1095, 24 PERI ¶124, 2008 WL 5246054, 185 LRRM 2728 (2008) (County of DuPage), the Illinois Supreme Court concluded that the Act does not require both dues deduction authorization cards and some other form of evidence in support of majority interest petitions. Instead, the court found sufficient the Board's rules requiring "authorization cards, petitions, or any other evidence" demonstrating a majority interest. Additionally, the court upheld the Board's finding that whether a union enjoys majority support may not be litigated and further, upheld its determination that the employer is not entitled to review a union's evidence of majority support.

Relying on County of DuPage, the Board upheld the administrative law judge's refusal to allow the employer to review the union's evidence of majority support in International Union of Operating Engineers, Local No. 150/City of Peru, 25 PERI ¶7 (IL LRB-SP 2009). Citing Section 1210.80(e)(1) of the Board's Rules and Regulations (Rules), 80 Ill. Admin. Code §§1200-1240, the Board determined that the employer is not permitted to review the showing of interest: "[t]he Board shall maintain the confidentiality of the showing of interest. The evidence submitted in support of the showing of interest shall not be furnished to any of the parties." In addition, the Board concluded that pursuant to the decision in County of DuPage, and Section 1210.80(e)(3) of the Rules, the employer may not "confirm" that the ALJ "correctly tabulated" the showing of

interest: "[t]he adequacy of the showing of interest shall be determined administratively by the Board or its agent."

B. Contract bar

In Illinois Fraternal Order of Police Labor Council/County of Pulaski/Sheriff of Pulaski County/Laborers International Union of North America, Local No. 773, 25 PERI ¶1115 (IL LRB-SP 2009)(Case No. S-RC-09-104), Illinois Fraternal Order of Police Labor Council (FOP) sought a representation election and certification to represent a bargaining unit consisting of all persons jointly employed full- and part-time by the County of Pulaski (County) and the Sheriff of Pulaski County (Sheriff), in the rank or title of Deputy. At the time, the unit was represented for purposes of collective bargaining by the Incumbent, Laborers International Union of North America, Local No. 773 (Laborers). Laborers opposed the FOP's petition, contending it was barred pursuant to Section 9(h) of the Act—the "contract-bar" doctrine—which in pertinent part, reads as follows: "No election shall be directed by the Board in any bargaining unit where there is in force a valid collective bargaining agreement." The Incumbent argued that it entered into a valid collective bargaining agreement with the County and Sheriff on January 22, 2009, the same day, but prior to the time the FOP filed its petition. The FOP disagreed, arguing that it filed its petition prior to the collective bargaining agreement being fully executed. The administrative law judge (ALJ) recommended an election on the petition, finding the collective bargaining agreement was never fully executed so as to constitute a bar to the FOP's petition. Citing its decision in City of Calumet City, 21 PERI ¶98 (IL LRB-SP 2005), the Board upheld the ALJ, concluding that as the Sheriff, a necessary party to the collective bargaining agreement, failed to sign it, the agreement was never fully executed and cannot bar the FOP's petition.

C. Unit determination/appropriateness

International Brotherhood of Electrical Workers, Local 51 (Local 51), sought a representation election and certification as the exclusive representative of a bargaining unit consisting of approximately 12 persons employed full-time by the City of Peru (Employer) in its Electric Department. International Brotherhood of Electrical Workers, Local 51/City of Peru, 25 PERI ¶6 (IL LRB-SP 2009). Approximately a month and one-half after Local 51 filed its petition, the International Union of Operating Engineers, Local 150 (Local 150), filed a petition in Case No. S-CA-08-091, pursuant to a showing of majority interest, seeking certification as the exclusive representative of a bargaining unit consisting of approximately twenty-two persons employed by the City in its Department of Public Works. International Union of Operating Engineers, Local No. 150/City of Peru, 25 PERI ¶7 (IL LRB-SP 2009). The Employer opposed

both petitions, asserting that the smallest appropriate unit would consist of all blue-collar personnel employed by the City, essentially a combination of the units sought by Local 51 and Local 150. Upholding the ALJs' results, the Board reviewed each of the petitioned-for units in light of the considerations set forth in Section 9(b) of the Act, and determined that only the fragmentation concern favored dismissal and that, by itself, was insufficient to deny the petitions. The Board further noted that although the Employer established that a combined unit of the employees in Electric and Public Works, in all likelihood, would be appropriate, it proffered nothing to demonstrate that the petitioned-for units were inappropriate. Citing Rend Lake Conservancy District, 14 PERI ¶2051 (IL SLRB 1998), the Board noted that the proper inquiry is not whether the petitioned-for units or the combined unit urged by the Employer is more appropriate, but rather whether each of the petitioned-for units is *an* appropriate unit.

In Illinois Council of Police/City of Chicago, 25 PERI ¶77 (IL LRB-LP 2009), Member Anderson dissenting on the appropriate unit issue), Petitioner, Illinois Council of Police (ICOP) sought pursuant to a showing of majority interest, certification as the exclusive representative of a bargaining unit consisting of the approximately thirty persons employed by the City of Chicago (City or Employer) in its Department of Aviation, in the title or classification of "Aviation Security Sergeant." The petitioned-for employees were unrepresented for purposes of collective bargaining. The City argued that a stand-alone unit composed solely of its thirty petitioned-for security sergeants was inappropriate and that the only appropriate unit for their inclusion would be the existing Unit II, a pre-Act unit represented by a coalition of labor unions that does not include ICOP. Upholding the ALJ's decision, the Board found the petitioned-for unit appropriate, reviewing it in light of the factors set forth in Section 9(b).

Affirming the Board's decision, the court in Illinois Council of Police v. Ill. Labor Relations Bd., 387 Ill. App. 3d 641, 899 N.E.2d 1199, 24 PERI ¶125, 185 LRRM 3011 (1st Dist. 2008), noted that "to warrant severance from an existing bargaining unit, the petitioning group must not only establish that the proposed unit is appropriate, but also that the existing bargaining unit is not."

See also the following precedential decisions: American Federation of State, County and Municipal Employees, Council 31/Service Employees International Union, Local No. 73/County of Cook, 24 PERI 37 (IL LRB-LP 2008, Member Anderson, dissenting); American Federation of State, County and Municipal Employees, Council 31/State of Illinois, Department of Central Management Services, 24 PERI 112 (IL LRB-SP 2008).

D. Section 3(c) confidential employees

In Southern Illinois Laborers' District Council/Union County State's Attorney, 25 PERI ¶1 (IL LRB-SP 2009), the Board upheld the ALJ's dismissal of the Employer's unit clarification petition, finding that the three employees at issue did not qualify as "confidential" employees within the meaning of Section 3(c) of the Act, and thus, were not excluded from collective bargaining. In so doing, the Board noted the lack of any evidence whatsoever that the three employees acted in a confidential capacity to anyone regarding labor relations or collective bargaining matters, or that in the regular course of their duties, had authorized access to information relating the effectuation or review of the Employer's collective bargaining policies.

The Board upheld the ALJ's decision in American Federation of State, County and Municipal Employees, Council 31/State of Illinois, Department of Central Management Services, 25 PERI ¶5 (IL LRB-SP 2009), finding no merit to the Employer's argument that six of the petitioned-for employees were confidential within the meaning of Section 3(c) of the Act, under either the labor nexus test or the authorized access test. With regard to two of the six employees, the ALJ found, and the Board agreed, that although they functioned as budget analysts and had access to confidential personnel and/or statistical information, this was insufficient to confer confidential status, relying on Chief Judge of the Circuit Court of Cook County v. American Federation of State, County and Municipal Employees, Council 31, AFL-CIO, 153 Ill 2d 508, 607 N.E.2d 182, 9 PERI ¶4004 (1992)(mere access to personnel files, "confidential information" concerning the general workings of the department, or to personnel or statistical information upon which an employer's labor relations policy is based is insufficient to confer confidential status). As to the labor nexus test, the ALJ and the Board concluded that the disputed employees did not, in the regular course of their duties, act in a confidential capacity to a person who formulates, determines, and effectuates management policies with regard to labor relations. The Employer contended that four of the disputed employees served as equal opportunity investigators in the State's Department of Human Services, and thereby assist their Bureau Chief in effectuating the Department's equal employment opportunity policies. However, as the ALJ and the Board concluded, there was no evidence that the Bureau Chief formulated, determined and effectuated management policies with regard to labor relations, that is, had primary responsibility for labor relations matters, made recommendations with respect to collective bargaining policy and strategy, drafted management proposals and counterproposals, evaluated union proposals, or participated in collective bargaining negotiations.

E. Section 3(j) managerial employees

American Federation of State, County and Municipal Employees, Council 31 (AFSCME) filed two petitions, seeking to represent pursuant to a showing of majority interest, fifteen persons in the job title or classification of Recruiter I employed by the City of Chicago (Employer). American Federation of State, County and Municipal Employees, Council 31/City of Chicago, 25 PERI ¶2 (IL LRB-LP 2009). The Employer opposed the petitions, asserting that the employees sought were "managerial" within the meaning of Section 3(j) of the Act and therefore, must be excluded from bargaining. The ALJ granted the petitions, and the Board upheld her decision. In so doing, citing City of Evanston v. Illinois State Labor Relations Board, 227 Ill. App. 3d 955, 592 N.E.2d 415, 8 PERI ¶4013 (1st Dist. 1992)(to be deemed managerial, the disputed employees must satisfy a two part test: (1) be engaged predominately in executive and management functions; and (2) exercise responsibility for directing the effectuation of such management policies and functions), the Board determined that at most, the recruiters at issue exercised professional discretion and technical expertise. The Board found no evidence that these employees possessed final responsibility and independent authority to establish and effectuate policy for the Employer. Nor was there any indication, the Board found, that the petitioned-for employees had substantial discretion, or even a role, in developing the means and methods of reaching the agency's policy objectives or responsibility for determining the extent to which such objectives will be achieved. The Board concluded that the petitioned-for employees were not managerial within the meaning of Section 3(j) of the Act.

In American Federation of State, County and Municipal Employees, Council 31/State of Illinois, Department of Central Management Services, 25 PERI ¶68 (IL LRB-SP 2009), American Federation of State, County and Municipal Employees, Council 31, sought pursuant to a showing of majority interest, to represent in its existing RC-63 bargaining unit, approximately sixteen persons in the job title or classification of Senior Public Service Administrator, Option 8P (hereinafter referred to as "pharmacy directors"), employed by the State of Illinois (Employer) in its Department of Human Services. The Employer opposed the petition on several grounds, one of which was the employees sought were statutorily excluded from bargaining as managerial employees under Section 3(j) of the Act. The ALJ found that the Employer failed to establish that any of the petitioned-for pharmacy directors were managerial employees within the meaning of Section 3(j), concluding that none of them met either part of the managerial test. Agreeing with the ALJ's determination, the Board noted that in support of its position, the Employer reviewed and cataloged the significant responsibilities it entrusts to the pharmacy

directors, yet, nowhere in the record was there evidence that the disputed employees possessed and exercised a level of authority and independent judgment sufficient to broadly effect the organization's purposes or its means of effectuating these purposes. Nor, the Board found, was the other half of the test met, as there was no evidence that the disputed employees direct the effectuation of management policy in that they oversee or coordinate policy implementation by developing the means and methods of reaching policy objectives, and by determining the extent to which the objectives will be achieved. The Board noted that as it has long held, and the courts have agreed, with regard to the first part of the test, executive functions require more than simply the exercise of professional discretion and technical expertise; and where the employee's role in establishing policy is merely advisory and subordinate, the employee is not managerial. Likewise, the Board pointed out, as it has in the past, with the approval of the courts, that to meet the second part of the test, an employee must be empowered with a substantial measure of discretion to determine how policies will be effected.

F. Section 3(k) peace officer

In Illinois Council of Police/City of Chicago, 25 PERI ¶77 (IL LRB-LP 2009)(Case No. L-RC-07-032), the Board upheld the ALJ's determination that an individual whose arrest powers are circumscribed as to time and place, such as the petitioned-for employees, is properly considered as either a part-time or "special" police officer and expressly excluded from the meaning of the term "peace officer" under Section 3(k) of the Act.

In County of DuPage v. Ill. Labor Relations Bd., Docket No. 2-06-0380, 2009 WL 2992571 (2nd Dist. 2009), the court approved the Board's finding that "the proper focus in determining peace officer status is upon the individuals' primary responsibilities and the authority actually exercised in the regular course of their duties." The court further explained that the required inquiry was "whether the actual duties performed by the corrections deputies...were police duties, instead of focusing upon hypothetical powers with which the deputies were endowed as a result of being sworn deputy sheriffs."

The court in Illinois Council of Police v. Ill. Labor Relations Bd., 387 Ill. App. 3d 641, 899 N.E.2d 1199, 24 PERI ¶125, 185 LRRM 3011 (1st Dist. 2008), concluded that Section 3(s)(1) of the Act "does not create a less stringent severance standard that applies specifically to the severance of peace officers from existing bargaining units."

