



Illinois Labor Relations Board

2012
ANNUAL REPORT



Illinois Labor Relations Board

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 28th annual report of the Illinois Labor Relations Board (ILRB) giving an overview of decisions rendered, statistics of case activity, relevant court decisions, and our budget and staffing from July 1, 2011 through June 30, 2012.

The ILRB has offices in Springfield and Chicago. The ILRB consists of two panels with five members on the State Panel and three members on the Local Panel. 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 ILRB is grateful to Governor Pat Quinn, Mayor Rahm Emanuel and Cook County Board President Toni Preckwinkle for giving us the responsibility to help maintain a positive relationship between public employers and their employees.

Sincerely,

A handwritten signature in black ink, appearing to be "John J. Hartnett", written over a horizontal line.

John J. Hartnett
Chairman

Enclosure

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JURISDICTION OF THE BOARD

The Illinois Public Labor Relations Act (Act), 5 ILCS 315 (2010), enacted into law as Public Act 83-1012, effective July 1, 1984, and last amended effective August 26, 2011, 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 resolves, or if necessary, adjudicates labor disputes.

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, 115 ILCS 5 (2010), the Illinois Public Labor Relations Act provides comprehensive statutory regulation of public sector collective bargaining in Illinois. 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 duties under the Act include the following:

1. Rendering determinations on all charges alleging unfair labor practices under the Act, after investigation and, potentially, hearing;
2. Processing petitions seeking the certification or decertification of collective bargaining representatives of public employees, often 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 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.

There was only one amendment to the Act during FY2012. Public Act 97-586, effective August 26, 2011, amended the definition of "exclusive representative" in Section 3(f) of the Act to include the following language:

Where a historical pattern of representation exists for the workers of a water system that was owned by a public utility, as defined in Section 3-105 of the Public Utilities Act, prior to becoming certified employees of a municipality or municipalities once the municipality or municipalities have acquired the water system as authorized in Section 11-124-5 of the Illinois Municipal Code, the Board shall find the labor organization that has historically represented the workers to be the exclusive representative under this Act, and shall find the unit represented by the exclusive representative to be the appropriate unit.

FUNDING OF THE BOARD

In FY 2012, the Illinois Labor Relations Board was funded as follows:

Regular Positions	\$1,034,000
Social Security/Medicare	\$79,100
Contractual Services	\$90,600
Travel	\$7,500
Commodities	\$900
Printing	\$400
Equipment	\$500
Electronic Data Processing	\$18,200
Telecommunication	\$27,600
Agency Operations	\$150,600
Total	\$1,409,400

ILLINOIS LABOR RELATIONS BOARD MEMBERS

STATE PANEL

Jacalyn J. Zimmerman (Chairman)
Libertyville
(retired 8/31/12)

Paul Besson
Chicago

James Brennwald
Chicago

Michael G. Coli
Crystal Lake

Albert Washington
Matteson

LOCAL PANEL

Robert M. Gierut (Chairman)
Darien

Charles Anderson
Chicago

Edward Sadlowski
Chicago
(retired 6/30/12)

Richard Lewis
Chicago
(effective 6/30/12)

ILLINOIS LABOR RELATIONS BOARD STAFF

EXECUTIVE DIRECTOR
Melissa Mlynski

GENERAL COUNSEL
Jerald Post

PERSONNEL OFFICER
Carla Stone

FISCAL OFFICER
Nicole Hildebrand

INVESTIGATORS
Thomas Allen
Hans de Kok
Michael Dunne
Mike Provines

ATTORNEYS
Eileen Bell
Anna Hamburg-Gal
Philip Kazanjian
Martin Kehoe
Michelle Owen
Elaine Tarver

INFORMATION TECHNOLOGY
Jodi M. Marr

ADMINISTRATIVE STAFF
Melissa McDermott
Lori Novak
Shannon Trumbo

SELECTED CASE SUMMARIES

I. Jurisdiction

Final/Appealable Order, Interest Arbitration

In a non-precedential decision in Cnty. of McHenry v. Ill. Labor Relations Bd and City of Marengo v. Ill. Labor Relations Bd, 2012 IL App (2d) 110438-U, 28 PERI ¶90, the 2d District Appellate Court consolidated employer appeals from two Board decisions involving an amendment to the Act that went into effect January 1, 2010, providing an interest arbitration option for units of fewer than 35 employees bargaining a first CBA. In both cases before the court, the employer refused to proceed to interest arbitration, arguing that the amendment did not apply because the subject negotiation began prior to the January 1, 2010 effective date of the new law. The Board dismissed the union's charge in each case, finding that there was no violation of the Act because the employer had a good faith basis for its refusal to arbitrate. However, the Board also ruled in both cases that the new law was intended to apply to negotiations in progress as of January 1, 2010, and therefore directed the issuance of interest arbitrator panels to the parties. In an unpublished order, the Appellate Court ruled that the Board's orders were not appealable "final orders of the Board" under Section 11(e) of the Act, because the orders did not "terminate the [interest arbitration] proceedings before the Board." The court based this ruling on its determination that the Board "is intimately involved in that arbitration process, as it is responsible for establishing the arbitration panel, assigning some of the arbitrators, and overseeing the arbitration process." The Appellate Court therefore dismissed the employers' appeals for lack of jurisdiction. The Board's decisions are reported at 27 PERI ¶34 (IL LRB-SP 2011) and 27 PERI ¶36 (IL LRB-SP 2011).

Jurisdiction, Confidential, Managerial, Right to Hearing

By means of a non-precedential order issued in Dep't of Cent. Mgmt. Servs. v. Ill. Labor Relations Bd., 2012 IL App (4th) 100729-U, 28 PERI ¶91, the court affirmed the Board's determination that CMS had failed to raise an issue for hearing regarding the confidential or managerial status of four CMS attorneys. The court also determined that it did not have subject matter jurisdiction over CMS' appeal of the Board's remand for a hearing on the confidential status of a fifth attorney, since the Board's administrative procedures had not been exhausted during the pendency of the remand hearing process. 26 PERI ¶83 (IL LRB-SP 2010).

Jurisdiction, Supervisory, Managerial

In SEIU, Local 73 and Illinois Secretary of State, 28 PERI ¶ 068 (IL LRB-SP 2011), the Board adopted the ALJ's recommendation that Executive Is and IIs are neither supervisors nor managers and should be added to the bargaining unit. The Board held that it retained authority to consider the petition for representation despite having failed to resolve the matter within the 120 days specified in Section 9(a-5), and rejected the Petitioner's countervailing argument that the Board should make the certification *nunc pro tunc* where it failed to meet this deadline.

Timeliness

In Maryanne Tighe and Teamsters, Local 726, 28 PERI ¶48 (IL LRB-SP 2011), the Executive Director dismissed an untimely charge filed on April 27, 2010 for an incident that occurred during August 2009. The Board affirmed the dismissal, as the charge was clearly outside of the six-month limitation period established by Section 11(a) of the Act.

In Arlency Pitts and Chicago Fire Fighters Union, Local 2, 28 PERI ¶63 (IL LRB-LP 2011), the Board upheld the Executive Director's dismissal of an untimely unfair labor practice charge where Charging Party did not file his charge until nearly eight months after the alleged unlawful conduct occurred.

II. Representation Issues

A. Unit determination/appropriateness

Severance, Appropriate Unit

In Ill. Council of Police and City of Chicago, Serv. Emps. Int'l. Union, Local No. 73 & Int'l. Bhd. Elec. Workers, Local 21, 28 PERI ¶80 (IL LRB-LP 2011), the Board affirmed the ALJ's dismissal of ICOP's petition to sever a group of Aviation Security Officers ("ASOs") from the City of Chicago's "Unit II" bargaining unit, jointly represented by IBEW Local 21 and SEIU Local 73. The ASOs had been the subject of a previous severance petition, which the Board dismissed in 2001 for lack of any showing that the petition met the Board's standards for severance from an existing unit, specifically, that (1) the employees to be severed share a significant and distinct community of interest; and (2) there is a demonstrated conflict with other segments of the existing unit, or their interests have been ineffectively represented by an unresponsive bargaining agent. ICOP's petition for severance in this case was initially dismissed by the Board's Executive Director, based on the 2001 Board decision. Following ICOP's appeal of the dismissal, the Board remanded the case for hearing, on its determination that changes in airline travel and airport security since 2001 warranted reexamination of the appropriateness of severance. In its decision, the Board agreed with the ALJ's recommended decision following hearing that the changes in ASOs' duties were not sufficient to merit a conclusion that ICOP had met the Board's severance standards. In its decision, the Board noted that ICOP's appeal was misguided in its focus on the question of whether the ASOs qualify as "peace officers" under the Act, because the ASOs were already part of a "mixed" unit that included non-peace officers, and the determination of whether they qualified as "peace officers" was irrelevant to the severance issue.

Appropriate Unit

In Am. Fed'n. of State, Cnty. & Mun. Emps., Council 31 and City of Naperville, 28 PERI ¶98 (IL LRB-SP 2011), the Board upheld the ALJ's recommended decision dismissing the Union's petition to represent a bargaining unit of employees in 19 different titles in two different City departments. In dismissing the petition, the ALJ cited the Board's long-standing preference for broad-based bargaining units, and found that the petitioned-for unit inappropriately excluded unrepresented employees in other City departments who share identical job titles, similar duties, and other similar terms and conditions of employment with the petitioned-for employees. Specifically, the ALJ determined that both the petitioned-for employees and the excluded employees in other departments were all recruited, promoted and transferred by the City's human resources department, were all subject to six months probation, subject to the same discipline, paid according to a centralized cross-departmental salary range, and participated in the same benefits and leave plans. The ALJ also found that the petitioned-for employees did not constitute a sufficiently distinct and identifiable group so as to warrant separate representation, noting that the two departments encompassed by the petition had separate budgets, the employees in each department had different duties, and the two departments generally had no greater functional integration with each other than they had with other City departments. In a dissent, Chairman Zimmerman stated that she would find the petitioned-for unit appropriate, based on what she saw as the City's demonstrated pattern of bargaining with single-department units, the fact that the two departments encompassed by the petition had been a single department until shortly before the filing of the petition, and the fact that only three employees excluded by the petition occupied the same job title as petitioned-for employees.

Severance

In Int'l Bhd. of Elec. Workers, Local 21 v. Ill. Labor Relations Bd., 2011 IL App (1st) 1101671, 28 PERI ¶44, the court affirmed the Board's decision to dismiss, without an evidentiary hearing, petitions filed by Int'l Brotherhood of Electrical Workers, Local 21, who wanted to sever three City of Chicago job classifications from the "Unit II" collective bargaining unit jointly represented by Local 21 and Service Employees Int'l Union, Local 73. The three job classifications were Police Communications Officers I and II (PCOs) and Aviation Communications Officers (ACOs). Local 21 filed three petitions including a unit clarification petition, a petition to amend certification, and a representation petition, all of which the Board found to be procedurally and substantively deficient. The court affirmed the Board's dismissal of both the unit clarification petition and the petition to amend certification on the grounds that neither was procedurally proper for severing a group of employees from a currently recognized bargaining unit and creating a new unit. The court also affirmed the Board's dismissal of the representation petition, filed as a majority interest petition, because Board rules do not allow labor organizations seeking

recognition to use majority interest petitions when another labor organization is already recognized in accordance with the Act. See 80 Ill. Admin. Code 1210.20(a), (b).

Apart from the procedural issues, the court also affirmed the Board's finding that Local 21's petition was substantively deficient. Local 21 could not meet the two part test required for severance: 1) employees petitioning for severance must share a significant and distinct community interest; and 2) employees petitioning for severance must have had conflicts with other segments of the existing bargaining unit or a record of ineffective and unresponsive representation by the bargaining unit. See City of Chicago (Bridge Tenders), 2 PERI ¶3022 (IL LRB 1986). The court found that the Board did not err in its findings that the interests of the ACOs and PCOs are not significantly different than those of the other segments of Unit II, and that the joint representation of Unit II had not subverted the interests of the PCOs and ACOs in order to better benefit the rest of Unit II anymore than what the courts have in the past called a "reasonable byproduct of the collective bargaining process."

B. Section 3(c) confidential employees

Jurisdiction, Confidential, Managerial, Right to Hearing

By means of a non-precedential order issued in Dep't of Cent. Mgmt. Servs. v. Ill. Labor Relations Bd., 2012 IL App (4th) 100729-U, 28 PERI ¶91, the court affirmed the Board's determination that CMS had failed to raise an issue for hearing regarding the confidential or managerial status of four CMS attorneys. The court also determined that it did not have subject matter jurisdiction over CMS' appeal of the Board's remand for a hearing on the confidential status of a fifth attorney, since the Board's administrative procedures had not been exhausted during the pendency of the remand hearing process. 26 PERI ¶83 (IL LRB-SP 2010).

Supervisor, Confidential

By means of a non-precedential order issued in Ill. Fraternal Order of Police, Labor Council v. Ill. Labor Relations Bd., 2012 IL App (1st) 111691-U, 28 PERI ¶162 (27 PERI ¶69), the First District affirmed the Board's order dismissing the Union's petition to represent the City of Springfield's police lieutenants, and the Board's determination that the employees are supervisors under the Act. The court rejected the Union's argument that the employees do not exercise the requisite independent judgment, concluding that they could, without substantial oversight, determine whether to administer lesser forms of discipline, such as oral counseling and verbal and written reprimands, or no discipline at all. The court also found that the lieutenants exercise independent judgment in effectively recommending more serious forms of discipline. The court rejected the Board's ruling that the employees are also confidential, finding that, although two of the lieutenants had participated in contract negotiations for the City, they did not engage in this function in the regular course of their duties, because one lieutenant's participation was by his own request, and the other participated only as a short-term substitute.

Confidential

In Am. Fed'n. of State, Cnty. & Mun. Emps., Council 31 and State of Ill., Dep't. of Cent. Mgmt. Servs., 29 PERI ¶12 (IL LRB-SP 2012), the Board adopted the ALJ's recommended order finding Erin Davis, an employment law attorney for CMS, to be confidential within the meaning of the Act, and therefore excluded from representation. The ALJ based her ruling on her finding that Davis' collaboration with CMS' labor relations unit with respect two matters: Human Rights Commission charges related to grievances, and a case before the Civil Service Commission that impacted work performed by represented employees, qualified her position as confidential under both the "labor nexus" and "authorized access" tests. In adopting this ruling, the Board noted that the amount of time the employee spent collaborating with labor relations was irrelevant, and that the critical fact was that the collaboration occurred in the regular course of her duties, and not on an ad hoc basis. The Board expressly declined to address the Employer's cross-exceptions, in which the Employer argued that the ALJ erred in finding that certain other functions performed by Davis were not indicative of confidential status, reasoning that a determination as to whether those other functions are also confidential in nature was unnecessary to the Board's resolution of the case. The petition in this case, which also sought to represent four other CMS attorneys, was the subject of the Fourth District's January 20, 2012, order in Ill. Dep't of Cent. Mgmt. Serv. v. Ill. Labor Relations Bd., 2012 IL App (4th) 100729-U, 28 PERI ¶91, denying the union's appeal on the ground that the Board's administrative procedures had not yet been exhausted with respect to Davis, and affirming the Board's ruling that the other four attorneys are neither confidential nor managerial under the Act.

Confidential

In Dep't of Cent. Mgmt. Serv. v. Ill. Labor Relations Bd., 2011 IL App. (4th) 090966, pet. for leave to appeal pending, the appellate court reversed in part, affirmed in part, and remanded the Board's decision in AFSCME, Council 31 and State of Illinois, Dep't of Cent. Mgmt. Serv., 25 PERI ¶161 (IL LRB-SP 2009) and ISEA and Laborers' Int'l Union, Local 2002 and SEIU, Local 73 and State of Illinois, Dep't of Cent. Mgmt. Serv., 25 PERI ¶161 (IL LRB-SP 2009). The court found to be confidential employees who have access to the Governor's nonpublic budget proposals, the employer's long range plans and staffing needs, financial data directly used in collective bargaining negotiations and budget and salary information which most certainly would be used in negotiations. With respect to the labor-nexus test, the court found the superior assisted by the employees at issue need not be primarily responsible for collective bargaining negotiations, merely that they be involved in formulating, determining and effectuating the employer's labor relations policy.

Supervisor, Confidential

In Laborers' Int'l Union of N. Am., Local 2002, Illinois State Employees Association and State of Illinois, Dep't of Cent. Mgmt. Serv. (Illinois Department of Corrections), 28 PERI ¶46 (IL LRB-SP 2011), the Board agreed with the ALJ's determination that employees in the job title of Public Service Administrator, Option 7, employed as Internal Security Investigator IIIs, were not confidential employees, but found they were supervisors where they spent a preponderance of their working time on supervisory tasks such as assigning cases to subordinates, reviewing subordinates' reports, and disciplining subordinates.

C. Section 3(j) managerial employees

Jurisdiction, Confidential, Managerial, Right to Hearing

By means of a non-precedential order issued in Dep't of Cent. Mgmt. Servs. v. Ill. Labor Relations Bd., 2012 IL App (4th) 100729-U, 28 PERI ¶91, the court affirmed the Board's determination that CMS had failed to raise an issue for hearing regarding the confidential or managerial status of four CMS attorneys. The court also determined that it did not have subject matter jurisdiction over CMS' appeal of the Board's remand for a hearing on the confidential status of a fifth attorney, since the Board's administrative procedures had not been exhausted during the pendency of the remand hearing process. 26 PERI ¶83 (IL LRB-SP 2010).

Managerial

In Am. Fed'n. of State, Cnty. & Mun. Emps., Council 31 and State of Ill., Dep't of Cent. Mgmt. Servs. (Dep't. of Human Servs.), 28 PERI ¶126 (IL LRB-SP 2012), the Board upheld the ALJ's recommended order rejecting the Employer's argument that an administrative law judge for the State's Department of Human Services should be excluded from representation as a managerial employee. The Board agreed with the ALJ's ruling that the position failed to meet either of the two criteria that must be satisfied under the statutory definition, in that the employee at issue was neither predominantly engaged in executive and management functions, nor charged with the responsibility of directing the effectuation of management policies and procedures. The Board held that, regardless of how often the employee's recommended decisions were adopted by her several layers of supervisors and, ultimately, by the Secretary of Human Services, the employee did not meet the statutory criteria because her recommended decisions are not generally available to the public, are never cited as binding precedent, and merely apply "specific facts presented to her to legal standards developed by others for the various programs administered by DHS," rather than setting or even impacting those standards. The Board also agreed with the ALJ that the position is not managerial as a matter of law, under the "alternative test," because the employee does not have authority to issue decisions "without review by layers of superiors and she never functions as a surrogate for the Secretary issuing a decision in her place." Finally, the Board also rejected the Employer's more generalized argument that allowing the administrative law judge to be represented would result in "divided loyalties" when she is called upon to rule on cases that might affect other bargaining unit employees. The Board noted that all represented employees owe a duty of loyalty to their employer, and are therefore to some extent faced with the potential for divided loyalties, and that this generalized concern alone was therefore insufficient to warrant exclusion, absent evidence that the position met the criteria for one or more of the specific exclusions delineated in the Act by the General Assembly.

Supervisor, Managerial

In Am. Fed'n. of State, Cnty. & Mun. Emps., Council 31 and State of Ill., Dep't. of Cent. Mgmt. Servs., 28 PERI ¶160 (IL LRB-SP 2012), the Board upheld the ALJ's ruling certifying AFSCME as the representative of three administrative law judge positions in the State's Department of Healthcare and Family Services, and rejecting the employer's argument that all three positions should be excluded as managerial, and that one should be excluded as supervisory.

Managerial

In Am. Fed'n. of State, Cnty. & Mun. Emps., Council 31 and State of Ill., Dep't. of Cent. Mgmt. Servs. (Pollution Control Bd.), 29 PERI ¶13 (IL LRB-SP 2012), the Union filed a petition to represent two Environmental Scientists, and the Employer argued that they should be excluded as managerial. Based on the parties' written submissions in response to a rule to show cause, the ALJ rejected the Employer's argument, and found that there existed no issue of fact or law sufficient to warrant a hearing. On review, the Board remanded the matter for hearing, citing an ambiguity evident from comparing the job descriptions and an affidavit submitted by the employees' supervisor, regarding the extent to which the employees at issue might make effective recommendations regarding environmental policy. The Board pointed out that, because it is the Employer's burden to prove the elements of a claimed exclusion from representation, and the affidavit suggesting the employees have no role in formulating agency policy would normally prevail over the more general job descriptions suggesting they do, the ambiguity created by these two documents would normally be resolved against the Employer, and the employees would be added to the bargaining unit without hearing. However, because the Employer's arguments in this case were premised on the Fourth District's holding in Dep't. of Cent. Mgmt. Servs./Ill. Commerce Comm'n. v. Ill. Labor Relations Bd., 406 Ill. App. 3d 766 (2010), issued at the same time that the Employer provided to the Board its written submission in this case, the Board determined that it would prefer to address the legal issue raised by the Employer on the basis of a more fully developed evidentiary record.

Managerial

In Dep't of Cent. Mgmt. Serv. v. Ill. Labor Relations Bd., 2011 IL App. (4th) 090966, pet. for leave to appeal pending, the appellate court reversed in part, affirmed in part, and remanded the Board's decision in AFSCME, Council 31 and State of Illinois, Dep't of Cent. Mgmt. Serv., 25 PERI ¶161 (IL LRB-SP 2009) and ISEA and Laborers' Int'l Union, Local 2002 and SEIU, Local 73 and State of Illinois, Dep't of Cent. Mgmt. Serv., 25 PERI ¶161 (IL LRB-SP 2009). The court found the Board used too stringent a standard when determining whether employees were managerial, and that they do not need to independently formulate policy to qualify as managerial. The court found several Public Service Administrator Option 2s to be managerial because they developed and revised policies and directed the effectuation of the policies, even though they did not do so independently.

Managerial

In AFSCME, Council 31 and Illinois State Board of Elections, 28 PERI ¶70 (IL LRB-SP 2011), the Board adopted the ALJ's recommendation that 55 employees in a variety of titles employed at the Illinois Board of Elections were not managerial employees. The evidence provided by the Employer was mostly irrelevant to the issue of whether the employees met the statutory definition of a manager in section 3(j). The Board rejected the Employer's argument that all Board of Elections employees should be excluded from the bargaining unit under the managerial exclusion because of the unique nature of the Employer and because of the Petitioner's involvement in political activity. The Board found that because employees of the Board of Elections were not explicitly excluded under the Act's definition of public employee, while employees of other agencies were specifically excluded, the legislature did not intend for all Board of Elections employees to be excluded.

Supervisor, Managerial

In SEIU, Local 73 and Illinois Secretary of State, 28 PERI ¶68 (IL LRB-SP 2011), the Board adopted the ALJ's recommendation that Executive Is and IIs are neither supervisors nor managers and should be added to the bargaining unit. The Board held that it retained authority to consider the petition for representation despite having failed to resolve the matter within the 120 days specified in Section 9(a-5), and rejected the Petitioner's countervailing argument that the Board should make the certification *nunc pro tunc* where it failed to meet this deadline. The Board also stated that it cannot base a determination of the public employee status of the Executive

Is and IIs on the fact that they are already members of collective bargaining units, and must review evidence presented concerning their actual duties instead. The Board held that because the Employer failed to show evidence of how much time was spent in rewarding, disciplining, or discharging subordinates, the ALJ correctly concluded that the Executive Is and IIs did not spend a preponderance of their employment time exercising supervisory authority. The Board also held that the Employer had made no attempt at proving that the Executive Is and IIs spent most of their time in managerial functions, and failed at proving that they had a substantial amount of discretion to determine how policies would be affected. The Board rejected Employer's argument that some of the Executive Is and IIs must be managerial because they are the highest ranking employees at their facilities, finding no evidence that the employees make the sorts of managerial decisions to provide services in a manner unique to their particular facilities.

Managerial, Confidential

In AFSCME, Council 31 and State of Illinois, Dep't of Cent. Mgmt. Serv., 28 PERI ¶50 (IL LRB-SP 2011), the Board adopted the ALJ's recommended finding that four attorney assistants, working under the title of Public Service Administrator, Option 8L, at the Illinois Pollution Control Board were neither managerial nor confidential employees within the meaning of the Act. It rejected the Employer's contention that these employees were managerial pursuant to the rationales articulated in Chief Judge of the Cir. Ct. of Cook Cnty. v. AFSCME, Council 31, 229 Ill. App. 3d 180 (1st Dist. 1992) and Salaried Em. of N. Am. v. Ill. Local Labor Relations Bd., 202 Ill. App. 3d 1031 (1st Dist. 1990) (SENA). Members Coli and Kimbrough dissented, finding that the SENA case did control, because the attorney assistants in this case worked very closely with top management, as did the employees in SENA.

D. Section 3(r) supervisory employees

Supervisor

In Am. Fed'n. of State, Cnty. & Mun. Emps., Council 31, AFL-CIO and Cnty. of Cook, 28 PERI ¶85 (IL LRB-LP 2011), the Board affirmed the ALJ's ruling that the four Building Custodian Is at issue are not supervisors within the meaning of the Act, based on the finding that the County failed to show that any supervisory functions performed by the employees were more significant than their non-supervisory functions. In its decision, the Board modified the ALJ's ruling only to the extent that the ALJ had found that the authority to issue written reprimands is not supervisory. Instead, the Board found that issuing written reprimands, which may impact future levels of discipline, can constitute the exercise of supervisory authority to discipline, but that, in this case, the employees do not exercise the requisite independent judgment in issuing written warnings.