G. Section 3(r) supervisory employees

Illinois Fraternal Order of Police Labor Council/Village of Maryville, 24 PERI ¶1113 (IL LRB-SP 2008), arose out of an earlier majority interest petition, wherein the Union petitioned to represent all the Village's full-time sworn police officers in the rank of Sergeant and below. The Employer opposed the inclusion of the two sergeants. Pursuant to Section 1210.100(b)(7)(B) of the Board's Rules, the disputed title was excluded from the certification and became subject to the Board's unit clarification procedures. The ALJ found that the sergeants met the principal work requirement, but determined that they lacked the authority to perform any of the statutory indicia with the requisite independent judgment, concluding that the employees in the petitioned-for rank were public employees within the meaning of the Act. The Village disputed the ALJ's decision, contending the ALJ erred in concluding that the petitioned-for employees lack the authority to discipline and direct their subordinates, with the requisite independent judgment. The Board determined that although the record supported that the sergeants had held counseling sessions with employees in the subordinate rank, there was no evidence that such sessions had any effect on the terms and conditions of the subordinates' employment, noting that verbal reprimands may constitute disciplinary authority if 1) the individual has the discretion or judgment to decide whether to issue such a reprimand; 2) the reprimand is documented; and 3) the reprimand can serve as the basis for future disciplinary action, that is, it functions as part of a progressive disciplinary system, citing Illinois Fraternal Order of Police Labor Council/Village of Hinsdale, 22 PERI ¶1176 (IL LRB-SP 2006). The Board observed that not only was there no indication that verbal warnings or reprimands "[served] as the basis for future disciplinary action," there was no evidence that the petitioned-for employees ever issued verbal reprimands. Likewise, the Board further noted the Village provided no evidence that sergeants have ever issued written reprimands, relieved or suspended subordinates from duty, or had made recommendations for more serious discipline, concluding that the Village was unable to support its argument with specific examples of the sergeants' alleged disciplinary authority. The Village also asserted that the sergeants possessed supervisory authority to "direct" the employees in the subordinate ranks, in that they performed the following: determined what must be done on a shift; made assignments; assigned areas to patrol; assigned vehicles; assigned tasks; redirected calls from dispatch; reviewed subordinates' reports; and determined whether to hold over officers or call in additional officers. Concluding the sergeants did not direct within the meaning of the Act, the Board noted that although the record indicated, and the ALJ noted, the sergeants bear some responsibility for their subordinates' proper work

performance, there was no record evidence that they possessed significant discretionary authority to affect their subordinates' terms and conditions of employment. The Board also found that the petitioned-for sergeants lacked authority to adjust grievances, or make effective recommendations with regard to the adjustment of grievances, as defined by the Act, and rejected as being without any basis in the Act, the Employer's contention that the petitioned-for employees should be excluded from collective bargaining due to "general supervisory authority" based on the fact that they are paid more than their subordinates, they have use of an office, and they have sergeant's stripes on their uniforms.

In Metropolitan Alliance of Police, Chapter No. 441/Town of Cicero, 24 PERI ¶1111 (IL LRB-SP 2008), Metropolitan Alliance of Police sought pursuant to a showing of majority interest, certification as the exclusive representative of a bargaining unit consisting of all full-time sworn police officers in the rank of Lieutenant, employed by the Town of Cicero (Employer) in its police department. The Employer opposed the petition, asserting that the six employees sought therein were excluded from coverage under the exemption for statutory supervisors. At hearing, the parties stipulated that the lieutenants met the principal work requirement. The ALJ thereafter determined that they lacked the authority to perform any of the statutory indicia with the requisite independent judgment, concluding that the employees in the petitioned-for rank were public employees within the meaning of the Act. The Board upheld the ALJ's decision, finding no merit to the Employer's exceptions. In so doing, the Board noted as follows:

an examination of the ALJ's decision plainly demonstrates that he not only dealt with the indicia specifically relied on by the Employer, but also reviewed, unasked, the evidence with regard to the transfer and promote indicia. See Employer's post-hearing brief at page 2—referred to as page 3 in its exceptions. Moreover, the transcript and exhibits fully support the ALJ's statement of fact. There is no error in the ALJ's application of law to the facts; indeed, it is the Employer, at several points in its exceptions, that relied on non-precedential ALJ decisions in Metropolitan Alliance of Police, Chapter No. 94/Village of Plainfield, 22 PERI ¶71 (IL SRB-GC 2006), which it referred to as a decision of the Board, and Northeastern Illinois University, 13 PERI ¶2035 (IL SRB-GC 1997).

Contrary to the Board, in an unpublished, non-precedential order, the Illinois Appellate Court found the petitioned-for employees statutory supervisors, relying on the decision in Village of Hazel Crest v. Illinois Labor Relations Board, 385 Ill. App. 3d 109, 895 N.E.2d 1082, 24 PERI ¶106 (1st Dist. 2008). Town of Cicero v. Illinois Labor Relations Board, Docket No. 1-08-3036, 2009. In so finding, the court concluded that exactly as in Hazel Crest, the ALJ made an "error of law when he looked to whether the recommendations [for discipline] from the lieutenants

were "effective" to assess whether independent judgment was exercised rather than looking to the authority the [department's] general order places in a lieutenant in deciding which disciplinary action he recommends be taken." Compare Metropolitan Alliance of Police, Chapter No. 456/Village of Western Springs, 24 PERI ¶24 (IL LRB-SP 2008), aff'd by unpub. order, Village of Western Springs v. Illinois Labor Relations Board, Docket No. 1-08-1059, 2009 (wherein the court applies Hazel Crest, but upholds the Board's determinations in circumstances nearly identical to Town of Cicero).

In Homewood Professional Firefighters, Local 3656, International Association of Fire Fighters/Village of Homewood, __ PERI ____ (IL LRB-SP 2009) (Case No. S-RC-08-067, 2009), the Village relied on the penultimate sentence in the second paragraph of Section 3(r) of the Act, which reads as follows: "[i]f there is no rank between that of chief and the highest company officer, the employer may designate a position on each shift as a Shift Commander, and the persons occupying those positions shall be supervisors", to argue that the petitioned-for lieutenants fall into this category, and therefore, must be excluded. The Union disagreed, arguing that the position of Deputy Chief, established in January 2008, by the Village fire chief, through a general order, constituted a rank between the chief and the highest company officer—the petitioned-for lieutenants. The Union, therefore, contended that the lieutenants are no longer excluded from the ambit of the Act. Accordingly, at issue was whether there existed an intervening rank between the lieutenants and the chief such that the lieutenants may be excluded from collective bargaining under Section 3(r) of the Act. Relying on the Board's decisions in Carpentersville and Countryside Fire Protection District, 10 PERI ¶2016 (IL SLRB 1994); Village of Alsip, 3 PERI ¶2051 (IL SLRB 1987), the ALJ determined that although the deputy chief position was created by order of the chief rather than by ordinance, the Village's budget provided for the position, and the Employer's organization chart and the testimony at hearing proved that the deputy chief was higher in the chain of command than were the lieutenants. Thus, the ALJ concluded that the deputy chief position was established and recognized by the Employer. Disposing of the Employer's exceptions, the Board held that "in the absence of any indication that the legislature intended to circumscribe the term "rank" in Section 3(r) to appointments bestowed by police and fire commissions, the Board may not apply such a wooden standard, but rather, must examine the totality of circumstances to arrive at a reasoned result." The Board, agreeing with the ALJ, concluded that the record as a whole demonstrated that the position of deputy chief was an intervening rank.

In American Federation of State, County and Municipal Employees, Council 31/State of Illinois, Department of Central Management Services, 25 PERI ¶68 (IL LRB-SP 2009), the Employer contended the petitioned-for employees' authority to place subordinates on "proof status"—forcing them to bring in doctors' notes when they use sick time—supported its position that they possessed the authority to discipline their subordinates within the meaning of the Act, with the requisite independent judgment. The Board disagreed, finding that with regard to putting employees on proof status, the record demonstrated that the petitioned-for employees, in so doing, did not have to choose between two or more significant courses of action, in other words, putting employees on proof status did not require the use of independent judgment, as they did nothing more than place employees on proof status if they had more absences within a given time period than the Employer had set as an upper limit.

In Illinois Fraternal Order of Police Labor Council/City of Sandwich, 25 PERI ¶91 (IL LRB-SP 2009), citing among other cases, the decisions in Illinois Department of Central Management Services (State Police) v. Illinois Labor Relations Board, 382 Ill. App. 3d 208, 888 N.E.2d 562 (4th Dist. 2008); and Metropolitan Alliance of Police v. Illinois Labor Relations Board, 362 Ill. App. 3d 469, 839 N.E.2d 1073 (2nd Dist. 2005); the Board found that the memorandums or reports submitted by the petitioned-for sergeants to the chief, detailing instances of serious misconduct, as a practical matter, could not have been adopted as a matter of course, as they did not even contain recommendations. Moreover, the Board noted that to the extent the sergeants decided to include disciplinary recommendations in such reports, the evidence indicated that such recommendations were not effective, as the chief independently investigated the facts reported therein. Compare Village of Hazel Crest v. Illinois Labor Relations Board, 385 Ill. App. 3d 109, 895 N.E.2d 1082, 24 PERI ¶106 (1st Dist. 2008). See also, Metropolitan Alliance of Police, Chapter No. 456/Village of Western Springs, 24 PERI ¶24 (IL LRB-SP 2008)(Case No. S-RC-06-081), aff'd by unpub. order, Village of Western Springs v. Illinois Labor Relations Board, Docket No. 1-08-1059, 2009.

In Illinois Council of Police/Village of Broadview, 25 PERI ¶63 (IL LRB-SP 2009), rather than providing specific examples of the disputed sergeants' alleged supervisory authority, the Employer relied primarily on generalized testimony from its chief to establish their job functions. Citing its decision in Metropolitan Alliance of Police/Northern Illinois University, 17 PERI ¶2005 (IL LRB-SP 2000), the Board reiterated that "[i]n representation hearings, a position's incumbents obviously provide the best evidence of that position's duties, for it is these employees who actually perform the tasks at issue. In other words, the testimony of a

challenged position's incumbent may well provide a more comprehensive description of his or her actual day-to-day duties than that of his or her superior. While a superior should be familiar with his subordinates' duties, as well as what he expects of them, testimony of the position's incumbents can be generally more instructive as to the particular means and methods by which those duties are accomplished on a daily basis. This is especially true where the testimony does not come from the position's immediate superior, but from someone several steps removed from actually performing those duties on a day-to-day basis."

In Illinois Fraternal Order of Police Labor Council/Village of Maryville, 24 PERI 113 (IL LRB-SP 2008), the Board rejected as completely lacking merit, the Employer's argument that the disputed sergeants had general supervisory authority based on the fact that they were paid more than their subordinates, had use of an office, and had sergeant's stripes on their uniforms.

See also the following precedential decisions: Metropolitan Alliance of Police, Chapter No. 441/Town of Cicero, 24 PERI 111 (IL LRB-SP 2008).

III. Employer unfair labor practices

A. Section 10(a)(1) restraint, interference and coercion

In American Federation of State, County and Municipal Employees, Council 31/Champaign-Urbana Public Health District, 24 PERI ¶122 (IL LRB-SP 2008), in the course of litigation challenging a Board's certification, Respondent filed a motion to compel the Board to file a complete record, including the following:

the dues deduction authorization cards and other evidence of majority support are by statute intended to be the equivalent of a "vote," and in the labor arena, the "voting" papers for union representation are always accessible to employer to review for validity and legality....Likewise, employers are always entitled to know which employees are eligible to vote....This same information exists in this case but is being kept from disclosure without any apparent basis.

Charging Party filed the charge, contending that Respondent's motion violated Section 10(a)(1) of the Act. The ALJ determined that Respondent, by seeking to learn through its motion, the identities of its employees who signed cards supporting Charging Party's majority interest petition, violated Section 10(a)(1) of the Act. Using the three part test set out in Wright Electric, Inc., 327 NLRB 1194, 163 LRRM 1077 (1999), enf'd, 200 F.3d 1162, 163 LRRM 2353 (8th Cir. 2000); and GUESS?, Inc., 339 NLRB 432, 172 LRRM 1361 (2003); the Board upheld the outcome determined by the ALJ, emphasizing that even if Respondent's motion met the first two

parts of the test, that is, that it was relevant and lacked an illegal objective, it nonetheless violated Section 10(a)(1) of the Act, as the employees' confidentiality interests under Section 6 of the Act far outweighed the District's need for the information.