Supervisor

In Serv. Emps. Int'l. Union, Local, Local 73, CLC-CTW and City of Chi., 28 PERI ¶86 (IL LRB-LP 2011), the Board reversed the ALJ's ruling that eleven Supervising Investigators employed by the City of Chicago's Independent Police Review Authority are public employees under the Act. While the Board agreed with the ALJ's conclusion that the employees are not managerial, the Board held that, contrary to the ALJ's determination, the employees are "supervisors" under the Act. The ALJ's ruling that the Supervising Investigators are not supervisors was premised on his finding that, although their principal work is substantially different from that of their subordinates, and they consistently exercise independent judgment in issuing discipline, resolving grievances and rewarding subordinates, they do not meet the preponderance requirement because they spend most of their time instructing their subordinates and reviewing their reports and investigative cases, and that these functions did not constitute supervisory "direction" within the meaning of the Act. In reviewing the record, the Board concluded that, contrary to the ALJ's finding, the Supervising Investigators' review and instruction of their subordinates is supervisory direction, and not merely the giving of suggestions or advice, because 95% of the investigations they supervise are either closed without any input from the Supervisors' superiors, or are submitted to their superiors with full agreement between the Supervisors and their subordinates that the underlying disciplinary allegations have merit. The Board also found that, in the vast majority of cases, the subordinates do not challenge the Supervisors' instructions or opinions. Therefore, the Board ruled, because the Supervising Investigators spend the preponderance of their time engaged in supervisory direction, they meet all four elements of the supervisory test, and the Union's petition to represent them was dismissed. In a dissent, Member Sadlowski stated that he would have affirmed the ALJ's recommended decision in its entirety, including the ALJ's rejection of the City's arguments that the

Supervising Investigators should be excluded as managerial employees, and that a stand-alone unit of Supervising Investigators would not be an appropriate unit under the Act.

Supervisor

In Am. Fed'n. of State, Cnty. & Mun. Emps., Local 31, AFL-CIO and Cnty. of Cook, 28 PERI ¶109 (IL LRB-LP 2012), the Board upheld the ALJ's ruling rejecting the Employer's contention that respiratory therapy supervisors are supervisors within the meaning of the Act. Specifically, the ALJ rejected the Employer's argument that the employees are supervisors under the Act because they direct and/or discipline subordinates with the consistent exercise of independent judgment. The ALJ concluded that, because the employees do not exercise any supervisory authority within the meaning of the Act, they are not statutory supervisors.

Supervisor

By way of a non-precedential order issued in Ill. Fraternal Order of Police, Labor Council v. Ill. Labor Relations Bd., 2012 IL App (1st) 111692-U, 28 PERI ¶134, the court affirmed the Board's determination (27 PERI ¶68) that police sergeants for the City of Carbondale are supervisors. The court based its decision on the sergeants' authority to discipline subordinates, and therefore did not need to address IFOP's arguments that the Board had erred in finding that the sergeants also have the supervisory authority to direct.

Supervisor

With a non-precedential order in Vill. of Richton Park v. Ill. Labor Relations Bd., 2012 IL App (1st) 110289-U, 28 PERI ¶143, the First District reversed the Board's determination (26 PERI ¶151) that police sergeants employed by the Village of Richton Park are not supervisors under the Act. The court ruled that evidence of the existence of authority to effectively recommend varying levels of discipline was sufficient to find that the sergeants are supervisors, despite the absence of any evidence that such authority had ever in fact been exercised.

Supervisor, Managerial

In Am. Fed'n. of State, Cnty. & Mun. Emps., Council 31 and State of Ill., Dep't. of Cent. Mgmt. Servs., 28 PERI ¶160 (IL LRB-SP 2012), the Board upheld the ALJ's ruling certifying AFSCME as the representative of three administrative law judge positions in the State's Department of Healthcare and Family Services, and rejecting the employer's argument that all three positions should be excluded as managerial, and that one should be excluded as supervisory.

Supervisor, Confidential

By means of a non-precedential order issued in Ill. Fraternal Order of Police, Labor Council v. Ill. Labor Relations Bd., 2012 IL App (1st) 111691-U, 28 PERI ¶162 (27 PERI ¶69), the First District affirmed the Board's order dismissing the Union's petition to represent the City of Springfield's police lieutenants, and the Board's determination that the employees are supervisors under the Act. The court rejected the Union's argument that the employees do not exercise the requisite independent judgment, concluding that they could, without substantial oversight, determine whether to administer lesser forms of discipline, such as oral counseling and verbal and written reprimands, or no discipline at all. The court also found that the lieutenants exercise independent judgment in effectively recommending more serious forms of discipline. The court rejected the Board's ruling that the employees are also confidential, finding that, although two of the lieutenants had participated in contract negotiations for the City, they did not engage in this function in the regular course of their duties, because one lieutenant's participation was by his own request, and the other participated only as a short-term substitute.

Supervisor

In Dep't of Cent. Mgmt. Serv. v. Ill. Labor Relations Bd., 2011 IL App. (4th) 090966, pet. for leave to appeal pending, the appellate court reversed in part, affirmed in part, and remanded the Board's decision in AFSCME, Council 31 and State of Illinois, Dep't of Cent. Mgmt. Serv., 25 PERI ¶161 (IL LRB-SP 2009) and ISEA and Laborers' Int'l Union, Local 2002 and SEIU, Local 73 and State of Illinois, Dep't of Cent. Mgmt. Serv., 25 PERI ¶161 (IL LRB-SP 2009). The court focused its analysis on the second prong of the supervisory analysis: having authority to hire, transfer, suspend, lay off, recall, promote, discharge, direct, reward, or discipline employees, adjust grievances, or recommend any of those actions. The court found that the Board improperly interpreted

“independent judgment” to mean that the supervisory employee does not involve any other employee in her decision-making process. Additionally, the court found that an employee can have her work reviewed by a superior and still be a supervisor under the Act. The court also found that employees who have the authority to independently assign and monitor work of subordinates satisfy the requirement that a supervisor “direct” subordinates with independent judgment. Having found some of the employees performed some of the statutory indicia of supervisory authority, the court directed they be excluded without considering the final element of the statutory definition: that the employees spend a preponderance of their employment time on these tasks.

Supervisor

In a non-precedential decision in MAP, Streamwood Sergeants Chapter 217 v. Ill. Labor Relations Bd., 2011 IL App (1st) 110144-U, the court affirmed the State Panel’s determination in Village of Streamwood and Metropolitan Alliance of Police, Streamwood Sergeants Chapter #217, 26 PERI ¶134 (IL LRB-SP) that sergeants employed by the Village of Streamwood are supervisors within the meaning of the Act. The court agreed that the sergeants’ principal work is substantially different from that of their subordinates under both the “obvious and visible” test and the “nature and essence” test. The court also found that the sergeants perform two of the 11 duties enumerated in Section 3(r) of the Act with independent judgment. The court found that the sergeants have the supervisory authority to recommend a suspension without substantial review by superiors. Additionally, the court found that sergeants have the authority to use independent judgment to reward officers and the fact that sergeants were told occasionally to change their evaluation scores does not change the fact that they used their supervisory authority to reward. Because of these reasons, the court affirmed the Board’s determination that the sergeants are supervisors within the meaning of the Act.

Confidential

In Laborers’ Int’l Union of N. Am., Local 2002, Illinois State Employees Association and State of Illinois, Dep’t of Cent. Mgmt. Serv. (Illinois Department of Corrections), 28 PERI ¶46 (IL LRB-SP 2011), the Board agreed with the ALJ’s determination that employees in the job title of Public Service Administrator, Option 7, employed as Internal Security Investigator IIIs, were not confidential employees, but found they were supervisors where they spent a preponderance of their working time on supervisory tasks such as assigning cases to subordinates, reviewing subordinates’ reports, and disciplining subordinates.

Supervisor, Managerial

In SEIU, Local 73 and Illinois Secretary of State, 28 PERI ¶ 68 (IL LRB-SP 2011), the Board adopted the ALJ’s recommendation that Executive Is and IIs are neither supervisors or managers and should be added to the bargaining unit. The Board held that it retained authority to consider the petition for representation despite having failed to resolve the matter within the 120 days specified in Section 9(a-5), and rejected the Petitioner’s countervailing argument that the Board should make the certification *nunc pro tunc* where it failed to meet this deadline. The Board also stated that it cannot base a determination of the public employee status of the Executive Is and IIs on the fact that they are already members of collective bargaining units, and must review evidence presented concerning their actual duties instead. The Board also held that because the Employer failed to show evidence of how much time was spent in rewarding, disciplining, or discharging subordinates, the ALJ correctly concluded that the Executive Is and IIs did not spend a preponderance of their employment time exercising supervisory authority. The Board also held that the Employer had made no attempt at proving that the Executive Is and IIs spent most of their time in managerial functions, and failed at proving that they had a substantial amount of discretion to determine how policies would be affected. The Board rejected Employer’s argument that some of the Executive Is and IIs must be managerial because they are the highest ranking employees at their facilities because there was no evidence that the employees make the sorts of managerial decisions to provide services in a manner unique to their particular facilities.

Supervisor

In AFSCME, Council 31 and Illinois Dep’t Cent. Mgmt. Serv. (Dep’t of Healthcare and Family Serv.), 28 PERI ¶69 (IL LRB-SP 2011), the Board reversed an ALJ’s recommendation and found that a Public Service Administrator, Option 7 was a supervisor. The ALJ found that the employee did not spend a preponderance of his employment time directing his subordinates, and therefore did not meet the requirements for supervisory status.

The Board found the ALJ did not consider the full range of direction, and when that was properly considered, a finding that the employee spent a preponderance of his employment time in supervisory tasks was supported by the evidence of record.

Supervisor

In AFSCME, Council 31 and Illinois Dep't of Cent. Mgmt. Serv., 28 PERI ¶75 (IL LRB-SP 2011), the Board adopted the ALJ's recommendation that one employee in the title of Public Service Administrator, Option 6 should be added to the bargaining unit and that other Option 6 positions should not. Most broadly, the Board rejected the Employer's argument that State of Illinois employees are not subject to the statutory element for supervisory status requiring the employee to spend a preponderance of her employment time engaged in supervision, as this argument is directly contradicted by appellate court precedent and the 20 years' of court and Board precedent that followed. The Board also rejected the Employer's argument that the first employee was a supervisor simply because Petitioner had not demonstrated that some other employee supervised her subordinates. And the Board also rejected the Employer's argument that the ALJ erroneously analyzed the preponderance of time element where the ALJ had applied the most applicable appellate court precedent on that topic.

E. Professional employees

Professional Employees

In City of E. Moline and Am. Fed'n. of State, Cnty. & Mun. Emps., Council 31, 28 PERI ¶89 (IL LRB-SP 2011), the City filed a unit clarification petition to exclude from the existing historical unit employees in three newly-created positions - Assistant Director of Engineering, Senior Engineer and GIS/CADD (Global Information Systems/Computer Aided Drafting and Design) Coordinator – as “professional” employees within the meaning of Section 3(m) of the Act. The Board agreed with the ALJ's ruling that the employees are professional employees within the meaning of the Act. Specifically, the Board found that their output or results could not be standardized in relation to a given period of time, and that all three positions require advanced knowledge customarily acquired through a prolonged course of specialized training. The Board emphasized that the nature of the work, rather than the distinct qualifications of the employee, determined their professional status. As such, the Assistant Director of Engineering qualified as a professional employee even though he did not actually possess a license, because “experience may be sufficient to render an engineer a professional despite lack of an engineering license.” The Board rejected the union's claim that the new positions are not professional because they merely perform work previously performed within the bargaining unit, finding that the new positions included much work that was previously contracted out, and which was more sophisticated than the work performed by existing unit employees. In accordance with Section 9(b) of the Act, the Board directed the taking of a poll of the three professional employees to determine whether they want to be represented in the existing unit of non-professional employees, as well as a poll of the employees in the existing unit, to determine whether they want to be represented in a mixed unit with professional employees.

III. Employer Unfair Labor Practices

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

ED Dismissal – Employer Interference

In Matthew George and Cnty. of Cook (Health & Hosp. Sys.), 28 PERI ¶135 (IL LRB-LP 2012), the Board affirmed the Executive Director's dismissal of a charge alleging that the Employer improperly denied the employee a scheduled wage increase, agreeing with the Executive Director's ruling that an alleged breach of a collective bargaining agreement is, in itself, insufficient to demonstrate a violation of the Act.

ED Dismissal – Employer Interference, Stipulated Unit Exclusion

In Margaret J. Lowder and State of Ill., Dep't. of Cent. Mgmt. Servs., 28 PERI ¶138 (IL LRB-SP 2012), the Charging Party claimed the Employer violated the Act by stipulating with the Union that her position be excluded from the bargaining unit as managerial. The Board upheld the Executive Director's dismissal of the charge because, by virtue of the stipulation, Charging Party is not a public employee under the Act, and because, in any

event, there was no showing that the Employer entered into the stipulation because of Charging Party's exercise of rights protected under the Act, or for any reason other than a good faith assessment of the duties of the position.

Weingarten Rights

In Am. Fed'n. of State, Cnty. & Mun. Emps. and Cnty. of Cook & Sheriff of Cook Cnty., 28 PERI ¶155 (IL LRB-LP 2012), the Board adopted the ALJ's determination that the Respondent violated the Weingarten rights of an employee represented by Charging Party, in violation of Section 10(a)(1) of the Act, when it denied her request for union representation during an investigatory interview. However, the Board rejected the ALJ's conclusion that the three-day suspension that followed the interview was "predominantly dependent" upon information obtained during the interview, and therefore rejected the ALJ's recommendation of a make-whole remedy with respect to the suspension. In reaching this conclusion, the Board determined that, based on the record, it could not fairly be said that the suspension was the product of the interview, and found that the suspension was instead based on information already available to the Employer prior to the interview.

ED Dismissal Reversed – Weingarten Rights

In Int'l. Bhd. of Teamsters, Local 700 and State of Ill., Dep't. of Cent. Mgmt. Servs., 28 PERI ¶157 (IL LRB-SP 2012), Charging Party alleged that, by denying a bargaining unit employee's request for representation during an investigatory interview, the Employer violated the employee's Weingarten rights under Section 10(a)(1) of the Act. The Executive Director dismissed the charge on his finding that the employee lacked a reasonable expectation that discipline could result from the interview, since the employee was merely a witness, and not a focus of the investigation, and because the Employer's investigator had assured the employee that he would not be disciplined as a result of the interview. The Board reversed the dismissal and directed the issuance of a complaint for hearing, finding that there existed an issue of fact as to the exact nature of the assurances given by the Employer's investigator, and an issue of law as to whether any such assurances were sufficient to dispel any reasonable belief by the employee that the interview could result in discipline.

ED Dismissal Reversed – Employer Interference

In Barbara Martenson and Cnty. of Boone & Boone Cnty. Sheriff, 28 PERI ¶161 (IL LRB-SP 2012), the Executive Director dismissed the portion of Charging Party's charge alleging that the Employer had violated Section 10(a)(1) when it issued a directive that she and her co-workers refrain from discussing a pending disciplinary investigation of Charging Party that eventually led to her discharge. The Board reversed the Executive Director's partial dismissal and ordered the issuance of a complaint for hearing, finding the existence of issues of law and fact as to whether the Employer's order was overly broad, and lacked sufficient business justification, so as to constitute improper interference with the employees' right to engage in protected concerted activity.

B. Section 10(a)(2) discrimination

Retaliation, Decision by ALJ Who Did Not Conduct Hearing

In James Pino and Vill. of Oak Park, 28 PERI ¶111 (IL LRB-SP 2012), the Board upheld the ALJ's dismissal of Charging Party's charge alleging that he was terminated in retaliation for his union activity, and the ALJ's ruling that there was insufficient evidence that Charging Party's termination was motivated by anti-union animus, or that the Employer made improper coercive threats during collective bargaining negotiations. In its decision, the Board also rejected Charging Party's argument that the ALJ, who was not the same ALJ who presided over the hearing, improperly made credibility determinations in his recommended ruling. In addressing this issue, the Board found that the ALJ did not in fact make any explicit credibility determinations. More significantly, the Board ruled that, under the Act, it is the Board – and not the ALJ – that is ultimately responsible for findings of fact by the agency, and the Board accordingly owes no deference to an ALJ's factual determinations. The Board also noted that it had reviewed a file memorandum authored by the hearing ALJ which summarized witnesses' testimony. The Board therefore ruled that there was no need to conduct a new hearing.

ED Dismissal – Retaliation, Deferral to Arbitration Award

In Ann Moehring and Chief Judge of the 16th Jud. Cir., 29 PERI ¶50 (IL LRB-SP 2012), the Board upheld the ALJ's order dismissing the Charging Party's retaliatory termination charge, and deferring to an arbitration award in which the arbitrator ruled that the Employer had just cause to terminate Charging Party's employment. Because the

arbitration award expressly addressed the question of whether the discharge was improperly motivated by Charging Party's union activity, the Board found deferral and dismissal appropriate under the Spielberg Mfg. Co. post-arbitration deferral standards. The Board rejected Charging Party's argument that deferral was not appropriate because the Union, and not Charging Party, was the named party to the arbitration. In this regard, the Board noted that her union pursued the arbitration case solely on Charging Party's behalf, her interests and the Union's were identical, and she was undoubtedly aware that she would be bound by the award.

Retaliation, Discrimination

In Oak Lawn Prof'l. Firefighters Ass'n., Local 3405, IAFF and Vill. of Oak Lawn, 28 PERI ¶127 (IL LRB-SP 2012), the Board upheld the ALJ's ruling that the Employer violated Section 10(a)(2) when, during the course of protracted negotiations for a successor collective bargaining agreement with the Union, the Employer decided to reduce bargaining unit staffing by six, including the layoff of three incumbent employees. The Board agreed with the ALJ's finding that the reduction in force was in retaliation for the union's bargaining and grievance filing activities, and that the Employer's proffered reasons for the reduction – a budget shortfall and overstaffing in the fire department – were pretextual. Key to this ruling were statements made by the Village Manager complaining about the costs of negotiations and referencing layoffs as a form of punishment, and also a statement by the Employer's fire chief that the budget deficit was merely an excuse for the reduction in force. The Board's decision also pointed to the "obvious" flaws in the analyses relied on by the Employer to justify the layoff – flaws which, the Board noted, would not alone be sufficient basis for finding a violation of the Act, since employers have the right to make honest mistakes, but which, in this case, given the lack of clarity in the record regarding the timing, originator and purpose of the analyses, seemed more post-decision justification for the layoff than a bona fide originating basis for the decision. The Board also rejected the Employer's argument that there was no violation of the Act because there was no evidence that any of the laid off employees engaged in union activity. Relying on the plain language of the Act, as well as analogous NLRB cases, the Board held that there is nothing in the Act that limits remedies for unfair labor practices to only those who are proven to have engaged in protected activity.

ED Dismissal - Retaliation

In Pamela Mercer and Cnty. of Cook/Sheriff of Cook Cnty., 28 PERI ¶165 (IL LRB-SP 2012), the Board upheld the Executive Director's dismissal of the charge, finding that Charging Party's allegations concerning her attempts to enforce institutional procedures against her subordinates did not involve activity protected under the Act, and noting the lack of evidence that any similarly situated employee was treated more favorably than Charging Party.

ED Dismissal Reversed - Retaliation

In Patrick C. Nickerson and Vill. of Univ. Park, 28 PERI ¶167 (IL LRB-SP 2012), Charging Party alleged that his 2011 discharge was in retaliation for his complaints about loss of sick and vacation time in 2009, and for assisting a co-worker with charges filed by the co-worker with the Board, the EEOC, and the IDHR. In response to the Employer's claim that he was discharged because he lacked a valid driver's license, and was therefore incapable of performing the duties of his position, Charging Party claimed that other employees lacked driver's licenses and were not discharged. The Executive Director dismissed the charge, concluding that the lapse in time between his alleged protected activity in 2009 and his discharge in 2011 foreclosed any argument that the discharge was retaliatory. The Executive Director also noted that there was no evidence that Charging Party was treated any differently from other similarly situated employees. The Board found that, in his appeal, Charging Party was able to document that his assistance to a co-worker may have occurred much closer in time to his discharge than revealed during the initial investigation. The Board therefore reversed the Executive Director's dismissal and remanded the charge for further investigation.

ED Dismissal - Retaliation

In Dottie Atterberry and State of Ill., Dep't. of Cent. Mgmt. Servs., 28 PERI ¶168 (IL LRB-SP 2012), the Board upheld the Executive Director's dismissal of the charge, which alleged that the Employer violated the Act by failing to give Charging Party a salary step increase in accordance with two prior grievance settlements.

ED Dismissal - Retaliation

In Shannon Watkins and Village of Dolton, 28 PERI ¶37 (IL LRB-SP 2011), the Board upheld the dismissal of an unfair labor practice charge against her Employer. Charging Party had alleged that the Village had violated Section 10(a)(2) of the Act by failing to inform her union that she had been removed from the bargaining unit and subsequently laying her off when her superior's employment was terminated. Charging Party failed to indicate her lay off was in retaliation for the exercise of rights protected under the Act.

ED Dismissal - Retaliation

In Ass'n of Prof'l Police Officers and City of Aurora, 28 PERI ¶38 (IL LRB-SP 2011) the Board upheld the Executive Director's dismissal of a charge where the Union alleged the City had retaliated against employees by laying them off after an informational picket. The Board found the facts did not support the charge because the Employer had attempted to negotiate with the union prior to implementing the budget-related layoffs.

ED Partial Dismissal - Retaliation

In Teamsters, Local 700 and City of Chicago, 28 PERI ¶ 52 (IL LRB-LP 2011), the Board upheld the Executive Director's Partial Dismissal of two unfair labor practice claims in a charge filed by the Int'l Brotherhood of Teamsters, Local 700 regarding treatment of Pool Motor Truck Drivers (PMTDs), Motor Truck Drivers (MTDs), and Motor Truck Operators (MTOs) working for the City of Chicago. The first claim alleged that unit work had been assigned outside of the bargaining unit, but finding no evidence of such, the claim was dismissed. The second claim alleged that the City imposed a shutdown to retaliate against the MTOs for refusing to agree to furlough days. Because the City's treatment of the MTOs was not disparate from the treatment given to other employees, the Executive Director and Board found no issue of fact or law regarding retaliation.

ED Dismissal - Retaliation

In Sahin Cakir and State of Illinois, Dep't of Cent. Mgmt. Serv., 28 PERI ¶ 47 (IL LRB-SP 2011), the Board upheld the Executive Director's dismissal of the charge that the Employer wrongfully deducted money from the employee's pay to cover insurance costs while he was on leave under the Family Medical Leave Act, 29 U.S.C. §§ 2601-2654. The Board agreed with the Executive Director that because the charge made no allegation that the Employer's act was taken in retaliation for the exercise of rights under the Illinois Public Relations Act, the charge raised no issue of law or fact to warrant a hearing.

C. Section 10(a)(3) retaliation for filing petition

Refusal to Bargain, Retaliation, Discrimination

In Metro. Alliance of Police, Barrington Hills, Chapter #576 and Vill. of Barrington Hills, 29 PERI ¶15 (IL LRB-SP 2012), the Board adopted the ALJ's ruling that the Employer violated Sections 10(a)(3) and (1) of the Act when it withheld a previously announced wage increase for employees who were the subject of a pending representation petition, and also when it withheld a previously approved tuition reimbursement benefit from Charging Party's chapter president. The ALJ found that, although the Employer had no duty to bargain with the Charging Party, because no certification had yet been issued, the denial of the previously announced benefits was inherently coercive, in that it conveyed to employees the message that the Employer controls the purse strings. Critical to the ALJ's ruling was her finding that all other non-represented employees received the announced increase; the decision to withhold the announced increase only for employees that were the subject of the petition was not made until after the petition was filed; and, in each of the past four years, increases had been implemented for the employees following the announcement of the increases. Under these circumstances, the ALJ did not credit the Employer's contention that it withheld the announced increases and the tuition reimbursement solely for economic reasons.

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

Refusal to Bargain

In Fraternal Order of Police, Chi. Lodge No. 7 v. Ill. Labor Relations Bd. & City of Chi., 2011 IL App (1st) 103215, 961 N.E.2d 855, 28 PERI ¶72, the court affirmed the Board's decision in 26 PERI ¶115 (IL LRB-LP 2010), reversing the ALJ's recommended order, and concluding that the City of Chicago did not have an obligation to

bargain with the Union over its decision to consolidate field training districts in the Department of Police. The Board reasoned that, although the reduction in field training districts did affect the terms and conditions of employment of Field Training Officers represented by the Union, the City's means of improving the quality of training for probationary officers is also a matter of inherent managerial authority. Applying the Central City balancing test, the Board concluded that the burden on the City's inherent managerial authority of bargaining over how best to train its new hires outweighed whatever benefits such bargaining might provide. The court also affirmed the Board's determination that the Union had waived any allegation that the City violated the Act by refusing to bargain over the effects of the decision to consolidate the training districts.