The Board upheld the ALJ's determination in American Federation of State, County and Municipal Employees, Council 31/State of Illinois, Department of Central Management Services, 25 PERI ¶12 (IL LRB-SP 2009), that Respondent violated Section 10(a)(1) of the Act when it prohibited its non-uniformed employees from wearing union-related pins, including pins with the message "No Scabs", at Sheridan correctional facility during the period of time the certain private-sector employees employed there were on strike, noting that "substantial evidence of special circumstances, such as interference with production or safety, is required before an employer may prohibit the wearing of union insignia, and the burden of establishing those circumstances rests on the employer."

In McDaniel/Morris/County of Cook/Sheriff of Cook County, 25 PERI ¶74 (IL LRB-LP 2009), the Board found that Respondent clearly understood that at least one of the reasons Charging Parties refused to transport an arrestee with methicillin-resistant *Staphylococcus aureus* (MRSA), an antibiotic-resistant bacteria, was their concern about the safety of engaging in such conduct. Accordingly, the Board found Charging Parties engaged in protected concerted activity, Respondent knew of that activity, and that Respondent took adverse action against them as a result of their involvement in that activity. The Board concluded that since Charging Parties were suspended for engaging in such activity, their suspensions violate Section 10(a)(1) of the Act.

In Metropolitan Alliance of Police/Village of McCook, 25 PERI ¶75 (IL LRB-SP 2009), Charging Party argued that Respondent violated Section 10(a)(1) of the Act in that it reduced the pay given to patrol officers and sergeants for making court appearances, in retaliation for the representation petition Charging Party filed on their behalf. Respondent, on the other hand, contended that well before Charging Party filed the representation petition, it was engaged in reducing police department overtime expenses, and that the complained-of action was not prompted by the Union's presence. The Board noted that the motive requirement in cases such as this is satisfied simply by showing that the employer's actions were prompted by the employee's protected activity; once such a showing is made, it is immaterial that the employer may have subjectively believed that the employee's activity was not protected or that its actions were within the confines of the law. Thus, the Board further noted, the general rule that follows therefrom is that an employer should continue to grant or withhold benefits as it would if a union

were not in the picture, and if its action in granting or withholding benefits is prompted by the presence of a union, it violates the law, citing NLRB v. Otis Hospital, 545 F.2d 252 (1st Cir. 1976). Accordingly, in order to prevail, the Board observed that Charging Party had to prove by a preponderance of the evidence that the sergeants and patrol officers engaged in protected activity, that Respondent knew of that activity, and that Respondent took adverse action against them as a result of their involvement in that activity. The Board found that Respondent admitted most of the elements of Charging Party's case, in that Respondent acknowledged that during all times relevant, the sergeants and patrol officers were engaged in protected activity, it knew of that activity, and it took adverse action against them in that it reduced the pay given them for making court appearances. The only question left, the Board determined, was whether Respondent reduced their court appearance pay, in whole or in part, due to their decision to organize. The Board found that the evidence failed to indicate that Respondent took the complained-of action in retaliation for the filing of the representation petition, and noted that other than timing, Charging Party proffered no evidence in support of its contention that Respondent reduced the sergeants and patrol officers' court appearance pay, in whole or in part, due to their decision to organize. The Board further noted that it has repeatedly held that timing alone, without supporting proof to suggest that a respondent acted with unlawful motivation, was insufficient to establish a violation of the Act. Upholding the ALJ's dismissal, the Board concluded that Charging Party was unable to establish a causal link between the complained-of action and the decision to organize.

In Service Employees International Union, Local 73/Illinois State Toll Highway Authority, 25 PERI ¶76 (IL LRB-SP 2009), relying on United States Postal Service v. NLRB, 969 F.2d 1064, 1071 (D.C. Cir. 1992)(wherein the court noted "[t]he NLRB determined that the employee's Weingarten [NLRB v. Weingarten, Inc., 420 U.S. 251 (1975)] recognized right to the assistance of '[a] knowledgeable union representative,' sensibly means a representative familiar with the matter under investigation. Absent such familiarity, the representative will not be well-positioned to aid in a full and cogent presentation of the employee's view of the matter, bringing to light justifications, explanations, extenuating circumstances and other mitigating factors."), the Board found that Respondent failed to sufficiently apprise either of two employees as to the subject matter of their interviews prior thereto. In the case of the first employee, the Board noted he had several days notice of the investigatory interview, and upon learning what the interview was about, after it began, he and his union representative were allowed to privately confer whenever they asked, and in fact, they conferred frequently. The Board observed that

eventually, the employee, aided by his representative, satisfactorily answered all of Respondent's questions, and he escaped any discipline. Essentially, in the case of the first employee, the Board determined that Respondent avoided violating his Weingarten rights by allowing him and his representative, after the interview began, to confer privately whenever and as often as they wanted, thus allowing the representative to effectively give the aid and protection contemplated by Weingarten. As to the second employee, the Board found she had no advanced notice of her interview, and as a result, unlike the first employee, was unable to secure the services of any particular union representative ahead of time. Similar to the first employee, however, the Board noted the second employee did not know the subject of the interview until she surmised what it was about from Respondent's questioning. Nonetheless, the Board found that not long after beginning the interview of the second employee, without a request from her, Respondent asked whether she wanted union representation. When she replied in the affirmative, the Board noted that Respondent obtained a Union designated representative to assist her. The Board found that neither the employee, nor the representative made a request to confer at any time during the investigatory interview, but the Board noted, it was not Respondent's responsibility to offer that option, a request was necessary, citing Pacific Telephone and Telegraph Co., 262 NLRB 1048 (1982), enf'd in pertinent part, 711 F.2d 134, 137 (9th Cir. 1983). The Board concluded that the employee admitted no wrongdoing during the interview, but Respondent nonetheless suspended her at the conclusion thereof. Accordingly, the Board determined that unlike the first employee's situation, because Respondent neglected to cure its failure to provide the second employee information as to the subject matter of the interview prior thereto, it violated her rights under Weingarten, as the representative had no opportunity to give the aid and protection intended therein. The Board explained that the failure to provide information as to the subject matter of the investigatory interview constituted an unfair labor practice, but the union's contention that Respondent violated the Act by failing to provide the second employee with a knowledgeable representative was completely without merit, noting that it is the union's responsibility, not Respondent's, to provide experienced, knowledgeable union representatives. The appropriate remedy, the Board determined, was a posting, as there was no evidence the second employee's discharge was due to retaliation for asserting her right to union representation, or "predominantly dependent" upon information obtained through the unlawful interview, as she apparently admitted no wrongdoing during it. Regarding Weingarten, see also, Policemen's Benevolent Labor Committee/City of Ottawa, 25 PERI ¶43 (IL LRB-SP 2009).

B. Section 10(a)(2) discrimination

In Michael McLaughlin/Lincolnshire-Riverwoods Fire Protection District, __ PERI ____ (IL LRB-SP 2009)(Case No. S-CA-04-047, 2009), Charging Party alleged that Respondent violated Section 10(a)(2) and (1) of the Act in that it terminated his probationary employment in retaliation for his union activity. To prevail, Charging Party had to show that Respondent discharged him as a result of his union activity, however, the Board found, to the extent the record contained evidence on this point, it demonstrated that Respondent terminated his probationary employment without regard thereto. The Board noted that during Charging Party's probationary employment, Respondent employed another probationary employee. In contrast to Charging Party, the second probationer successfully completed his probationary employment. Moreover, the Board pointed out that the second probationer was openly pro-union, wearing shirts in the firehouse that referenced the union he had been represented by when he worked in other departments, wearing union decals on his hardhat, and sporting union decals on his automobile. The Board further noted that the record indicated that Respondent's fire chief was aware of the second probationer's support, as he stated to another firefighter, the local union president, words to the effect that everyone knew the second probationer came from a fire department with a strong union. Nonetheless, the Board noted that the second probationer received higher performance ratings than did Charging Party and successfully passed probation. Finding the two employees similarly situated insofar as both were probationary District employees at approximately the same time, the Board concluded that if Charging Party's theory of the case was correct, that Respondent terminated his probationary employment in retaliation for his union activity, then clearly, the second probationer should likewise have been discharged. As he did not suffer a fate similar to Charging Party's, the Board found it very unlikely that the complained-of discharge stemmed from Charging Party's union activity, and upheld the dismissal of the complaint.

In Metropolitan Alliance of Police, Chapter 126/County of DuPage/Sheriff of DuPage County, 25 PERI ¶61 (IL LRB-SP 2009), Charging Party argued Respondent involuntarily transferred employee Connell from law enforcement activities in Respondent's patrol division, to a position in the County jail's corrections bureau, stripped him of the right to wear a sheriff's office uniform, and stripped him of the right to carry a firearm, in retaliation for his years of support for Charging Party, in several organizing campaigns among Sheriff's deputies. Respondent denied that Connell suffered any adverse consequences as a result of its actions, that he was placed in a position in the jail's corrections bureau because that was where the

need for employees was the greatest, that he was stripped of the right to wear a sheriff's office uniform because of a "supervisory inquiry" into various actions by Connell, and that he was stripped of the right to carry a firearm because he no longer qualified to do so under Illinois law. To establish a *prima facie* violation of Section 10(a)(2), the ALJ noted, and the Board agreed, that Charging Party had to show that Connell engaged in union activity, that Respondent knew of that activity, and that Respondent took adverse action against him as a result of his involvement in that activity in order to encourage or discourage union membership or support. The ALJ concluded that Charging Party proved each of these elements, thereby establishing a *prima facie* violation of Section 10(a)(2), and further, found that Respondent failed to rebut Charging Party's case. The ALJ determined that Respondent violated the Act as alleged, and the Board upheld his decision.

In Wood Dale Professional Firefighters Association, Local 3594, International Association of Fire Fighters/Wood Dale Fire Protection District, __ PERI ____ (IL LRB-SP 2008)(Case No. S-CA-08-037, July 16, 2008), a default case, the Board found a violation of Section 10(a)(1) and (2) of the Act, ordered a make-whole remedy, and granted Charging Party's motion for sanctions.

C. Section 10(a)(3) discrimination

In Service Employees International Union, Local 73/Sarah D. Culbertson Memorial Hospital, 25 PERI 11 (IL LRB-SP 2009), the Board noted that to establish a violation of Section 10(a)(3) of the Act, Charging Party had to prove, by a preponderance of the evidence, that Respondent took adverse action against employee Valentine because of her involvement in proceedings before the Board. Upon a review of the record, the Board agreed with the ALJ's determination that Charging Party proved each of these elements, thereby establishing a *prima facie* violation of Section 10(a)(3), and that Respondent failed to rebut Charging Party's case. Finding Respondent violated the Act as alleged, the Board upheld the ALJ's decision.

D. Section 10(a)(4) refusal to bargain

(1) Subjects of bargaining

In Downers Grove Professional Firefighters Association, Local 3234, International Association of Fire Fighters/Village of Downers Grove, 24 PERI 114 (IL LRB-SP 2008), the Board determined that Respondent violated Section 10(a)(4) and (1) of the Act in that it refused to bargain with regard to the criteria for promotion to the rank of Battalion Chief, which is outside the bargaining unit, but pursuant to the Fire Department Promotion Act (FDPA), 50 ILCS 742 (2009), certain promotions to non-bargaining unit positions are now mandatory subjects of

bargaining. In an unpublished, non-precedential decision, the court reversed the Board's decision, Village of Downers Grove v. Ill. Labor Relations Bd., Docket No. 4-08-0837, 25 PERI ¶104 (4th Dist. June 24, 2009), finding the rank of Battalion Chief was exempted from the definition of "promotion" by the Village, a home rule municipality, prior to January 1, 2002.

(2) Transfer of unit work

In Southern Illinois Laborers' District Council/Union County State's Attorney, 25 PERI ¶1 (IL LRB-SP 2009), the Board upheld the ALJ's finding of a violation where Respondent unilaterally began dealing with two employees as if they were no longer within the Union's certified bargaining unit, or viewed another way, when it attempted to transfer the work of the bargaining unit. The Board approved the ALJ's make-whole remedy and award of sanctions.

IV. Union unfair labor practices

Section 10(b)(4) refusal to bargain

The Board upheld the ALJ's determination in Village of Bellwood/American Federation of State, County and Municipal Employees, Council 31, 25 PERI ¶95 (IL LRB-SP 2009), that the Village proved Respondent violated the duty to bargain in good faith, Section 10(b)(4) of the Act, in that it engaged in delaying tactics and conditioned bargaining over a mandatory subject of bargaining, namely, the impact or effects of the decision to subcontract, by demanding that the Village respond to its requests for information with regard to a non-mandatory subject of bargaining, namely, the decision to subcontract, which had already been resolved in the parties' collective bargaining agreement and about which the Village had no obligation to bargain.