ED Dismissal - Refusal to Bargain

In Serv. Emps. Int'l. Union, Local, Local 73 and City of Hickory Hills, 28 PERI ¶87 (IL LRB-SP 2011), the Board upheld the Executive Director's dismissal of the Union's charge alleging that the City of Hickory Hills violated Section 10(a)(4) by unilaterally implementing a "light duty" policy that was contrary to language contained in the parties' collective bargaining agreement. In affirming the dismissal, the Board noted that the charge, in essence, alleged a violation of the CBA, which would not in itself be a violation of the Act.

Security Employees

In Metro. Alliance of Police, Chapter #228 and Chief Judge of the 12th Jud. Cir. (River Valley Juvenile Det. Ctr.), 28 PERI ¶137 (IL LRB-SP 2012), the Union filed a charge alleging that the Employer violated Section 10(a)(4) by refusing to cooperate in the selection of an interest arbitrator pursuant to Section 14 of the Act. The Board affirmed the ALJ's dismissal of the charge on the ground that the subject bargaining unit employees, all of whom work at the River Valley Juvenile Detention Center, are not "security employees" within the meaning of Section 3(p) of the Act, because the RVJDC is not a "correctional facility" within the meaning of that same section.

ED Dismissal Reversed – Refusal to Execute Agreement

In Int'l. Union of Operating Eng'rs., Local 150 and Vill. of Frankfort, 28 PERI ¶144 (IL LRB-SP 2012), the Executive Director dismissed the Union's charge alleging that the employer violated the Act by refusing to execute a side letter to which the parties had agreed, finding that there had been no meeting of the minds on the terms of the side letter, and that the Employer therefore did not violate Section 10(a)(7) of the Act when it refused to sign. The Board reversed the Executive Director's dismissal, ruling that the Executive Director should also have analyzed the charge as a potential 10(a)(4) violation, and finding that there existed an issue of fact or law sufficient to warrant hearing on the question of whether the parties had reached a meeting of the minds on the terms to be included in the side letter.

Duty to Provide Information

In Ill. Fraternal Order of Police, Labor Council and Ill. Sec'y. of State, 28 PERI ¶145 (IL LRB-SP 2012), the Union's charge alleged that the Employer violated Section 10(a)(4) by failing to provide, during the course of collective bargaining negotiations, a requested copy of an efficiency audit report prepared by the Secretary of State's Inspector General, which report was based in part on interviews of bargaining unit employees. In its decision, the Board agreed with the ALJ's ruling that the refusal to provide the Union a copy of the report did not violate the Employer's general duty to provide information under the Act, because the Employer's interest in maintaining the confidentiality of a purely internal assessment of its operations outweighed the Union's interest in obtaining a copy. However, the Board reversed the second part of the ALJ's ruling, in which the ALJ found that the refusal to produce the report contravened one of the parties' written ground rules for negotiations, which expressed the parties' mutual agreement to comply with "reasonable requests for information," and that this breach of the ground rule worked a violation of Section 10(a)(4). In reversing this aspect of the ALJ's decision, the Board noted that whether the Employer had violated the ground rule was a matter of interpretation which was not for the Board to resolve, and that, in any event, a one-time breach of a negotiation ground rule would not rise to the level of an unfair labor practice.

Refusal to Bargain

In Vill. of Ford Heights v. Ill. Labor Relations Bd., 2012 IL App (1st) 110284-U, 28 PERI ¶147, the First District issued a non-precedential order affirming the Board's determination (26 PERI ¶145) that the Village of Ford

Heights had a duty to bargain before entering into an intergovernmental agreement with the Cook County Sheriff's Department for the provision of police services, which agreement ultimately led to the dissolution of the Village's police department, and the termination of four bargaining unit employees.

Refusal to Bargain

In Ill. Fraternal Order of Police, Labor Council and Vill. of Summit, 28 PERI ¶154 (IL LRB-SP 2012), the ALJ ruled that the Employer violated Section 10(a)(4) by refusing to bargain with the Union prior to issuing discipline to bargaining unit police officers based on police station video surveillance camera footage. The video footage showed the officers lounging at the station when they were supposed to be on patrol on the night of a shooting. Critical to the ALJ's decision was the fact that the Employer had never before used footage from the station's video cameras as a basis for discipline. The ALJ also noted that the case presented a question of first impression for the Board. The Board reversed the ALJ's conclusion of law, holding that the Employer did not have a duty to bargain prior to disciplining the employees, because the use of the video camera footage as evidence did not constitute a material change in the employees' terms and conditions of employment. The Board based this conclusion on the following factors, all of which distinguished this case from the NLRB, ILRB and IELRB cases cited by the ALJ in her decision: the presence of the video cameras was already well known to the employees and the union; the union had never objected to the presence of the cameras; and, unlike the implementation of drug testing or polygraph testing policies, the use of video footage evidence as a basis for discipline in this case did not involve the introduction of any new disciplinary rules or procedures impacting employees. The Board also noted that there was no evidence that the employer had ever affirmatively represented to the union that footage from the station security cameras would not be used as evidence to support employee discipline.

Refusal to Bargain

In Village of Oak Lawn v. Ill. Labor Relations Bd., 2011 IL App (1st) 103417, the court affirmed the Board's determination in Oak Lawn Pro. Fire Fighters Ass'n, Local 3405, Int'l Ass'n of Fire Fighters and Village of Oak Lawn, 26 PERI ¶118 (IL LRB-SP 2010), that Petitioner, Village of Oak Lawn, violated sections 10(a)(1) and 10(a)(4) of the Act by failing to bargain in good faith over a "minimum manning" provision in its collective bargaining agreement with the Oak Lawn Professional Firefighters Association, Local 3405, Int'l Association of Firefighters (Union). The court determined that section 14(i) of the Act is not "determinative as to whether and to what extent 'manning' is a mandatory bargaining subject." The court stated that unless a matter is excluded from arbitration by section 14(i), meaning the matter cannot be a mandatory bargaining subject, then the Central City balancing test will be applied to determine whether a matter is a mandatory bargaining subject. "Manning" is not a term that the Act excludes from arbitration for firefighters, so whether Petitioner's use of the term "manning" goes beyond the meaning intended by section 14(i) has no bearing on whether it is a mandatory bargaining subject. The court also noted that the "minimum manning" provision was not about the total number of employees to be employed by the department, but rather it was a minimum number of employees who must be assigned to each shift, which is not excluded from arbitration under 14(i).

Refusal to Bargain

In SEIU, Local 73 v. Ill. Labor Relations Bd., 2011 IL App. (1st) 101636U, pet. for leave to appeal pending, the court affirmed in a non-precedential decision a Local Panel decision in SEIU Local 73 and County of Cook, 26 PERI ¶43 (IL LRB-LP 2010), that the County of Cook had not violated the Act by implementing a change in hours. Prior to implementing a change in hours, the Employer sent a notice of the change to the Union and requested the Union contact the Employer if there were any questions or concerns regarding the change, and the court determined that this invitation to discuss the change meant that it was not a faith accompli. The Union did not reply to the Employer's notice until a week after the new hours were to be implemented, arguing the Employer did not give enough notice to provide for a reasonable opportunity to engage in bargaining before the implementation of the change. The court rejected this argument, finding the Union waived its right to bargain over the changes because the Union did not take any action at all until after the changes were underway. The court concluded that the Board's determination was not clearly erroneous.

Refusal to Bargain

In AFSCME, Council 31 and County of Lake, 28 PERI ¶67 (IL LRB- SP 2011), the Board affirmed the ALJ's recommended decision that the Employer violated Sections 10(a)(4) and (1) of the Act by unilaterally consolidating operations, causing work performed by bargaining unit employees to be transferred to non-unit employees.

Refusal to Bargain

In SEIU, Local 73 and City of Waukegan, 28 PERI ¶45 (IL LRB-SP 2011), the Board reversed the Executive Director's partial dismissal of the unfair labor charges filed by the SEIU, Local 73. The Executive Director dismissed of the part the charge that alleged layoffs violated the collective bargaining agreement, reading a management rights clause as a waiver of the right to bargain over layoffs, but the Board reversed, finding that the Charging Party raised an issue as to whether it was required to demand bargaining before Employer provided the official notice of the layoff. The Executive Director also dismissed the part of the charge that alleged a violation of the Act when it made unilateral changes to employees' health benefits. The Board reversed, finding that the Charging Party should be allowed the opportunity to establish that health care changes were not just a breach of contract. Chairman Zimmerman and Member Kimbrough concurred, but would have referred these issues to arbitration because they invoke application of the collective bargaining contract.

E. Section 10(a)(7) refusal to execute

ED Dismissal Reversed – Refusal to Execute Agreement

In Int'l. Union of Operating Eng'rs., Local 150 and Vill. of Frankfort, 28 PERI ¶144 (IL LRB-SP 2012), the Executive Director dismissed the Union's charge alleging that the employer violated the Act by refusing to execute a side letter to which the parties had agreed, finding that there had been no meeting of the minds on the terms of the side letter, and that the Employer therefore did not violate Section 10(a)(7) of the Act when it refused to sign. The Board reversed the Executive Director's dismissal, ruling that the Executive Director should also have analyzed the charge as a potential 10(a)(4) violation, and finding that there existed an issue of fact or law sufficient to warrant hearing on the question of whether the parties had reached a meeting of the minds on the terms to be included in the side letter.

IV. Union Unfair Labor Practices

A. Charge by Employer

ED Dismissal Reversed - Union Unfair Labor Practices

In PACE S. Div. and Amalgamated Transit Union, Local 1028, 28 PERI ¶88 (IL LRB-SP 2011), the Board reversed the Executive Director's dismissal, and found sufficient issues of fact and law to warrant issuance of a complaint on the Employer's charge that the Union had violated Section 10(b)(4) of the Act when, only six days after the Union's bargaining unit had rejected a tentative agreement reached with the Employer on a successor collective bargaining agreement, 60 of 132 unit employees were absent from work, and, three weeks later, union officials allegedly asked employees to refuse and cancel overtime assignments.

ED Dismissal – Employer Charge Against Union

In Vill. of Barrington Hills and Metro. Alliance of Police, Chapter 576, 29 PERI ¶51 (IL LRB-SP 2012), the Employer filed a charge alleging that the Union breached its duty of fair representation, and also failed to bargain in good faith, when it proposed during CBA negotiations that the Union president be reimbursed for educational expense reimbursement he was denied, without proposing a similar reimbursement for other unit employees. The Board upheld the Executive Director's dismissal of the charge, agreeing with the Executive Director that the Employer did not have standing to allege a violation by the Union of its duty of fair representation, and that there was no basis for alleging a violation of the Union's duty to bargain in good faith. On the latter point, the Board noted that the denial of tuition reimbursement for the Union president was the subject of a separate unfair labor practice charge, and also cited the wide latitude unions have in determining which proposals best serve the interests of the unit as a whole.

B. Charge by Employee

ED Dismissal - Failure to Provide Information

In Grover Stephens and Cnty. of Cook, 28 PERI ¶79 (IL LRB-LP 2011), the Board upheld the Executive Director's dismissal of the charge based on Section 1220.40(a)(1) of the Board's rules and regulations, and Charging Party's failure to provide information requested by the Board agent investigating the charge.

ED Dismissal - Union Unfair Labor Practices

In Barbara Brown-Frazier and Nat'l. Nurses Org. Comm., 28 PERI ¶115 (IL LRB-LP 2012), the Board upheld the Executive Director's dismissal of Charging Party's charge alleging that the Union had violated its duty of fair representation by the manner in which it settled a class action grievance involving layoffs, and the Executive Director's determination that there was no evidence that the Union intentionally treated Charging Party differently than other similarly situated employees, or that its actions were based on anything other than a good faith assessment of the merits of the claim.

ED Dismissal - Union Unfair Labor Practices

In Janette Watkins and Amalgamated Transit Union, Local 241, 28 PERI ¶114 (IL LRB-LP 2012), the Board upheld the Executive Director's dismissal of Charging Party's duty of fair representation charge, and his finding that there was no evidence that the Union intentionally took any action designed to retaliate against Charging Party, or to treat her differently than other similarly situated employees.

ED Dismissal - Retaliation, Union Unfair Labor Practices

In Georgia M. Foster and Clerk of the Cir. Ct. of Cook Cnty. and Georgia M. Foster and Int'l. Bhd. of Teamsters, Local 714, 28 PERI ¶125 (IL LRB-SP 2012), the Board upheld the Executive Director's dismissals of separate charges filed by Charging Party against her employer and against her union, arising out of her alleged forcible removal from her place of employment, and the Union's alleged failure to take appropriate action to obtain a remedy for the action. In affirming the dismissal of both charges, The Board agreed with the Executive Director that Charging Party failed to show that the complained of action by the Employer was in retaliation for her exercise of any right protected by the Act, or that the Union treated Charging Party differently than other similarly situated employees, or that its actions were based on anything other than a good faith assessment of the merits of her claim against the Employer. In the latter regard, the Board noted that Charging Party's failure to demonstrate any merit to her charge against the Employer tended to confirm that the Union's actions were based on legitimate, non-retaliatory considerations.