V. Procedural issues

A. Evidence

In Janette Watkins/Amalgamated Transit Union, Local 241, 25 PERI ¶72 (IL LRB-SP 2009), the Board found no error in the ALJ's refusal to admit the transcript and decision in connection with Charging Party's unemployment compensation hearing. In support of its position, Charging Party cited to two sections of the Unemployment Insurance Act, 820 ILCS 405 (2009), contending that they provide for the admission by the ALJ of that transcript and decision. However, the Board noted that a closer examination of the cited provisions revealed that they pertained to admission of such documents in administrative and judicial proceedings arising out of the Unemployment Insurance Act. Moreover, agreeing with Respondent, the Board found Section 1900 of that Act seemed to mandate precisely the opposite of Charging

Party's position, reading in pertinent part as follows: "[n]o finding, determination, decision, ruling or order (including any finding of fact, statement or conclusion made therein) issued pursuant to [the Unemployment Insurance Act] shall be admissible or used in evidence in any action other than one arising out of this Act." The Board determined that the proffered transcript and decision was irrelevant to the instant matter, as in an unemployment compensation hearing, the standards of proof, the issues being litigated, and the litigation standards themselves are quite different from those at this agency, and undoubtedly have an effect on the result. Moreover, the Board questioned the weight to accord such offerings, using the example of credibility determinations. The Board concluded that the transcript and decision from that earlier hearing was incapable of proving a matter in controversy before this agency, citing Bullard v. Barnes, 102 Ill. 2d 506, 468 N.E.2d 1228 (1984)(wherein the court noted that evidence is relevant only if it tends to prove a matter in controversy).

B. Substitution of administrative law judges

Substitution of ALJs is irrelevant where the decision turns on a failure of proof rather than credibility. Welch, McGrew, and Widger/American Federation of State, County and Municipal Employees, Council 31, 25 PERI ¶73 (IL LRB-SP 2009). See also, North Shore Sanitary District v. Illinois State Labor Relations Board, 262 Ill. App. 3d 279, 634 N.E.2d 1243, 10 PERI ¶ 4005 (1994)(wherein the court found that the requirements of due process are met when a substitute hearing officer bases his/her decision not only on the evidence presented before him/her, but also on the evidence contained in the record before a prior hearing officer; the fact that a different hearing officer made the ultimate recommended decision is inconsequential).

C. Deferral to arbitration

In International Brotherhood of Teamsters, Local No. 714/City of East Hazel Crest, 24 PERI 97 (IL LRB-SP 2008), Charging Party filed a charge alleging that Respondent engaged in unfair labor practices within the meaning of Section 10(a)(4) of the Act, protesting the Village's discontinuance of the practice of allowing one of its sergeants to use a police car to drive to and from his home to work. Respondent denied the grievance at step one. Charging Party did not advance the grievance to step two. Instead, it made a request to bargain the economic impact of the change, which the executive director deemed to be within the 45 business days required by Article XXVII of the agreement and thus, appropriate for deferral to the grievance procedure. Respondent appealed the deferral, arguing that the executive director's interpretation of the agreement was erroneous and that the applicable provision should be interpreted such that the

45 day period applies only after Charging Party demands bargaining within 10 business days of its knowledge of the change. The Board upheld the deferral, noting that the fact that Respondent was arguing the interpretation of a provision of the collective bargaining agreement emphasizes that the matter is appropriate for deferral.

ARBITRATION AWARDS ILLINOIS LABOR RELATIONS BOARD

Following is a list of Interest Arbitration Awards. For each award, the arbitrator is noted in parenthesis after the case name. The issues and whose proposal was adopted follows. Further information on the specific resolutions of the issues may be obtained by contacting the Board's Springfield Office.

COUNTY OF ADAMS and IAMAW DISTRICT NO. 9, LOCAL 822

S-MA-09-018 (4/21/2009 – Murphy) #408

1. Wages (Employer's offer)

VILLAGE OF BELLWOOD and ILLINOIS FOP LABOR COUNCIL

S-MA-06-219 (2/9/2009 – Perkovich) #395

2. Wages (Employer's offer)
3. Retroactivity (Union's offer)
4. Lateral Transfers (Employer's offer)
5. Tentative Agreements

COUNTY OF BOONE AND SHERIFF OF BOONE COUNTY and ILLINOIS FOP LABOR COUNCIL

S-MA-08-025 (3/23/2009 – Benn) #406

1. Duration (Union's offer)
2. Wages (Employer's offer)
3. Insurance (Union's offer)
4. Pre-hearing stipulations
5. Retroactive checks

VILLAGE OF BROOKFIELD and ILLINOIS FOP LABOR COUNCIL

S-MA-07-141 (10/31/2008 – Briggs) #386

1. Patrol Work Schedule

VILLAGE OF CAHOKIA and ILLINOIS FOP LABOR COUNCIL

S-MA-08-161 (3/17/2009 – Feuille) (Stipulated) #404

1. Agreement Term
2. Wages
3. Court Standby Pay
4. Sick Leave
5. Vacations
6. Miscellaneous

TOWN OF CICERO and ILLINOIS FOP LABOR COUNCIL

S-MA-07-022 (3/21/2009 – Yaffe) #412

1. Wages (Employer's offer)
2. Longevity Pay
3. Conference Attendance (Union's offer)
4. Educational Incentives (Employer's offer)
5. Vacations
6. Uniforms (Union's offer)
7. Drug and Alcohol Policy (Status quo)
8. Discipline (Union's offer)
9. Arbitration Cost Containment Procedures
10. Day Off Group Assignments (Compromise)

COOK COUNTY FOREST PRESERVE DISTRICT and ILLINOIS FOP LABOR COUNCIL

L-MA-03-009 (2/17/2009 – Yaffe) #396

1. Sergeants Wages (Union's offer)

**COOK COUNTY FOREST PRESERVE DISTRICT and ILLINOIS FOP LABOR COUNCIL
L-MA-05-010 (2/9/2009 – Briggs) #397**

1. Wages (Employer's offer)

CITY OF CRYSTAL LAKE and IAFF LOCAL 3926

S-MA-07-251 (12/31/2008 – Larney) #393

1. Wages (Union's final offer)
2. Kelly Days (City's final offer)

CITY OF DARIEN and MAP, DARIEN POLICE CHAPTER NO. 48

S-MA-07-139 (12/10/2008 – Yaffe) #388

1. Roll Call Preparation Time (Employer's position)
2. Personal Days (Union's proposal)
3. Sick Leave Accrual and Usage
4. Assigned Vehicles
5. Uniform Allowance (Union's proposal)
6. Wages

CITY OF DECATUR and IAFF LOCAL 505

S-MA-06-204 (09/19/2008 – Hill) #381

1. Salaries (Union's offer)
2. Health Insurance (Union's offer)
3. EMT-I Stipend (Employer's offer)
4. Lieutenant Rank Differential (Union's offer)
5. Longevity Pay (Employer's offer)

VILLAGE OF DEERFIELD and ILLINOIS FOP LABOR COUNCIL

S-MA-07-148 (6/15/2009 – Briggs) #414

1. Wages (Union's offer)
2. Career Development Program (Employer's offer)
3. Health Insurance (Employer's offer)
4. Disciplinary Appeal (Employer's offer)

VILLAGE OF DEKALB and ILLINOIS FOP LABOR COUNCIL

S-MA-09-034 (6/19/2009 – Briggs) #415

1. Term
2. Wages
3. Longevity Pay
4. Step Movement
5. Employee Health Insurance Contributions
6. Lay Off
7. Retroactive Date

VILLAGE OF DOLTON and DOLTON PROFESSIONAL FIREFIGHTERS ASSOCIATION, LOCAL 3766

S-MA-09-106 (5/28/2009 – Benn) #413

1. Subcontracting
2. Wages
3. Back Pay and Benefits
4. Temporary Assignment
5. Safety Tim
6. Residency
7. IRC Section 125 Plan
8. Insurance Committee
9. Staffing

VILLAGE OF DOLTON and ILLINOIS FOP LABOR COUNCIL

S-MA-05-164 (12/16/08 – Cox) #390

1. Recognition
2. Union Security and Rights
3. Labor Management Conferences
4. Management Rights
5. Grievance Procedure
6. Hours of Work and Overtime
7. Vacations
8. Sick Leave
9. Wages and other Benefits
10. Leaves of Absence
11. Hospital, Medical, Dental and Life Insurance
12. Health and Safety
13. Substance Testing
14. Residency Requirements
15. Educational Incentive

CITY OF EAST MOLINE and IAFF LOCAL NO. 929

S-MA-08-250 (3/27/2009 – Hill) #416

1. Hours of Work (Employer's offer)
2. Health Insurance (Employer's offer)
3. Wage Scale (Employer's offer)
4. Acting Out-of-Rank (Union's offer)
5. Paramedic Stipends (Union's offer)

CITY OF EAST SAINT LOUIS and ILLINOIS FOP LABOR COUNCIL

S-MA-06-066 (11/12/2008 – Briggs) #387

1. Wages
2. Hours of Work
3. Holiday Pay
4. Probationary Period

CITY OF EFFINGHAM and ILLINOIS FOP LABOR COUNCIL

S-MA-07-151 (2/28/2009 – McAlpin) #400

1. Wages (Employer's offer)

COUNTY OF GREENE AND SHERIFF OF GREENE COUNTY & ILLINOIS FOP LABOR COUNCIL

S-MA-08-033 (07/02/2008 – Meyers) #379

1. Hours and Overtime (Union's offer)
2. Holidays (Union's offer)
3. Insurance Employer's offer)
4. Wages (Employer's offer)
5. Impasse Resolution
6. Seniority/Layoff/Recall
7. Vacations
8. Sick Leave
9. Leaves of Absence

VILLAGE OF HAWTHRONE WOODS and MAP HAWTHRONE WOODS CHAPTER #483

S-MA-08-118 (3/5/2009 - Cox) #403

1. Wages (Union's position)
2. Paid Sick and Personal Time Leave (Employer's final offer)

STATE OF ILLINOIS, DEPARTMENT OF STATE POLICE and INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 726 S-MA-08-262 (1/27/2009 – Benn) #394

1. Rank differential

**UNIVERSITY OF ILLINOIS – CHIAGO and ILLINOIS FOP LABOR COUNCIL
S-MA-07-264 (1/10/2009 – Benn) #392**

1. Salaries
2. Parking
3. Random Drug Testing
4. Overtime Grievances and Overtime

COUNTY OF KANKAKEE AND SHERIFF OF KANKAKEE COUNTY and ILLINOIS FOP LABOR COUNCIL S-MA-07-046 (12/24/2008 – Kohn) #391

1. Corrections Officer Wages (Employer's offer)
2. Clerks Wages (Employer's offer)
3. Rank Pay (Union's offer)
4. Clothing Allowance (Union's offer)
5. Union Negotiating Team (Union's offer)
6. Hours of Work (Clerks) (Union's offer)
7. Wage Language (Union's offer)
8. Residency

**COUNTY OF LAKE AND SHERIFF OF LAKE COUNTY and ILLINOIS FOP LABOR COUNCIL
S-MA-07-047 (07/02/2008 – Benn) #378**

1. Wages
2. Holiday Carry Over
3. Training TRT Members
4. Vacation
5. Family Medical Leave Act

**VILLAGE OF LINCOLNWOOD and ILLINOIS FOP LABOR COUNCIL
S-MA-08-176 (4/27/2009 – Benn) #409**

1. Wages
2. Disciplinary Appeals

**CITY OF LOCKPORT and METROPOLITAN ALLIANCE OF POLICE CHAPTER #75
S-MA-08-277 (4/28/2009 – Wolff) #410**

1. Contract Term (Employer's offer)
2. Wages (Employer's offer)
3. Compensatory Time (Employer's offer)
4. Vacation (Employer's offer)
5. Holiday Pay (Employer's offer)
6. Health Care (Employer's offer)
7. Residency (Union's offer)

**CITY OF OTTAWA and POLICEMEN'S BELEVOLENT LABOR COMMITTEE
S-MA-08-289 (2/18/2009 – Feuille) #399**

1. Duration
2. Wages
3. In-Service Training Incentive
4. Uniform Allowance
5. Discipline
6. Fire and Police Commission
7. Grievance Procedure

VILLAGE OF RIVER FOREST and ILLINOIS FOP LABOR COUNCIL

S-MA-07-106 (12/10/2008 – Cox) #389

1. Wages (Union's proposal)
2. Longevity
3. Donning and Dooffing (Employer's proposal)
4. Retiree Health Savings Plan (Employer's proposal)
5. Specialist Pay Issues
6. Vacation
7. Sick Leave Use
8. Sick Leave Buy Back (Employer's proposal)

CITY OF ROCKFORD (FIRE DEPARTMENT) and CITY FIREFIGHTERS, LOCAL 413, IAFF

S-MA-06-103 (10/21/2008 – Berman) #385

1. Wages (Employer's offer)
2. Health Insurance (Union's offer)
3. Death Benefit (Employer's offer)
4. Chiropractic Limit (Employer's offer)
5. Health and Safety Committee

CITY OF ROCKFORD and POLICEMEN'S BENEVOLENT & PROTECTIVE ASSOCIATION, UNIT 6

S-MA-06-124 (4/13/2009 – Perkovich) #407 (Stipulated)

1. Discipline
2. Wages, Health Insurance

VILLAGE OF SHOREWOOD and ILLINOIS FOP LABOR COUNCIL

S-MA-07-199 (09/30/2008 – Wolff) #382

1. Suspension and termination review (Union's offer)

VILLAGE OF SKOKIE and SKOKIE FIREFIGHTERS, IAFF 3033

S-MA-07-007 (03/09/2009 – Hill) #405 Continuation of Award #362

1. Promotional Procedures and Promotion to the rank of Captain
2. Promotion to the rank of Captain

VILLAGE OF STREAMWOOD and MAP STREAMWOOD POLICE CHAPTER #216

S-MA-07-245 (10/16/2008 – Feuille) #384 (Stipulated)

1. Holidays
2. Work Day, Work Week
3. Wages
4. Merit/Longevity
5. Termination and Successor Agreement
6. Retroactive Insurance Contribution

CITY OF SYCAMORE and IAFF LOCAL 3046

S-MA-08-267 (2/18/2009 – Hill) #398

1. Term of Agreement (Union's final offer)
2. Wages (Union's final offer)
3. Lieutenant – Acting Officer-in-Charge Pay (City's final offer)
4. Quartermaster Bonus (City's final offer)
5. Certification Incentives (City's final offer)
6. Accrued Sick Compensation at Separation – (Union's offer – deferral)
7. Sick Leave - (Union's offer – deferral)
8. Sick Leave Accrual Maximum - (Union's offer – deferral)
9. Health Insurance (Union's final offer)
10. Additional Lieutenant Stipend for Administrative Duty (City's final offer)
11. EMT/Paramedic Stipend (Union's final offer)
12. Career Service Bonus (City's final offer)
13. EMT Paramedic Preceptor Pay Bonus (City's final offer)

WOOD DALE FIRE PROTECTION DISTRICT and WOOD DALE PROFESSIONAL FIREFIGHTERS

#3594 S-MA-07-260 (09/18/2008 – Winton) #383

1. Overtime Pay
2. Overtime Assignment
3. Base Wages
4. Retroactivity of Wages
5. Paramedic Stipend/Certification Pay
6. Contributions to VEBA
7. Cancellation of Vacation
8. Promotions
9. Term of Agreement
10. Manning Equipment and Personnel Response
11. Sick Leave – Medical Exam
12. Insurance Contributions
13. Fitness Exam
14. Light Duty
15. Accumulated Time and Cash Buy Out

STATE PANEL CASELOAD STATISTICS

Unfair Labor Practice Charges		
Charges Against Employer	269	
Charges Against Labor Organization	<u>34</u>	
TOTAL		303
Representation Cases		
Amendment to Certifications	4	
Representation/Certification Petitions	181	
Employer's Representation Petitions	0	
Decertification Petitions	6	
Voluntary Recognition Petitions	10	
Unit Clarification Petitions	166	
Declaration of Disinterest Petitions	<u>2</u>	
TOTAL		369
Mediation/Arbitration		288
Grievance Arbitration		15
Declaratory Ruling		1
Strike Investigation		<u>0</u>
GRAND TOTAL OF CASES		976

STATE PANEL REPRESENTATION CASES CERTIFIED

Representation Cases Certified		
Cases Certified (Election)		42
Number of Units Certified	40	
Labor Organization Prevailed	38	
"No Representation" Prevailed	<u>2</u>	
Majority Interest Cases Certified		103
Number of Units Certified	102	
Voluntary Recognition Cases Certified		
Number of Units Certified	9	9
Decertification Cases Certified		
Number of Units Certified	4	4
Labor Organization Prevailed	1	
No Representation Prevailed	<u>3</u>	
Declaration of Disinterest Petitions Certified		8

STATE PANEL CASES BY EMPLOYER ENTITY

	<u>NUMBER OF CASES</u>	<u>NUMBER OF ACTUAL ENTITIES</u>
REPRESENTATION/DECERTIFICATION CASES		
State	57	6
County	25	16
Municipalities	89	72
Other	18	17
VOLUNTARY RECOGNITION CASES		
State	2	2
Municipalities	5	4
Other	3	2
UNIT CLARIFICATION PETITIONS		
State	123	2
County	14	11
Municipalities	14	14
Other	3	3
AMENDMENT TO CERTIFICATION PETITIONS		
State	2	2
Municipalities	2	2
REVOICATIONS OF PRIOR CERTIFICATIONS		
State	2	1
County	2	2
Municipalities	2	2
Other	2	1
CHARGE AGAINST EMPLOYER		
State	94	9
County	25	14
Municipalities	122	71
Other	28	14
CHARGE AGAINST LABOR ORGANIZATION		
County	1	1
Municipalities	3	3
Other	1	1
Individuals	34	34

STATE PANEL DISPOSITION OF CASES ACTIVE IN FY 2009

I. BOARD DECISIONS

(A) With Exceptions Filed/Board Motion

AC	1
CA	22
CB	4
RC	9
UC	5

(B) No Exceptions Filed (Non Precedential Recommendations)

AC	1
CA	10
CB	3
RC	6
RD	1
UC	5

(C) Strike Investigation 0

(D) Declaratory Ruling 2

Total Decisions 69

II. EXECUTIVE DIRECTOR DISMISSED

(Not Appealed to the Board)

AC	1
CA	33
CB	14
RC	2
UC	1

III. CERTIFIED

AC	7
DD	2
RC	147
RD	4
UC	149
VR	9

IV. WITHDRAWN

CA	171
CB	5
RC	30
RD	1
UC	24

**STATE PANEL
REPRESENTATION PETITIONS
FILED BY LABOR ORGANIZATIONS**

American Federation of State, County and Municipal Employees Council 31	46
Combined Counties Police Association	1
Illinois Council of Police	8
Illinois Federation of Public Employees	1
Illinois Federation of Teachers	1
Illinois FOP Labor Council	27
Illinois Nurses Association	1
International Association of Firefighters	11
International Association of Machinists and Aerospace Workers	1
International Brotherhood of Electrical Workers	1
International Brotherhood of Teamsters	15
International Union of Operating Engineers	14
Laborers International Union of North America	11
Laborers International Union of North America/Illinois State Employees Association	9
Metropolitan Alliance of Police	15
Policemen's Benevolent Labor Committee	14
Service Employees International Union	2
United Automobile Workers	3

STATE PANEL UNFAIR LABOR PRACTICE CHARGES

	<u>CA</u> ¹	<u>CB</u> ²
Amalgamated Transit Union	7	1
American Federation of Professional Union	1	0
American Federation of State, County and Municipal Employees	53	10
Association of Professional Police Officers	1	0
Bricklayers and Allied Craftworkers	1	0
Chicago Regional Council of Carpenters	3	0
Chicago Newspaper Guild	2	0
Danville Police Command Officers' Association	1	0
Illinois Council of Police	7	1
Illinois Federation of Public Employees	1	0
Illinois FOP Labor Council	10	7
Illinois Nurses Association	3	1
Individuals	38	0
International Association of Firefighters	24	0
International Association of Machinists and Aerospace Workers	4	1
International Brotherhood of Electrical Workers	3	1
International Brotherhood of Teamsters	38	6
International Union of Operating Engineers	9	1
Painters District Council	2	0
Laborers International Union of North America	3	0
Lake Forest Employee Association	0	1
Metropolitan Alliance of Police	14	0
Peoria Police Benevolent Association		
Policemen's Benevolent and Protective Association	6	0
Policemen's Benevolent Labor Council	17	1
Service Employees International Union	14	3
United Association of Plumbers and Pipefitters Local 99	2	0
United Automobile Workers	5	0
Waukegan Police Labor Committee	1	0

¹ Parties that filed charges against Employers.

² Labor Organizations who had charges filed against them.

**STATE PANEL
BARGAINING UNITS CERTIFIED
FY 2009**

Case Number	Employer	Labor Organization	Date Certified	Prevailing Party	No. of Employee	Unit Description
S-RC-07-103 <i>majority interest</i>	City of Saint Charles	Metropolitan Alliance of Police #28	7/10/08	MAP	9	Sergeants
S-RC-08-108 <i>majority interest</i>	County of Lawrence Existing RC-05-164	Laborers' International Union of North America	7/15/08	LIUNA	1	Courthouse Maintenance
S-RC-08-118 <i>majority interest</i>	City of Mount Olive	Illinois Council of Police	7/17/08	ICOP	2	Telecommunicators
S-RC-08-120 <i>majority interest</i>	City of Mount Olive	Illinois Council of Police	7/17/08	ICOP	3	Police Officers
S-RC-08-097 <i>majority interest</i>	County of McHenry and Coroner of McHenry County	Service Employees International Union Local 73	7/18/08	SEIU	6	Deputy Coroner/Investigator; Secretary
S-RC-08-101	County of Lake (Division of Transportation)	IUOE Local 150 and Laborers' Local Union No. 152	7/22/08	IUOE	63	Public Works Operators, Mechanics, Laborers
S-RC-08-124	Board of Trustees, Illinois State University	Policemen's Benevolent Labor Committee and Illinois FOP Labor Council	7/21/08	PBLC	3	Police Office III's
S-RC-07-006	State of Illinois, DCMS	AFSCME Council 31 and Laborers Int'l Union, Illinois State Employees Assn, Local 2002	7/23/08	AFSCME	72	Internal Security Investigator I, Internal Security Investigator II
S-RC-05-090 <i>majority interest</i>	State of Illinois, DCMS (Corrections)	Metropolitan Alliance of Police, Chapter #294	7/23/08	MAP	16	Internal Security Investigator I, Internal Security Investigator II
S-RD-08-013	Village of Hampshire (Public Works)	Colin Christensen and International Union of Operating Engineers	7/25/08	IUOE	6	Public Works employees
S-RC-08-125 <i>majority interest</i>	Village of Hanover Park	MAP, Hanover Park Sergeants Chapter #103	7/29/08	MAP	6	Police officers holding the rank of Sergeant
S-RC-08-146 <i>majority interest</i>	County of Calhoun (Sheriff)	United Steel, Paper and Forestry, Rubber, Mfg, Energy, Allied Industrial and Service Workers International Union	8/6/08	USW	9	Sergeant, Deputy, Deputy K-9, Dispatcher
S-RC-08-051 <i>majority interest</i>	Village of Westchester	Metropolitan Alliance of Police #504	8/7/08	MAP	9	Sergeant

S-RC-08-144	Village of Swansea	Illinois FOP Labor Council	8/15/08	FOP	15	Police Officers
S-RC-08-105	City of Oglesby	International Brotherhood of Electrical Workers Local 51	8/18/08	IBEW	15	Public Works,, clerical and maintenance employees
S-RC-09-008 <i>majority interest</i>	City of Altamont	Illinois Council of Police	8/11/08	ICOP	4	Police Officers
S-RC-09-009 <i>majority interest</i>	Village of Winthrop Harbor	Illinois Council of Police	8/19/08	ICOP	6	Telecommunicator Community Service Officer
S-RC-09-003 <i>majority interest</i>	City of Watseka	Laborers' International Union of North America	8/20/08	Laborers'	11	Public Work Employees
S-RC-08-119	Village of Rockdale	Illinois Council of Police	8/25/08	ICOP	7	Patrol Officers
S-RC-08-082 <i>majority interest</i>	City of Coffeen (Public Works)	Int'l Union of Operating Engineers Local 148	09/04/08	IUOE	3	Public Works Employees
S-RC-08-156	County of Morgan and Morgan County Sheriff	Illinois FOP Labor Council	9/11/08	FOP	39	Corrections Officers , Building Engineer, Court Deputy, clerical and maintenance staff
S-RC-08-136	County of Macoupin and Sheriff of Macoupin County	Policemen's Benevolent Labor Committee & Illinois FOP Labor Council	9/11/08	PBLC	38	Deputies, Corrections Officers, Telecommunicators, Bailiffs, clerical & maintenance staff
S-RC-08-138	County of Macoupin and Sheriff of Macoupin County	Policemen's Benevolent Labor Committee & Illinois FOP Labor Council	9/11/08	PBLC	8	Captain, Lieutenant, Sergeant, Telecommunications Sergeant
S-RC-09-010 <i>majority interest</i>	County of Crawford and Sheriff of Crawford County	Illinois FOP Labor Council	9/11/08	FOP	1	Add Administrative Assistant to existing unit
S-RC-08-117	City of Kankakee	International Union of Operating Engineers Local 399	9/15/08	IUOE	4	Laboratory Analysts at Wastewater Treatment Facility
S-RC-09-016 <i>majority interest</i>	City of Aledo	International Union of Operating Engineers Local 150	9/15/08	IUOE	5	City –wide Clerical unit
S-RC-08-110 <i>majority interest</i>	County of Tazewell and Sheriff of Tazewell County	Policemen's Benevolent Labor Committee	9/15/08	PBLC	13	Control Room Technician
S-RC-09-015 <i>majority interest</i>	Village of Roselle	Service Employees International Union Local #73	9/15/08	SEIU	28	Firefighter, Company Officer, Firefighter/Paramedic, Firefighter/EMT. EMT, Training Officer