ED Dismissal - Union Unfair Labor Practices

In Deborah Ann Threlkeld and Am. Fed'n. of State, Cnty. & Mun. Emps., Council 31, 28 PERI ¶136 (IL LRB-LP 2012), the Board upheld the Executive Director's dismissal of a charge alleging that the Union violated its duty of fair representation to Charging Party by improperly processing her grievance after she filed a discrimination charge against the Union. The Board agreed with the Executive Director that there was insufficient evidence of intentional misconduct, because the Union had filed grievances on Charging Party's behalf, met with the Employer and argued on her behalf, and advocated advancing the grievance to the next step.

ED Dismissal - Union Unfair Labor Practices, Appointment of Counsel

In Carl Hamilton and Am. Fed'n. of State, Cnty. & Mun. Emps., Council 31, 28 PERI ¶139 (IL LRB-SP 2012), Charging Party alleged that the Union breached its duty of fair representation by withdrawing a grievance challenging discipline he had received. With his charge, Charging Party also submitted to the Board a request that the Board appoint an attorney to represent him. The Executive Director dismissed the charge, finding no evidence that the withdrawal of the grievance was unlawfully motivated, or based on anything other than a good faith assessment of the merits of the claim. In its decision, the Board agreed with the Executive Director's assessment that the evidence presented did not warrant issuance of a complaint, particularly in view of the fact that two of three grievances pursued by the Union had been resolved in Charging Party's favor, and he had failed to respond to a Board agent's request for further information. However, the Board noted that it was troubled by the fact that Charging Party's union steward is also his supervisor, and that his request for legal representation was never

specifically addressed, reasoning that this may have played a role in Charging Party's failure to respond to the Board agent's request for information. To address these concerns, the Board in its decision expressly denied Charging Party's request for appointment of counsel, and remanded the matter for further investigation. In denying Charging Party's request for appointment of counsel, the Board noted that the investigative stage of charge processing does not involve any legal formalities, that Charging Party had demonstrated more than adequate ability to articulate his position, and that he failed to meet the financial standards for appointment of counsel set out in the Board's rules.

ED Dismissal - Union Unfair Labor Practices

In Virdia Spain and Am. Fed'n. of State, Cnty. & Mun. Emps., Council 31, 28 PERI ¶141 (IL LRB-SP 2012), the Charging Party alleged that the Union breached its duty of fair representation by failing to accompany her to a police interview regarding the death of a disabled person that had been in her care, and by failing to challenge a disciplinary suspension she received in connection with the death on the grounds that it was imposed by the employer in an untimely fashion. The Board upheld the Executive Director's dismissal of the charge on the grounds that the claim regarding the police interview was untimely, and that Charging Party failed to show that the Union treated Charging Party differently than other similarly situated employees, or that its refusal to further contest her discipline was based on anything other than a good faith assessment of the merits of her claim against the employer. The Board also noted in particular that the Illinois Supreme Court's decision in AFSCME v. Department of Central Management Services, 173 Ill. 2d 299 (1996), vacating on public policy grounds an arbitrator's reinstatement of a DCFS worker based on the State's untimely imposition of discipline, bolstered the conclusion that the Union's decision not to pursue a grievance with respect to Charging Party's discipline was based solely on a good faith assessment of the merits of the claim.

ED Dismissal - Union Unfair Labor Practices, Timeliness

In Edward White and Am. Fed'n. of State, Cnty. & Mun. Emps., Council 31, 28 PERI ¶142 (IL LRB-SP 2012), the Board upheld the Executive Director's dismissal of Charging Party's fair representation claim against the Union, agreeing that the charge was untimely with respect to his claims regarding the Union's failure to pursue a grievance over the denial of a promotion, and failure to contest the Employer's assessment of a fine, because those claims arose when Charging Party learned that the Union would not file a grievance, and not when Charging Party later came to understand the legal significance of the Union's decision. The Board also agreed with the Executive Director's finding that Charging Party failed to present any evidence of intentional misconduct by the Union with respect to its failure to assist him with the denial of his workers' compensation claim, and that this aspect of the charge therefore did not present an issue of law or fact sufficient to warrant hearing.

ED Dismissal Reversed - Union Unfair Labor Practices, Timeliness

In Britt J. Weatherford and Am. Fed'n. of State, Cnty. & Mun. Emps. Council, 31, 28 PERI ¶156 (IL LRB-SP 2012), the Board reversed the Executive Director's dismissal of Charging Party's fair representation charge on timeliness grounds, and remanded the charge for further investigation. In reversing the ALJ, the Board held that, under the Board's rules and regulations, Charging Party's charge should have been deemed to have been filed with the Board and served on the Union on the date it was mailed, and not on the date it was received. Based on this determination, the Board found that the charge was filed within the six-month limitations period provided in the Act.

ED Dismissal - Union Unfair Labor Practices

In Amanda Moren and Am. Fed'n. of State, Cnty. & Mun. Emps., Council 31, 28 PERI ¶159 (IL LRB-SP 2012), the Board upheld the Executive Director's decision to dismiss Charging Party's fair representation charge, noting that the Union had repeatedly filed and processed grievances on the Charging Party's behalf, and there was no evidence that the Union intentionally took any action against Charging Party due to her status.

ED Dismissal - Union Unfair Labor Practices

In Britt J. Weatherford and Am. Fed'n. of State, Cnty. & Mun. Emps., Council 31, 28 PERI ¶158 (IL LRB-SP 2012), the Board upheld the Executive Director's dismissal of Charging Party's fair representation charge, and the

Executive Director's determination that there was no evidence that the Union intentionally took action to retaliate against the Charging Party due to his status.

Timeliness, Union Unfair Labor Practices

In John Michels v. Ill. Labor Relations Bd., 2012 IL App (4th) 110612-U, 28 PERI ¶163, the Fourth District issued a non-precedential order affirming the Board's decisions in Case Nos. S-CA-09-250 and S-CB-09-038 (28 PERI ¶10 and 28 PERI ¶12), upholding the Executive Director's dismissal of Charging Party's charge against the State of Illinois/Central Management Services (Department of Corrections) on timeliness grounds, and also the Executive Director's dismissal of Charging Party's charge against AFSCME. The court agreed with the Board that the charge was untimely because it was filed more than a year after Charging Party was discharged, and that the date of his discharge, rather than the date AFSCME withdrew its grievance with respect to the discharge, was the point at which Charging Party had knowledge of the basis for his charge against the Employer, and therefore the point from which the Act's six-month limitations period began to run. The court also found no error in the Board's dismissal of Charging Party's charge against AFSCME because he failed to provide any evidence that AFSCME's withdrawal of his grievance was improperly motivated and based on intentional misconduct.

ED Dismissal – Union Unfair Labor Practices

In Pamela Mercer and Am. Fed'n. of State, Cnty. & Mun. Emps., Council 31, 28 PERI ¶166 (IL LRB-LP 2012), the Board upheld the Executive Director's dismissal of the Charging Party's fair representation charge, and his finding that there was no evidence that the Union had intentionally taken any action designed to retaliate against Charging Party or because of her status.

ED Dismissal – Union Unfair Labor Practices

In Dottie Atterberry and Am. Fed'n. of State, Cnty. & Mun. Emps., Council 31, 28 PERI ¶169 (IL LRB-SP 2012), the Board upheld the Executive Director's dismissal of the charge, in which Charging Party claimed that the Union violated the Act when it failed to pursue her grievance against the Employer claiming that she had been improperly denied a salary step increase.

ED Dismissal – Union Unfair Labor Practices

In Violar Murry and AFSCME, Council 31, 28 PERI ¶36 (IL LRB-LP 2011), the Board upheld the Executive Director's dismissal. Charging Party alleged that her union violated Section 10(b) of the Act by failing to file a complaint to vacate an arbitration award. The Board found she failed to allege any legally justifiable basis for overturning the arbitration award.

ED Dismissal – Union Unfair Labor Practices

In Todd Baran and AFSCME, Council 31, 28 PERI ¶39 (IL LRB-SP 2011), the Board upheld the Executive Director's dismissal of an unfair labor practice charge. Baran alleged that AFSCME had violated Section 10(b) of the Act when it failed to arbitrate his lay-off grievance related to his Employer's reduction-in-force policy, but he did not indicate there was any bias, animus or unlawful motivation.

V. Procedural Issues

A. Timing when filing by mail

ED Dismissal Reversed - Union Unfair Labor Practices, Timeliness

In Britt J. Weatherford and Am. Fed'n. of State, Cnty. & Mun. Emps. Council, 31, 28 PERI ¶156 (IL LRB-SP 2012), the Board reversed the Executive Director's dismissal of Charging Party's fair representation charge on timeliness grounds, and remanded the charge for further investigation. In reversing the ALJ, the Board held that, under the Board's rules and regulations, Charging Party's charge should have been deemed to have been filed with the Board and served on the Union on the date it was mailed, and not on the date it was received. Based on this determination, the Board found that the charge was filed within the six-month limitations period provided in the Act.

B. Deferral

ED Deferral Order

In Licensed Practical Nurses Ass'n. of Ill. and Cnty. of Cook, 28 PERI ¶108 (IL LRB-LP 2012), the Board upheld the Executive Director's order deferring consideration of the charge until the parties have completed the grievance resolution process.

ED Dismissal Reversed – Failure to Respond, Deferral

In Amalgamated Transit Union, Local 241 and Chi. Transit Auth., 28 PERI ¶110 (IL LRB-LP 2012), the Executive Director issued a July 6, 2010 order deferring consideration of the charge pending potential resolution through arbitration. On August 9, 2011, the Executive Director sent Charging Party's counsel a letter requesting an update as to the status of the arbitration, and stating that a failure to respond to the letter by September 6, 2011 would result in dismissal of the charge. Not having received any response to the letter, the Executive Director dismissed the charge on September 13, 2011. In its appeal, Charging Party asserted that the arbitration process was still pending, and admitted that failure to respond to the Executive Director's letter was merely an oversight. The Board chose to exercise its discretion and reverse the dismissal of the charge, on the potential that the matter may be resolved on its merits if necessary, but only after noting that the decision in this case should not serve as an indication that future failures to respond to Board inquiries in this or any other case will be met with similar leniency. The Board ordered that the Charging Party will have fifteen days from the termination of the arbitration process to request that the Board reopen proceedings on the charge, and that Charging Party's failure to do so within the specified time period would result in dismissal of the charge, either on motion of the Employer or on the Board's own motion.

ED Dismissal – Retaliation, Deferral to Arbitration Award

In Ann Moehring and Chief Judge of the 16th Jud. Cir., 29 PERI ¶50 (IL LRB-SP 2012), the Board upheld the ALJ's order dismissing the Charging Party's retaliatory termination charge, and deferring to an arbitration award in which the arbitrator ruled that the Employer had just cause to terminate Charging Party's employment. Because the arbitration award expressly addressed the question of whether the discharge was improperly motivated by Charging Party's union activity, the Board found deferral and dismissal appropriate under the Spielberg Mfg. Co. post-arbitration deferral standards. The Board rejected Charging Party's argument that deferral was not appropriate because the Union, and not Charging Party, was the named party to the arbitration. In this regard, the Board noted that her union pursued the arbitration case solely on Charging Party's behalf, her interests and the Union's were identical, and she was undoubtedly aware that she would be bound by the award.

ED Deferral Order

In AFSCME, Council 31 and County of Cook, 28 PERI ¶ 66 (IL LRB-LP, Oct. 21, 2011), the Board upheld the Executive Director's order deferring the matter to arbitration when the Charging Party alleged that the Respondent failed to bargain in good faith over Respondent's decision to implement a furlough day policy.

C. Right to a hearing

Jurisdiction, Confidential, Managerial, Right to Hearing

By means of a non-precedential order issued in Dep't of Cent. Mgmt. Servs. v. Ill. Labor Relations Bd., 2012 IL App (4th) 100729-U, 28 PERI ¶91, the court affirmed the Board's determination that CMS had failed to raise an issue for hearing regarding the confidential or managerial status of four CMS attorneys. The court also determined that it did not have subject matter jurisdiction over CMS' appeal of the Board's remand for a hearing on the confidential status of a fifth attorney, since the Board's administrative procedures had not been exhausted during the pendency of the remand hearing process. 26 PERI ¶83 (IL LRB-SP 2010).