S-RC-09-018 <i>majority interest</i>	State of Illinois, DCMS (Transportation)	Teamsters' Local Union #916	9/18/08	IBT	48	Add Technical Manager V to existing unit
S-RC-08-071	Village of Libertyville	Libertyville Professional Firefighters, IAFF Local 3892	9/23/08	IAFF	6	Add Lieutenant to existing Firefighter unit
S-RC-09-019 <i>majority interest</i>	Channahon Fire Protection District	Channahon Professional Firefighters Association, IAFF Local 4681	9/24/08	IAFF	10	Firefighter
S-RC-09-005 <i>majority interest</i>	County of Boone and Treasurer of Boon County	United Automobile Workers	9/26/08	UAW	3	Clerk, Deputy Treasurer
S-RC-09-007 <i>majority interest</i>	State's Attorney of Boone County	United Automobile Workers	9/26/08	UAW	4	Victim/Witness Coordinator, Office Manager, Paralegal, Administrative Assistant
S-RC-08-115	Circuit Clerk of Lake County	Teamsters Local Union #714	9/26/08	IBT	127	Clerical Employees
S-RC-08-121	City of Sandwich	Illinois FOP Labor Council	9/29/08	FOP	11	Sworn Police Officer below the rank of Sergeant
S-RC-08-026 <i>majority interest</i>	State of Illinois (DCMS)	AFSCME Council 31	10/2/08	AFSCME	6	Public Service Administrator, Option 8L (Public Health)
S-RC-09-043 <i>majority interest</i>	Cherry Valley Fire Protection District	Cherry Valley Firefighters, Local 4690, IAFF	10/3/08	IAFF	12	Firefighters
S-RC-09-033 <i>majority interest</i>	Village of Elburn	Illinois Council of Police	10/3/08	ICOP	7	Patrol Officer Sergeant
S-RC-09-027 <i>majority interest</i>	Minooka Fire Protection District	Minooka Fire Fighters Union, IAFF	10/3/08	IAFF	8	Firefighters Lieutenants
S-RC-08-150	City of Herrin	Laborers' Int'l Union of North American Local 773 & Illinois FOP Labor Council	10/6/08	FOP	15	Police Officers in the rank of Sergeant and below
S-RC-09-004	City of Herrin	Laborers' Int'l Union of North American Local 773 & Illinois FOP Labor Council	10/6/08	Laborers'	7	Dispatcher Records clerk/Dispatcher
S-RC-09-025 <i>majority interest</i>	Village of Elwood (Department of Public Works)	International Brotherhood of Teamsters Local 179	10/08/08	IBT	5	Utility Workers Maintenance Worker
S-RC-09-041 <i>majority interest</i>	City of Crest Hill	MAP, Crest Hill Sergeants Chapter #16	10/08/08	MAP	5	Sergeants
S-RC-09-001 <i>majority interest</i>	McHenry County Circuit Clerk	MAP, McHenry County Circuit Clerk's Chapter #515	10/08/08	MAP	52	Court/Courtroom Specialists Courtroom Records Specialist

S-RC-06-015 <i>Majority interest</i>	Town of Cicero	MAP, Cicero Lieutenants Chapter #441	10/10/08	MAP	6	Lieutenant
S-RC-09-045 <i>majority interest</i>	City of Darien	International Union of Operating Engineers Local 150	10/10/08	IUOE	16	Public Works General Utility, Mechanic Water Plant Supply Specialist
S-RC-09-023 <i>majority interest</i>	City of Genoa	MAP, Genoa Police Chapter #327	10/10/08	MAP	7	Patrol Officer
S-RC-09-012	City of Paxton	Illinois FOP Labor Council	10/15/08	FOP	5	Sworn police in the rank of Sergeant and below
S-RC-09-050 <i>majority interest</i>	City of Zeigler	Laborers' International Union of North America Local #773	10/14/08	Laborers'	2	Police Officers
S-RC-09-044 <i>majority interest</i>	Village of Pawnee	Policemen's Benevolent Labor Committee	10/17/08	PBLC	12	Dispatchers/ Telecommunicators Police Officers
S-RC-08-123	Village of Sugar Grove	Illinois FOP Labor Council	10/24/08	FOP	4	Sergeant
S-RC-09-031 <i>majority interest</i>	East Dundee Fire Protection District	East Dundee Professional Firefighters Association, IAFF	10/29/08	IAFF	6	Firefighter/Paramedic
S-RC-08-089 <i>majority interest</i>	Village of Roselle	Roselle Professional Firefighters Association	11/10/08	IAFF	3	Include Shift Commander And Shift Commander/Paramedic
S-RC-09-011	City of Zion	Illinois FOP Labor Council	11/17/08	FOP	7	Sergeant
S-RC-09-068 <i>majority interest</i>	County of Fulton (Highway Dept.)	AFSCME Council 31	11/20/08	AFSCME	2	Include Accounting Administrative Specialist, Executive Assistant
S-RC-09-039	Chief Judge of the 16 th Judicial Circuit	MAP, 16 th Judicial Circuit Court Probation Officers and Youth Home Counselors Chap. #528 And Teamsters Local 330	11/20/08	Teamsters	130	Court Probation Officers and Youth Home Counselors
S-RC-09-047	Village of Kildeer	Illinois FOP Labor Council	11/26/08	FOP	19	Sworn Police Officers
S-RC-09-066 <i>majority interest</i>	Village of Bethalto	Laborers' International Union of North America Local 338	11/24/08	Laborers'	3	Add Water Department Clerk to Public Works
S-RC-07-078 S-RC-07-150	State of Illinois, DCMS	SEIU Local 73 And AFSCME Council 31	12/2/08	AFSCME	938	Public Service Administrator, Option 6
S-RC-09-021	Rutland Dundee Fire Protection District	Rutland Dundee Professional Firefighters Union, IAFF	12/4/08	IAFF	6	Firefighters Fire Lieutenants
S-RC-09-067 <i>majority interest</i>	Village of Downers Grove	Illinois FOP Labor Council	12/8/08	FOP	9	Communications Operators

S-RC-08-040 <i>majority interest</i>	State of Illinois, DCMS	AFSCME Council 31	12/15/08	AFSCME	74	Include Human Resource Specialist
S-RC-09-058 <i>majority interest</i>	Caseyville Township Sewer System	Int'l Union of Operating Engineers, Local 148	12/15/08	IUOE	9	Crew Chiefs Operators Laborers
S-RD-09-004	Clark County Circuit Clerk	Kathy S. Oakley and Int'l Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers Local 439	12/16/08	No Rep	5	Deputy Clerk Chief Deputy Clerk
S-RC-09-026	County of Clinton and Sheriff of Clinton County	Policemen's Benevolent Labor Committee	12/16/08	PBLC	9	Dispatchers/ Telecommunicators
S-RC-09-040	Village of Rantoul	Illinois FOP Labor Council	12/16/08	FOP	6	Sergeants
S-RC-09-070	City of Leland Grove	Illinois FOP Labor Council	12/17/08	No Rep	5	Police Officers
S-RC-09-195 <i>Majority interest</i>	City of Elgin	Elgin Association of Firefighters Local 439	12/17/08	IAFF	7	Firefighters Fire Lieutenants Captains
S-RC-09-046	County of Henderson and Sheriff of Henderson County	International Union of Operating Engineers, Local 649	12/19/08	IUOE	6	Deputies
S-RC-09-056	County of Henderson and Sheriff of Henderson County	International Union of Operating Engineers, Local 649	12/19/08	IUOE	5	Telecommunicators/Jailers
S-RC-09-030	County of Tazewell and Sheriff of Tazewell County	Policemen's Benevolent Labor Committee and Illinois FOP Labor Council	12/19/08	PBLC	35	Sworn officers below the rank of Captain
S-RC-09-059 <i>Majority interest</i>	City of Naperville	Illinois FOP Labor Council	12/19/08	FOP	25	Telecommunicator II
S-RC-09-069 <i>Majority interest</i>	Village of Beecher	Teamsters, Local 714	12/19/08	IBT	7	Patrol Officers Corporals
S-RC-09-024	Village of Swansea	Illinois FOP Labor Council	12/22/08	FOP	4	Sergeant
S-RC-09-035	County of Kane and Sheriff of Kane County	Policemen's Benevolent Labor Committee and AFSCME Council 31	12/29/08	PBLC	115	Corrections Officers Corrections Sergeants
S-RC-09-029	County of Kane and Sheriff of Kane County	Policemen's Benevolent Labor Committee	12/29/08	PBLC	31	Court Security Officer

S-RC-09-017 <i>majority interest</i>	Village of Westchester	Combined Counties Police Association, Clerical Westchester Chapter	12/29/08	CCPA	9	Village Wide Clerical Unit
S-RD-09-002	City of Nashville	James R. Aiken and James M. Leonard and Teamsters Local #50	12/31/08	No Rep	2	Water Treatment Plant Operators
S-RC-09-037 <i>majority interest</i>	County of Kane (Dept of Building and Grounds)	AFSCME Council 31	12/31/08	AFSCME	13	Janitor I, Janitor II, Maintenance Worker Lead Maintenance Worker
S-RC-09-076 <i>majority interest</i>	State of Illinois, DCMS	AFSCME Council 31	01/06/09	AFSCME	2	Actuary III
S-RC-09-054 <i>majority interest</i>	City of LeRoy	Illinois Council of Police	1/7/09	ICOP	5	Patrol Officer Sergeant
S-RC-09-074 <i>majority interest</i>	City of White Hall (Police Dept.)	Policemen's Benevolent Labor Committee	1/8/09	PBLC	11	Police Officers, Dispatchers, Billing Clerks, Collectors
S-RC-07-162 <i>majority interest</i>	State of Illinois, DCMS	AFSCME Council 31	1/13/09	AFSCME	14	RC-062 Kid Care Supervisors
S-RC-05-153 <i>majority interest</i>	County of DuPage and Sheriff of DuPage County	MAP DuPage County Sheriff's Police Chapter #126	1/15/09	MAP	189	REINSTATEMENT OF CERTIFICATION Deputy Sheriff's below the rank of Sergeant
S-RC-09-022 <i>majority interest</i>	City of Farmington	Laborers' Local 231	1/26/09	Laborers'	6	Public Works employees and Office Assistants at City Hall
S-RC-05-194 <i>majority interest</i>	City of Delavan (Police Department)	United Auto Workers, Local 974	1/27/09	UAW	3	UNIT CORRECTION Police officers including Police Chief
S-RC-08-130 <i>majority interest</i>	State of Illinois, DCMS (DHFS)	AFSCME Council 31	1/29/09	AFSCME	6	Add PSA Opt. 8L to RC-10 OCB
S-RC-08-154 <i>majority interest</i>	State of Illinois, DCMS (DHS)	AFSCME Council 31	1/29/09	AFSCME	1	Add PSA Opt. 8L to RC-10 OCB
S-RC-08-091 <i>majority interest</i>	City of Peru	International Union of Operating Engineers Local 150	1/30/09	IUOE	16	Public Works Unit Laborer, Mechanics, Horticulturist
S-RC-09-078 <i>majority interest</i>	City of Roodhouse (Police Department)	International Union of Operating Engineers, Local 148	2/4/09	IUOE	4	Patrol Officer Sergeant
S-RC-09-083 <i>majority interest</i>	Northwest Central Dispatch	MAP, Northwest Central Dispatch Chapter #540	2/5/09	MAP	54	Telecommunicator I Telecommunicator 3 Telecommunicator 4
S-RC-08-053 <i>majority interest</i>	City of South Beloit	Laborers International Union Local 32	2/9/09	Laborers'	8	Laborers Operators