D. Decision by ALJ who did not conduct the hearing

Retaliation, Decision by ALJ Who Did Not Conduct Hearing

In James Pino and Vill. of Oak Park, 28 PERI ¶111 (IL LRB-SP 2012), the Board upheld the ALJ's dismissal of Charging Party's charge alleging that he was terminated in retaliation for his union activity, and the ALJ's ruling that there was insufficient evidence that Charging Party's termination was motivated by anti-union animus, or that the Employer made improper coercive threats during collective bargaining negotiations. In its decision, the Board also rejected Charging Party's argument that the ALJ, who was not the same ALJ that presided over the hearing, improperly made credibility determinations in his recommended ruling. In addressing this issue, the Board found that the ALJ did not in fact make any explicit credibility determinations. More significantly, the Board ruled that, under the Act, it is the Board – and not the ALJ – that is ultimately responsible for findings of fact by the agency, and the Board accordingly owes no deference to an ALJ's factual determinations. The Board also noted that it had reviewed a file memorandum from the hearing ALJ summarizing witnesses' testimony. The Board therefore ruled that there was no need to conduct a new hearing.

E. Appointment of Counsel

ED Dismissal - Union Unfair Labor Practices, Appointment of Counsel

In Carl Hamilton and Am. Fed'n. of State, Cnty. & Mun. Emps., Council 31, 28 PERI ¶139 (IL LRB-SP 2012), Charging Party alleged that the Union breached its duty of fair representation by withdrawing a grievance challenging discipline he had received. With his charge, Charging Party also submitted to the Board a request that the Board appoint an attorney to represent him. The Executive Director dismissed the charge, finding no evidence that the withdrawal of the grievance was unlawfully motivated, or based on anything other than a good faith assessment of the merits of the claim. In its decision, the Board agreed with the Executive Director's assessment that the evidence presented did not warrant issuance of a complaint, particularly in view of the fact that two of three grievances pursued by the Union had been resolved in Charging Party's favor, and he had failed to respond to a Board agent's request for further information. However, the Board noted that it was troubled by the fact that Charging Party's union steward is also his supervisor, and that his request for legal representation was never specifically addressed, reasoning that this may have played a role in Charging Party's failure to respond to the Board agent's request for information. To address these concerns, the Board in its decision expressly denied Charging Party's request for appointment of counsel, and remanded the matter for further investigation. In denying Charging Party's request for appointment of counsel, the Board noted that the investigative stage of charge processing does not involve any legal formalities, that Charging Party had demonstrated more than adequate ability to articulate his position, and that he failed to meet the financial standards for appointment of counsel set out in the Board's rules.

VI. Right to Interest Arbitration

Security Employees

In Metro. Alliance of Police, Chapter #228 and Chief Judge of the 12th Jud. Cir. (River Valley Juvenile Det. Ctr.), 28 PERI ¶137 (IL LRB-SP 2012), the Union filed a charge alleging that the Employer violated Section 10(a)(4) by refusing to cooperate in the selection of an interest arbitrator pursuant to Section 14 of the Act. The Board affirmed the ALJ's dismissal of the charge on the ground that the subject bargaining unit employees, all of whom work at the River Valley Juvenile Detention Center, are not "security employees" within the meaning of Section 3(p) of the Act, because the RVJDC is not a "correctional facility" within the meaning of that same section.

VII. Sanctions

Compliance, Sanctions

In Markham Prof'l. Firefighters Ass'n., IAFF, Local 3209 and City of Markham, 28 PERI ¶124 (IL LRB-SP 2012), the Board upheld the ALJ's recommended compliance decision and order, directing the Employer to take certain affirmative action in compliance with an earlier Board order in the underlying unfair labor practice proceeding, and also granting Charging Party's motion for sanctions, and accordingly directing the Employer to reimburse Charging Party for its costs and attorney's fees related to the compliance proceeding. The Board affirmed the ALJ's grant of

sanctions based on arguments and assertions by counsel for the Employer during the compliance proceeding that misstated the issues, misstated the record with respect to his own prior assertions, and misstated the record testimony of the Employer's own key witness – all of which, the Board concluded, needlessly prolonged resolution of the matter. The Board modified the ALJ's recommended order only by adding a requirement that the Employer also reimburse Charging Party for its costs and reasonable attorney's fees in connection with responding to the Employer's exceptions to the ALJ's recommended order.

CASELOAD STATISTICS

	<u>STATE</u>	<u>LOCAL</u>	<u>TOTAL</u>
Unfair Labor Practice Charges			
CA	209	75	284
CB	<u>34</u>	<u>52</u>	<u>86</u>
TOTAL	243	127	370
Representation Cases			
AC	0	1	1
RC	90	17	108
RM	0	0	0
RD	13	0	13
UC	46	8	54
VR	2	0	2
DD	<u>7</u>	<u>0</u>	<u>7</u>
TOTAL	158	26	184
Grievance Arbitration Cases	21	0	21
Mediation/Arbitration Cases	<u>386</u>	<u>7</u>	<u>393</u>
TOTAL	407	7	414
Declaratory Rulings	7	0	7
Strike Investigations	0	0	0
TOTAL CASELOAD	815	160	975

- CA -- Unfair labor practice charge against employer
- CB -- Unfair labor practice charge against labor organization
- AC -- Petition to amend certification
- RC -- Representation/Certification petition
- RM -- Employer representation petition
- RD -- Decertification petition
- UC -- Unit clarification petition
- VR -- Petition for voluntary recognition certification
- DD -- Declaration of disinterest petition

REPRESENTATION CASES CERTIFIED

	<u>STATE</u>	<u>LOCAL</u>	<u>TOTAL</u>
Cases Certified (Election)	35	1	36
Number of Units Certified	38	1	
Labor Organization Prevailed	35	1	
"No Representation" Prevailed	3	0	
Number of Units Certified (Majority Interest)	67	15	82
Voluntarily Recognized Representatives	2	0	2
Revocation of Prior Certifications	11	0	11

UNFAIR LABOR PRACTICE CHARGES WORK LOAD

	FY 2011	FY 2012
Cases pending start of year	601	570
Charges filed during year	376	370
Total caseload	977	940
Total cases closed	407	505

PETITION MANAGEMENT WORK LOAD

	FY 2011	FY 2012
Cases pending start of year	191	154
Charges filed during year	339	184
Total caseload	530	338
Total cases closed	376	242

DISPOSITION OF CASES ACTIVE IN FY 2012

	State	Local	Total
I. BOARD DECISIONS			
(A) With exceptions filed			
CA	20	10	
CB	12	6	
RC	11	4	
UC	2	0	
Compliance	<u>1</u>	<u>0</u>	
TOTAL	46	20	66
(B) With no exceptions filed			
CA	12	4	
CB	1	0	
RC	6	3	
UC	<u>3</u>	<u>0</u>	
TOTAL	22	7	29
(C) Strike Investigations			
	0	0	0
(D) Declaratory Ruling			
	12	0	12
II. EXECUTIVE DIRECTOR DISMISSALS			
(Not appealed to the Board)			
CA	75	59	
CB	49	48	
RC	<u>1</u>	<u>0</u>	
TOTAL	125	107	232
III. CERTIFIED			
AC	2	1	
DD	6	0	
RC	94	17	
RD	5	0	
UC	51	4	
VR	2	0	
REVOCATION OF PRIOR CERTIFICATIONS	<u>5</u>	<u>0</u>	
TOTAL	165	22	187
IV. WITHDRAWALS			
AC	0	1	
CA	165	25	
CB	11	2	
RC	11	4	
RD	6	0	
UC	<u>6</u>	<u>1</u>	
TOTAL	199	33	232

BARGAINING UNITS CERTIFIED

Case Number	Employer	Labor Organization	Date Certified	Prevailing Party	No. of Employee	Unit Type
S-RC-11-005 Majority Interest	County of Kankakee and Coroner of Kankakee County	Laborers Int'l Union of North America, Local 751	7/1/2011	Laborers'	8	Deputy Coroner; Administrative Assistant
S-RC-11-101 Majority Interest	Chief Judge of the 12 th Judicial Circuit (Will County Probation)	Illinois Fraternal Order of Police Labor Council	7/1/2011	FOP	53	Probation Officer; Probation Officer, Senior; Legal Secretary; Legal Secretary, Senior
S-RC-11-015	County of Kane	Metropolitan Alliance of Police, Kane County Emergency Communications (KaneCom) Chapter #645, and Policemen's Benevolent Labor Committee	7/7/2011	PBLC	15	Telecommunicator
S-RC-11-132 Majority Interest	City of Roodhouse	Int'l Union of Operating Engineers, Local 148	7/15/2011	IUOE	6	Laborer In the Water, Gas, Streets and Sewer Departments
S-RC-11-016 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	7/15/2011	AFSCME	1	Include in RC-63 Nuclear Safety Administrator II (IEMA)
L-RC-11-022 Majority Interest	County of Cook	Service Employees Int'l Union, Local 20	7/15/2011	SEIU	2	Include in L-RC-07-011 Public Health Physicians
L-RC-11-018 Majority Interest	County of Cook and Sheriff of Cook County	Service Employees Int'l Union, Local 73, CTW-CLC	7/15/2011	SEIU	22	Include in L-RC-10-031 Administrative Assistant IV; Benefits Coordinator; FMLA Coordinator; Personnel Analyst III
L-RC-10-037	County of Cook	Chicago Joint Board, Local 200, RWDSU, United Food and Commercial Workers Int'l Union	7/20/2011	Chicago Joint Board	38	Administrative Assistant V, Health and Hospital System
S-RD-11-009	Rock River Water Reclamation District	Int'l Brotherhood of Teamsters, Local No. 325 and Jarad Poss	7/21/2011	Teamsters	49	Mechanics, Technicians, Maintenance, Operators, Laborers
S-RC-11-134 Majority Interest	Illinois Council of Police	City of El Paso	8/2/2011	ICOP	3	Patrol Officer

S-RC-11-105 Majority Interest	Illinois Council of Police	Town of Cicero	8/2/2011	ICOP	6	Police Desk Officer; Police Desk Aide
S-RC-11-093	Village of Westchester	Int'l Association of Fire Fighters Local 4851	8/2/2011	IAFF	23	Firefighter-non-probationary; Firefighter/Paramedic Lieutenant
S-RC-11-071	Village of Northbrook	Combined Counties Police Association	8/2/2011	CCPA	11	Police Sergeant
L-RC-11-012 Majority Interest	County of Cook and Sheriff of Cook County	Service Employees Int'l Union, Local 73	8/3/2011	SEIU	15	Include in existing L-AC-01-008 Analysts; System Technicians; Programmer; Systems Analysts; Youth System Worker
S-RC-11-082 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	8/8/2011	AFSCME	18	Include in RC-62 Museum Technician I; Museum Technician II; Museum Technician III
S-RC-11-082 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	8/8/2011	AFSCME	25	Include in RC-62 Curator I; Curator II; Curator III; Museum Section Head I
S-RC-10-194 Majority Interest	State of Illinois, Department of Central Management Services	Int'l Union of Operating Engineers, Local 150	08/9/2011	IUOE	87	DOT Employees Engineering Technician V; Engineering Technician IV; Technical Manager VI
S-RC-11-099	Village of Island Lake	Illinois Fraternal Order of Police Labor Council, and Illinois Council of Police (Incumbent)	8/9/2011	FOP	10	Full time sworn police officers below the rank of Sergeant
S-RC-11-103	Village of Island Lake	Illinois Fraternal Order of Police Labor Council, and Illinois Council of Police (Incumbent)	8/9/2011	FOP	5	Full-time Telecommunicators
S-RC-11-075 Majority Interest	Village of Robbins	Illinois Council of Police	8/12/2011	ICOP		Part-time police officers below the rank of Sergeant
S-RD-11-011	Village of Winthrop Harbor	Illinois Council of Police and John Kusch	8/15/2011	No Rep	4	Telecommunicator; Community Service Officer