S-RC-09-086 <i>majority interest</i>	City of Paxton	Chauffeurs, Teamsters and Helpers Local 26	2/10/09	Teamster	8	Employees in the water, sewage and street departments
S-RC-09-102 <i>majority interest</i>	State of Illinois, DCMS	AFSCME Council 31	2/25/09	AFSCME	2	Add Fire Protection Specialist to RC-062
S-RC-09-082	County of Tazewell and Tazewell County Sheriff	Policemen's Benevolent Labor Committee And Illinois FOP Labor Council	2/27/09	FOP	47	Security employees including Jailers, matrons and other employees within the locked confines of the County Jail
S-RC-08-081	City of Peru	International Brotherhood of Electrical Workers, Local 51	2/27/09	IBEW	10	Foremen, Mechanics, Technicians, Operators, Lineman
S-RC-09-091 <i>majority interest</i>	Village of DePue	Illinois Council of Police	3/5/09	ICOP	6	Part-time Police Officers
S-RC-09-114 <i>majority interest</i>	City of Roodhouse	International Union of Operating Engineers, Local 148	3/5/09	IUOE	4	Dispatcher
S-RC-09-094 <i>majority interest</i>	City of Carbondale	Illinois FOP Labor Council	3/5/09	FOP	8	Telecommunicators
S-RC-09-064 <i>majority interest</i>	State of Illinois, DCMS	AFSCME Council 31	3/12/09	AFSCME	1	Add Gas Engineer II to RC-063 unit
S-RC-09-089	City of Highland Park	Teamsters Local union #714	3/23/09	Teamster	5	Sworn peace officers in the rank of Sergeant
S-RC-09-116 <i>majority interest</i>	State of Illinois, DCMS	Illinois Nurses Association	3/23/09	INA	4	Include RN – Advanced Practice in RC-023
S-RC-09-006 <i>majority interest</i>	State of Illinois, DCMS	AFSCME Council 31	03/23/09	AFSCME	82	Include Employment Security Field Office Supervisor in RC-062
S-RC-09-095 <i>majority interest</i>	City of Lake Forest (Fire Dept)	Lake Forest Professional Firefighters, IAFF Local 1898	03/23/09	IAFF	30	Firefighter Firefighter/Paramedic Firefighter Lieutenant/Paramedic
S-RC-09-088 <i>majority interest</i>	City of Colona	Teamsters Local Union 371, IBT	03/24/09	Teamster	7	Public Works Operators, Leadsman, Laborers
S-RC-08-086 <i>majority interest</i>	City of Harrisburg	Laborers' International Union of North America Local 773	03/26/09	Laborers'	2	Mayor's Secretary Police Chief's Secretary
S-RC-09-100 <i>majority interest</i>	State of Illinois, DCMS	AFSCME Council 31	03/31/09	AFSCME	2	Rehabilitation Workshop Supervisor III
S-RC-09-101 <i>majority interest</i>	Village of Sleepy Hollow	Illinois Council of Police	04/06/09	ICOP	5	Peace Officers below the rank of Sergeant
S-RC-09-107 <i>majority interest</i>	Village of Poplar Grove	International Union of Operating Engineers Local 150	04/07/09	IUOE	6	Employees of the Wastewater Treatment Plant, Water Department and Street Department

S-RC-09-081 <i>majority interest</i>	City of Naperville (Electric Dept.)	International Brotherhood of Electrical Workers, Local 9	04/13/09	IUOE	6	Add Electric Utility System Controller to existing Public Works Unit
S-RC-09-118 <i>majority interest</i>	City of Venice (Street Department)	International Union of Operating Engineers, Local 148	4/14/09	IUOE	4	Street Department Worker Superintendent of Streets
S-RC-09-130 <i>majority interest</i>	City of Olney (Fire Department)	International Association of Fire Fighters Local 4301	4/20/09	IAFF	2	Firefighters
S-RD-09-006	Shawnee Mass Transit District	Britton Misker and General Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local 347	5/1/09	No Rep	20	All full and part-time Drivers and Driver/Dispatchers.
S-RC-08-046 and S-RC-05-004 <i>majority interest</i>	State of Illinois, DCMS; State of Illinois, DCMS	AFSCME Council 31 Laborer's Int'l Union/Illinois State Employees Association	5/4/09	AFSCME	250	Human Service Casework Manager
S-RC-04-070 and S-RC-04-058 <i>majority interest</i>	State of Illinois, DCMS; State of Illinois, DCMS	AFSCME Council 31 Illinois State Employees Association, Local 2002, Laborers' Int'l Union of North America	5/4/09	AFSCME	120	Resident Services Supervisor
S-RC-09-097	City of Waukegan	Policemen's Benevolent Labor Committee and Waukegan Police Labor Committee (Incumbent)	5/4/09	PBLC	125	Program Manager at Bureau of Communications and Computer Services
S-RC-07-172 <i>majority interest</i>	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees Council 31	5/4/09	AFSCME	29	Data Processing Supervisor I, Data Processing Supervisor II, Data Processing Supervisor III
S-RC-09-090 <i>majority interest</i>	State of Illinois, Department of Central Management Services	Laborers' International Union of America, Local 2002, Illinois State Employees Association	5/8/09	LIUNA/ ISEA	6	Include Public Service Administrator, Option 8L (Corrections)
S-RC-09-113 <i>majority interest</i>	County of Lake and Sheriff of Lake County	Teamsters Local Union #714	5/8/09	Teamsters	6	Lieutenant
S-RC-08-068 <i>majority interest</i>	State of Illinois, DCMS	American Federation of State, County and Municipal Employees, Council 31	5/14/09	AFSCME	5	Add Statistical Research Supervisor to RC-63-OCB

S-RC-07-174 <i>majority interest</i>	State of Illinois, DCMS	AFSCME Council 31	5/14/09	AFSCME	16	Senior Public Service Administrator, Option 8P (Pharmacy Director)
S-RC-09-119 <i>majority interest</i>	Town of Cicero	Illinois Council of Police	5/18/09	ICOP	9	Detention Officer Lock Up Keeper
S-RC-09-127 <i>majority interest</i>	Village of Manhattan	International Union of Operating Engineers Local 150	5/18/09	IUOE	7	Public Works Clerk Development Assistant Accountant, Finance Clerk, Administrative Clerk, Building and Zoning Assistant, Utility Billing Clerk
S-RC-08-054 <i>majority interest</i>	State of Illinois, DCMS	Illinois Federation of Public Employees, Local 4407, IFT-AFT	5/19/09	IFPE	13	Security Officer Lieutenant Security Officer Chief
S-RC-09-128	State of Illinois, DCMS	Teamsters Local 916	5/20/09	No Rep	2	INCLUDE Electrical Engineer II, employed at the Illinois Commerce Commission, in Pro Tech unit
S-RC-06-177 <i>majority interest</i>	Village of Broadview	Illinois Council of Police	5/21/09	ICOPS	7	Sergeants
S-RC-09-073 <i>majority interest</i>	Chief Judge of the Circuit Court of Cook County	American Federation of State, County and Municipal Employees, Council 31	5/21/09	No Rep	16	Legislation transferred Juvenile Temporary Detention Center Caseworkers from Cook County to Chief Judge of Cook County (State Panel jurisdiction). Petition seeks to include title of Supervisor of Juvenile Temporary Detention Center Caseworkers.
S-RC-09-146 <i>majority interest</i>	Lemont Township Highway Department	Laborers' Local #165	5/26/09	Laborers'	5	Highway Department employees
S-RC-09-099	Quadcom Regional Emergency Communications Network	Metropolitan Alliance of Police, Quadcom Regional Emergency Communications Network, Chapter #546	5/26/09	MAP	11	Emergency Communications Operator Training Supervisor Shift Supervisor
S-RC-09-038	State of Illinois, DCMS	American Federation of State, County and Municipal Employees, Council 31 And	6/1/09	AFSCME	22	Senior Public Service Administrator, Option 8E
S-RC-09-060	State of Illinois, DCMS	Laborers' International Union/Illinois Employees Association, Local 2002				
S-RC-09-143 <i>majority interest</i>	County of Randolph and Sheriff of Randolph County	American Federation of State, County and Municipal Employees, Council 31	6/2/09	AFSCME	3	Add Courthouse Security Officers

S-RC-09-056 <i>majority interest</i>	State of Illinois, DCMS	American Federation of State, County and Municipal Employees, Council 31	6/3/09	AFSCME	1	Add Plumbing Consultant Dept. of Public Health to RC-62-OCB
S-RC-09-152 <i>majority interest</i>	Village of Sandoval	Laborers' International Union of North America, Local 582	6/4/09	Laborers'	6	Employees of the Water, Sewer and Street Departments and Police Officer
S-RC-09-131 <i>majority interest</i>	Village of Vernon Hills	Illinois FOP Labor Council	6/10/09	FOP	32	Sworn Patrol Officer
S-RC-09-168 <i>majority interest</i>	Village of Riverton (Water, Sewer, Street and Gas Departments)	Laborers' Local 477	6/10/09	Laborers'	13	Public Works employees
S-RC-09-172 <i>majority interest</i>	City of Nokomis	Illinois Council of Police	6/11/09	ICOP	3	Sworn officers below the rank of Chief
S-RC-09-162 <i>majority interest</i>	County of St. Clair and Sheriff of St. Clair County	Illinois FOP Labor Council	6/11/09	FOP	13	Bailiff
S-RC-08-100 <i>majority interest</i>	County of Richland and County Clerk, Treasurer, Sheriff and Highway Department	Laborers' International Union of North America	6/15/09	Laborers'	1	Include in S-RC-02-040 Clerical employees in the Highway Department
S-RC-09-164 <i>majority interest</i>	City of Vienna (Police Department)	Teamsters' Local #347	6/17/09	Teamsters	3	Police Officer
S-RC-09-178 <i>majority interest</i>	Village of Grandview (Police Department)	Laborers' Local #477	6/16/09	Laborers'	6	Patrolman
S-RC-09-123 <i>majority interest</i>	County of Winnebago and Sheriff of Winnebago County	Illinois FOP Labor Council	6/19/09	FOP	15	Sergeant
S-RC-09-137 <i>majority interest</i>	Tri-Com Central Dispatch	Metropolitan Alliance of Police, Tri-Com Center Dispatch Chapter #531	6/23/09	MAP	15	Telecommunicator CAD System Administrator Shift Supervisor
S-RC-09-135 <i>majority interest</i>	Township of Belvidere (Assessor's Office)	International Union, United Automobile, Aerospace and Agricultural Implement Workers of America	6/23/09	UAW	4	Deputy Assessor Chief Deputy Assessor
S-RC-09-141 <i>majority interest</i>	Village of Glenview	Illinois FOP Labor Council	6/23/09	FOP	12	Telecommunicators

S-RC-09-190 <i>majority interest</i>	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees Council 31	6/30/09	AFSCME	2	Add Julie Enforcement Investigator (ICC) to RC-62 unit
S-RC-09-125	Sugar Grove Fire Protection District	Sugar Grove Professional Fire Fighters Union/IAFF Local #4748	6/30/09	IAFF	21	Firefighter/Paramedics Lieutenants
S-RC-09-150	City of Washington	Policemen's Benevolent Labor Committee and Illinois FOP Labor Council	6/30/09	PBLC	18	Patrol Officer Sergeant

CERTIFICATION OF VOLUNTARILY RECOGNIZED REPRESENTATIVE

Case Number	Employer	Labor Organization	Date Certified	No. of Employees	Unit Type
S-VR-08-004	County of Williamson (Sheriff)	Laborers' Int'l Union of North America #773	7/11/2008	3	Corrections Captain & Lieutenant
S-VR-09-002	City of Grayville	International Union of Painters and Allied Trades	10/16/2008	8	Police Officers Dispatchers
S-VR-09-004	City of Grayville	International Union of Painters and Allied Trades	10/16/2008	8	Clerical, Streets and Utility Department Employees
S-VR-09-006	City of Jerseyville	AFSCME Council 31	3/24/09	22	City wide unit
S-VR-09-001	Addison Fire Protection District #1	Addison Professional Fire Fighters Union, Local #4727, IAFF	4/16/09	40	Firefighters Firefighter/Paramedic
S-VR-09-008	St. Clair Township	International Union of Operating Engineers, Local 148	5/8/09	7	Sewer Department and Clerical Department
S-VR-09-010	St. Clair Township	International Union of Operating Engineers, Local 148	5/8/09	6	Road Department
S-VR-09-012	Village of Crossville	Painters District council #58	6/30/09	4	Billing Clerks Utility Workers
S-VR-09-003	Village of Maywood	Metropolitan Alliance of Police Chapter #386	6/30/09	7	Supervisory Peace Officers

AMENDMENT OF CERTIFICATION

Case Number	Employer	Labor Organization	Date Certified	Unit Type
S-AC-09-004	City of Collinsville	International Union of Operating Engineers, Local 148B	3/12/09	Employer name change from IUOE Local 2B

REVOCATION OF PRIOR CERTIFICATION

Case Number	Employer	Labor Organization	Date Certified	Unit Type
S-VR-04-002 S-VR-04-006	Champaign-Urbana Public Health District	AFSCME Council 31	7/31/08	Health Care Professional/Non-Professional
S-RC-05-153	County of DuPage and Sheriff of DuPage County	MAP, DuPage County Sheriff's Police Chapter #126	8/6/2008	Sworn Police
S-UC-08-396 S-AC-08-002	Chief Judge of the 7 th Judicial Circuit (Macoupin County)	AFSCME Council 31	8/15/08	Full-time employees of the Chief Judge in Macoupin County including Chief Deputy
S-RC-06-005	Village of Morton Grove	MAP Morton Grove Sergeants Chapter #435	10/2/08	Sergeant
S-DD-09-002	County of Piatt, Treasurer, Supervisor of Assessments and Animal Control of Piatt County	International Union of Operating Engineers, Local 965	1/2/09	S-RC-05-160 All full-time and regular part-time clerical and secretarial employees
S-DD-09-001	Village of Broadview	International Brotherhood of Teamsters, Local 726	1/22/09	S-RC-98-059 Public Works Department employees

LOCAL PANEL CASELOAD STATISTICS

Unfair Labor Practice Charges

Charges Against Employer	104	
Charges Against Labor Organization	<u>66</u>	
TOTAL		170

Representation Cases

Amendment to Certifications	7	
Representation/Certification Petitions	32	
Employer's Representation Petitions	0	
Decertification Petitions	0	
Voluntary Recognition Petitions	0	
Unit Clarification Petitions	8	
Declaration of Disinterest Petitions	<u>0</u>	
TOTAL		47

Mediation/Arbitration 18

Grievance Arbitration 0

Declaratory Ruling 0

Strike Investigation 0

235

LOCAL PANEL DISPOSITION OF CASES ACTIVE IN FY 2009

I.	BOARD DECISIONS			
	(A) With Exceptions Filed/Board Motion			
	CA		6	
	CB		2	
	RC		<u>8</u>	
	(B) No Exceptions Filed (Non Precedential Recommendations)			
	CB		1	
	RC		<u>3</u>	
	Total Decisions			20
II.	EXECUTIVE DIRECTOR DISMISSED (Not Appealed to the Board)			
	CA		40	
	CB		9	
	RC		<u>3</u>	
				52
III.	CERTIFIED			
	AC		6	
	RC		28	
	UC		<u>10</u>	
				44
IV.	WITHDRAWN			
	CA		32	
	CB		20	
	RC		9	
	UC		<u>3</u>	
				64

**LOCAL PANEL
REPRESENTATION PETITIONS
FILED BY LABOR ORGANIZATIONS**

American Federation of State, County and Municipal Employees Council 31	18
Caregivers and Healthcare Employees Union	4
Chicago Joint Board RWDSU Local 200	1
Illinois FOP Labor Council	1
Nurse Alliance of SEIU Healthcare	1
Service Employees International Union Local 20	4
Teamsters Local 714	3

LOCAL PANEL BARGAINING UNITS CERTIFIED FY 2009

Case Number	Employer	Labor Organization	Date Certified	Prevailing Party	No. of Employee	Unit Description
L-RC-08-028 <i>majority interest</i>	City of Chicago	American Federation of State, County and Municipal Employees	7/28/08	AFSCME	7	To be included in existing unit: Supervisor of 311 Operations
L-RC-08-033 <i>majority interest</i>	County of Cook (Health Department)	American Federation of State, County and Municipal Employees	7/29/08	AFSCME	1	Systems Analyst II
L-RC-08-030 <i>majority interest</i>	County of Cook (Health Department)	American Federation of State, County and Municipal Employees	7/31/08	AFSCME	9	Epidemiologist II Epidemiologist III
L-RC-08-017 <i>majority interest</i>	City of Chicago	American Federation of State, County and Municipal Employees	8/4/08	AFSCME	1	Help Desk Supervisor
L-RC-08-043 <i>majority interest</i>	City of Chicago (Public Health)	Teamsters #743	8/20/08	IBT	32	Public Health Nurse III and IV
L-RC-09-006 <i>majority interest</i>	City of Chicago	AFSCME Council 31	8/21/08	AFSCME	2	Head Cashier
L-RC-09-004 <i>majority interest</i>	City of Chicago	American Federation of State, County and Municipal Employees	9/12/08	AFSCME	5	Add Principal Telecommunications Specialist to existing unit
L-RC-09-005 <i>majority interest</i>	City of Chicago	American Federation of State, County and Municipal Employees	9/12/08	AFSCME	7	Senior Database Analyst To existing unit
L-RC-09-007 <i>majority interest</i>	Cook County Office of the President, Bureau of Health, Public Health Department	American Federation of State, County and Municipal Employees, Council 31	10/08/08	AFSCME	1	Accountant V
L-RC-07-018 <i>majority interest</i>	Cook County Zoning Board of Appeals, Cook County Office of the President	Service Employees International Union, Local 73	10/08/08	SEIU	3	Zoning Land Planners; Stenographer I, II, III, IV, V; Administrative Assistant I, II, IV
L-RC-08-025 <i>majority interest</i>	City of Chicago	American Federation of State, County and Municipal Employees, Council 31	12/24/08	AFSCME	5	Include Supervising Disease Control Investigator
L-RC-09-022 <i>majority interest</i>	City of Chicago	AFSCME Council 31	12/31/08	AFSCME	1	Include Telephone Systems Administrator
L-RC-06-024 L-RC-06-035 <i>majority interest</i>	County of Cook	AFSCME Council 31 and SEIU Local 73	1/9/09	AFSCME	20	Cook County Medical Examiner's Office employees

L-RC-09-016	City of Chicago	AFSCME Council 31	1/12/09	AFSCME	1	Include Technical Training Specialist
L-RC-08-040 L-RC-08-041 <i>majority interest</i>	City of Chicago	AFSCME Council 31	1/23/09	AFSCME	7	Include in existing bargaining unit Recruiter I, Recruiter II
L-RC-06-013 L-RC-06-016 L-RC-06-023 <i>majority interest</i>	County of Cook (Bureau of Health)	AFSCME Council 31 and Chicago Joint Board, Local 200, Retail, Wholesale, Department Store Union	1/27/09	Chicago Joint Board	66	Administrative Assistant III; Administrative Assistant IV
L-RC-09-019 <i>majority interest</i>	City of Chicago	AFSCME Council 31	3/2/09	AFSCME	5	Add to existing unit in Department of Information and Technology Senior Programmer/Analyst
L-RC-09-026 <i>majority interest</i>	Cermak Health Services of Cook County	SEIU Local 20 (Doctors Council SEIU)	3/5/09	SEIU	2	Attending Physician Dentist
L-RC-09-009	Cook County Sheriff	AFSCME Council 31 and Metropolitan Alliance of Police and International Brotherhood of Teamsters Local 714	3/30/09	Teamsters	3300	Security Employees
L-RC-09-025	County of Cook and Sheriff of Cook County	Teamsters Local 714 and Illinois FOP Labor Council	4/15/09	FOP	23	Investigator II in the Fugitive Unit
L-RC-09-023	Cook County Office of the President, Cook County Bureau of Health	American Federation of State, County and Municipal Employees, Council 31 and Licensed Practical Nurses of Illinois	5/13/09	PBNA	225	Licensed Practical Nurses
L-RC-09-032 <i>majority interest</i>	Cook County Office of the President, Bureau of Health, Public Health Department	American Federation of State, County and Municipal Employees, Council 31	6/3/09	AFSCME	1	Clinical Laboratory Supervisory, Medical Examiner's Office
L-RC-09-029 <i>majority interest</i>	County of Cook (Office of the Medical Examiner)	Service Employees International Union, Local 20 (Doctors Council SEIU)	6/9/09	SEIU	9	Assistant Medical Examiners Physicians
L-RC-07-032 <i>majority interest</i>	City of Chicago	Illinois Council of Police	6/22/09	ICOP	30	Aviation Security Sergeant

AMENDMENT OF CERTIFICATION

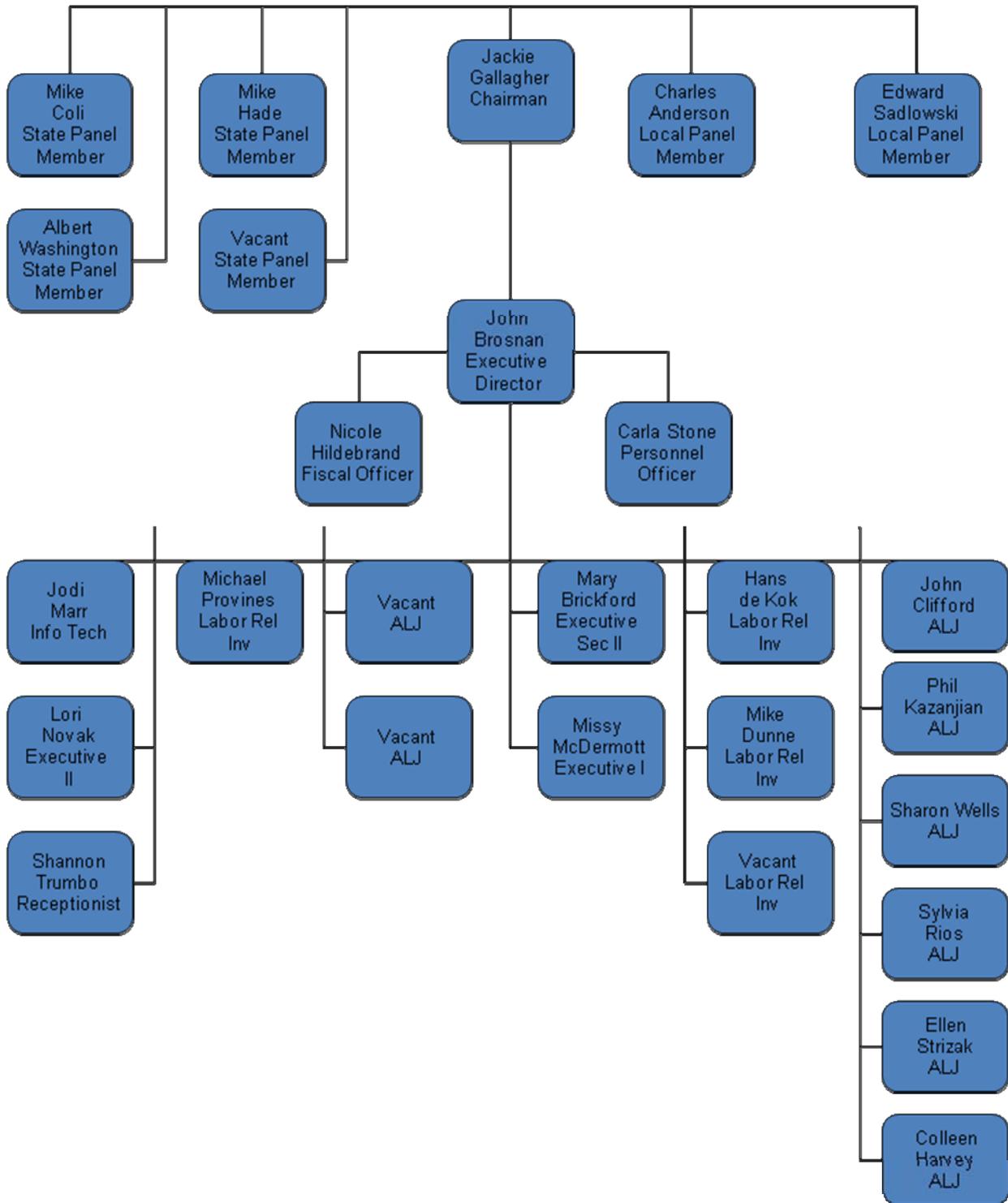
Case Number	Employer	Labor Organization	Date Certified	Unit Type
L-AC-09-001	Chief Judge of the Circuit Court of Cook County	International Brotherhood of Teamsters #714	12/23/08	Change of employer name from Cook County
L-AC-09-002	Provident Hospital, Cook County	Service Employees International Union Local #20 (Doctors Council SEIU)	12/30/08	Add to Union name: Doctors Council SEIU
L-AC-09-003	Cermak Hospital, Cook County	Service Employees International Union Local #20 (Doctors Council SEIU)	12/30/08	Add to Union name: Doctors Council SEIU
L-AC-09-004	Cook County (Ambulatory Health Network)	Service Employees International Union Local #20 (Doctors Council SEIU)	12/30/08	Add to Union name: Doctors Council SEIU
L-AC-09-005	Oak Forest Hospital, Cook County	Service Employees International Union Local #20, Local 73-HC (Doctors Council SEIU)	12/30/08	Add to Union name: Doctors Council SEIU
L-AC-09-006	Cook County Bureau of Health	American Federation of State, County and Municipal Employees, Council 31, AFL-CIO	12/31/08	Employer name change from T. B. Sanitarium to Cook County Bureau of Health

FISCAL YEAR 2009 BUDGET

The Illinois Labor Relations Board's budget appropriation for Fiscal Year 2009 was

PERSONAL SERVICES	1,183,700
RETIREMENT CONTRIBUTIONS	210,700
SOCIAL SECURITY	90,600
CONTRACTUAL SERVICES	224,300
TRAVEL	20,000
COMMODITIES	4,500
PRINTING	4,000
EQUIPMENT	4,500
EDP	63,700
TELECOMMUNICATIONS	<u>44,000</u>
	1,850,000

Illinois Labor Relations Board FY 2009



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