S-RC-11-120	County of Calhoun and Sheriff of Calhoun County	Policemen's Benevolent Labor Committee	8/16/2011	PBLC	8	Sergeant; Deputy; Dispatcher
S-RC-11-091	City of South Beloit	Illinois Council of Police, and Illinois Fraternal Order of Police Labor Council (Incumbent)	8/15/2011	FOP	13	Peace Officers below the rank of Sergeant
S-RC-10-196 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	8/29/2011	AFSCME	6	Include in RC-10 Public Service Administrator, Option 8L (Pollution Control Board)
L-RC-12-001 Majority Interest	County of Cook and Sheriff of Cook County	Service Employees Int'l Union, Local 73	8/24/2011	SEIU	2	Include in existing L-AC-01-011 and L-RC-10-031 Quality Assurance Auditor
S-RC-11-130	County of Vermilion and Sheriff of Vermilion County	Illinois FOP Labor Council, and Policemen's Benevolent Labor Committee	9/7/2011	FOP	36	Correctional Officer, Clerk Typist I, Cook I, Cook III, Laundry Worker, Dietician
S-RC-10-112 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	9/8/2011	AFSCME		Exclude from RC-62 Administrator (Legislative Liaison) (Capital Development Board)
S-RC-11-079 Majority Interest	City of North Chicago	Illinois Council of Police	9/8/2011	ICOP	10	Sergeant Lieutenant
S-RC-12-011 Majority Interest	Village of Lombard	Illinois Fraternal Order of Police Labor Council	9/8/2011	FOP	8	Sergeant
S-RC-12-005 Majority Interest	Downers Grove Park District	Laborers Int'l Union of North America, Local 681	9/8/2011	Laborers	13	Maintenance I, Maintenance II, Custodian
S-RD-12-001	Village of Bartlett (Police Department)	Keith M. Kollias and Metropolitan Alliance of Police, Chapter 600	9/9/2011	No Rep	12	
S-RC-12-009	City of Braidwood (Police Department)	Teamsters Local 700	9/20/2011	Teamsters	8	Sworn full-time and part-time patrol officers below the rank of Sergeant
S-RC-12-008 Majority Interest	County of Bond (Highway Department)	Int'l Association of Machinists and Aerospace Workers	9/28/2011	IAMAW	4	Secretary/Bookkeeper; Road Maintenance Supervisor; Highway Maintainer

S-RC-12-001	Village of Oak Park	Service Employees Int'l Union, Local 73, and Int'l Association of Machinists and Aerospace Workers	10/4/2011	SEIU	73	City wide Clerical/technical unit
S-RC-12-003	Village of Oak Park	Service Employees Int'l Union, Local 73, and Chicago Journeyman Plumbers Union, Local 130	10/4/2011	SEIU	9	Water and Sewer Worker; Senior Pumping Station Operator; Pumping Station Operator
S-RC-12-014 Majority Interest	County of Menard (Highway Department)	Teamsters/ Professional Technical Local 916	10/4/2011	Teamsters	1	Include in S-RC-87-006 Administrative Technician
L-RC-11-021 Majority Interest	Chicago Transit Authority	Int'l Brotherhood of Electrical Workers, Local 9	10/5/2011	IBEW	6	Add to existing bargaining unit: Signal Engineer I; Signal Engineer II; Coordinator-Signal Engineer; Coordinator-Signal Maintenance
S-RD-12-002	County of Morgan and County Clerk of Morgan County	Michael Preston and Mid-Central Illinois District Council of Carpenters	10/24/2011	No Rep	5	
S-RC-12-002	City of Springfield (Office of Public Utilities, Division of City Water, Light and Power)	Int'l Association of Machinists and Aerospace Workers, District 9, and Service Employees Int'l Union, Local 8	10/27/2011	IAMAW	59	All regular full-time firemen, oiler maintenance and operating persons
S-RC-11-122 Majority Interest	Illinois State Board of Elections	American Federation of State, County and Municipal Employees, Council 31	10/28/2011	AFSCME	55	Clerical/Technical employees
S-RC-12-023 Majority Interest	Wauconda Fire Protection District	Wauconda Professional Firefighters, Int'l Association of Fire Fighters	10/31/2011	IAFF	23	Firefighter Firefighter/EMT; Firefighter Paramedic
S-RC-12-025 Majority Interest	Wauconda Fire Protection District	Wauconda Fire Officers Association	10/31/2011	Wauconda Fire Officers Assn	10	Lieutenant Captain
S-RC-11-006 Majority Interest	Illinois Secretary of State	Service Employees Int'l Union, Local 73	11/1/2011	SEIU	117	Include in S-AC-11-002 Executive I; Executive II in the Drivers' Services Department

L-RC-12-002 Majority Interest	County of Cook	American Federation of State, County and Municipal Employees, Council 31	11/7/2011	AFSCME	4	Include in S-UC-08-011 Business Manager II; Project Leader/Data Systems; Manager/Systems Developer
S-RC-12-021	Village of Libertyville	Int'l Union of Operating Engineers, Local 150	11/18/2011	IUOE	14	Water System Operator; Equipment Mechanic I & II; Public Works Maintenance Technician
S-RD-12-004	County of Knox and State's Attorney of Knox County	American Federation of State, County and Municipal Employees, Council 31, and Elizabeth Smith	12/5/2011	AFSCME	5	Legal Secretary; Receptionist
S-RC-12-007	Chief Judge of the Circuit Court of Cook County	Metropolitan Alliance of Police, Chapter 657	12/1/2011	MAP	137	Social Caseworker I; Social Casework II
S-RC-12-037 Majority Interest	East Dundee and Countryside Fire Protection District	Teamsters, Local 330	12/06/2011	Teamsters	22	Fire Fighter/Paramedic; Fire Fighter/EMT
S-RC-12-035 Majority Interest	Ivanhoe Park District of Riverdale	Teamsters, Local 743	12/08/2011	Teamsters	6	Maintenance; Recreation Assistant; Recreation Assistant/Instructor
S-RC-12-033 Majority Interest	City of Waukegan (Public Works Department)	Int'l Brotherhood of Operating Engineers, Local 150	12/8/2011	IUOE	13	Public Works Supervisor; Mechanic Supervisor; Back Flow Coordinator/Water Main
S-RC-12-012	County of Clark and Sheriff of Clark County	Illinois Council of Police	12/13/2011	ICOPs	18	Deputy Sheriff; Dispatcher; Corrections Officer (Jailer); Detective; Chief Administrative Assistant; Chief Deputy
S-RC-11-095 Majority Interest	Village of Homewood	Int'l Brotherhood of Teamsters, Local 700	12/20/2011	Teamsters	7	Cashier; Building Inspector; Water Billing Clerk; Records Clerk; Community Service Officer
S-RC-11-086 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	12/20/2011	AFSCME	1	Include in RC-62 Public Service Administration, Opt. 7 (DHFS)
S-RC-12-049 Majority Interest	Village of Stickney	Int'l Union of Operating Engineers, Local 399, AFL-CIO	1/4/2012	IUOE	9	Maintenance Worker in the Public Works Department

S-RC-12-045 Majority Interest	Village of Cherry Valley	Illinois Fraternal Order of Police Labor Council	1/4/2012	FOP	12	Sworn officer in the Patrol Division and Patrol Division/Investigations
S-RC-12-026 Majority Interest	City of Sullivan	Int'l Brotherhood of Electrical Workers, Local 51	1/4/2012	IBEW	4	Lineman
S-RC-12-043 Majority Interest	Village of Lombard	Int'l Brotherhood of Teamsters	1/5/2012	IBT	20	Police Records Clerk; Community Service Officer; Police Property Clerk; Police Front Desk Clerk
S-RC-12-020	County of Peoria and Sheriff of Peoria County	Policemen's Benevolent Labor Committee and Illinois FOP Labor Council	3/13/2012	PBLC	52	All sworn personnel below the rank of Lieutenant
S-RC-12-041 Majority Interest	Harvey Park District	Teamsters, Local 700	1/13/2012	IBT	8	Maintenance employees
S-RC-12-024 Majority Interest	County of Sangamon (Department of Public Health)	American Federation of State, County and Municipal Employees Council 31	1/13/2012	AFSCME	5	Add to existing S-VR-06-004 unit: Clinic Secretary
S-RC-12-022	Illinois Secretary of State	Int'l Brotherhood of Teamsters, Local 700	1/18/2012	IBT	7	Department of Police Investigator-Sergeant
L-RC-12-003 Majority Interest	City of Chicago	American Federation of State, County and Municipal Employees Council 31	1/24/2012	AFSMCE	19	Include in Unit I Administrative Services Officer I
L-RC-10-036 Majority Interest	City of Chicago (Office of Emergency Management and Communications)	Int'l Brotherhood of Teamsters Local 700	1/24/2012	IBT	7	Shift Supervisor-Security Communication Center at O'Hare Int'l Airport
S-RD-12-005	Village of Barrington Hills	Gary Hammelmann and Metropolitan Alliance of Police, Barrington Hills Police Chapter 576	2/8/2012	MAP	12	Patrol Officer, Master Patrol Officer, Senior Patrol Officer, Investigator/Patrol Officer, Including probationary officers
S-RC-12-036 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees Council 31	03/01/2012	AFSCME	1	Include in RC-62 unit Military Environmental Specialist III

L-RC-12-009 Majority Interest	County of Cook and Sheriff of Cook County	Service Employees Int'l Union, Local 73	2/29/2012	SEIU		Add to existing L-RC-11-012 unit: Administrative Analyst II; Administrative Analyst V; Administrative Assistant V in the Intergovernmental Agreement/ETSB office
S-RC-11-097 Majority Interest	Illinois State Toll Highway Authority	American Federation of State, County and Municipal Employees Council 31	3/1/2012	AFSCME	1	Include in S-UC-10-186 unit Safety and Training Manager
S-RC-12-030 Majority Interest	Village of Southern View	Laborers' Local 477	3/5/2012	LIUNA	2	Patrol Officer; Senior Patrol Officer
S-RC-12-032 Majority Interest	Village of Southern View	Laborers' Local 477	3/5/2012	LIUNA	2	Public Works Foreman
S-RC-12-038 Majority Interest	Village of Southern View	Laborers' Local 477	3/5/2012	LIUNA	5	Patrol Officer
S-RC-12-061 Majority Interest	Village of Schaumburg	American Federation of State, County and Municipal Employees, Council 31	3/5/2012	AFSCME	175	General City-wide bargaining unit
S-RC-12-053 Majority Interest	City of Des Plaines	American Federation of State, County and Municipal Employees, Council 31	3/15/2012	AFSCME	5	Include in existing S-UC-08-026 bargaining unit: Information Technology Specialist; Emergency Communication Technology Specialist
S-RC-12-057 Majority Interest	Village of Hinsdale	Int'l Union of Operating Engineers, Local 150	3/15/2012	IUOE	17	Public Services Department employees
S-RC-10-228 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees Council 31	3/15/2012	AFSCME	2	Include in RC-42 bargaining unit: Military Facility Officer
S-RC-08-154 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees Council 31	3/15/2012	AFSCME	1	Include in RC-10 bargaining unit: Public Service Administrator, Option 8L (Human Services)
S-RC-12-028 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees Council 31	3/22/2012	AFSCME	1	Include in RC-62 bargaining unit: Military Facility Engineer

S-RC-12-140 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees Council 31	3/22/2012	AFSCME	9	Include in RC-62 bargaining unit: Military Environmental Specialist I; Military Environmental Specialist II
S-RC-12-063 Majority Interest	Coal City Fire Protection District	Coal City Firefighters Union, Local 4884	3/22/2012	IAFF	9	Firefighter; Firefighter/Paramedic
S-RC-12-013	Illinois Quad Cities Civic Center Authority, I Wireless Center (f/k/a The Mark of the Quad Cities)	Int'l Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada, AFL-CIO, Local 85	3/23/2012	IATSE	73	Stagehand or High Rigger performing work in the arena
S-RC-12-031	Village of Park Forest	Metropolitan Alliance of Police, Park Forest Chapter No. 660, and Illinois FOP Labor Council	3/23/2012	MAP	35	Patrolman, Corporal and specialty positions, including Detective
S-RC-12-029	Village of West Dundee	West Dundee Firefighters, IAFF, Local 4882	3/26/2012	IAFF	7	Firefighter/EMT-P
S-RC-06-129	County of DuPage and Sheriff of DuPage County	Policemen's Benevolent Labor Committee	3/26/2012	PBLC	190	All Deputy Sheriffs below the rank of Sergeant
S-RC-12-047	City of Evanston	Illinois Fraternal Order of Police Labor Council	3/26/2012	FOP	150	Police Officer; Telecommunicator; Towing Coordinator
S-RC-12-034	County of Moultrie and Sheriff of Moultrie County	Illinois Fraternal Order of Police Labor Council	3/26/2012	FOP	2	Corrections Officer; Corrections Officer Sergeant; corrections LEADS Coordinator
S-RC-12-050 Majority Interest	Bond County Housing Authority	Laborers' Int'l Union of North America, Local 622	3/26/2012	Laborers	5	Maintenance; Occupancy Specialist; Admissions Coordinator; Maintenance Supervisor
S-RC-11-009 Majority Interest	City of Chicago Heights	Policemen's Benevolent Labor Committee	3/27/2012	PBLC	9	Peace Officers in the rank of Sergeant assigned to Patrol and Traffic

S-RC-12-059 Majority Interest	City of Rockford	American Federation of State, County and Municipal Employees, Council 31	3/28/2012	AFSCME	2	Include in existing historical unit: Water Quality Technician
L-RC-12-008 Majority Interest	County of Cook	Service Employees Int'l Union, Local 73	3/26/2012	SEIU	11	Add to existing L-RC-10-021 unit: Accountant I; Accountant II, Accountant III, Clerk V; Director of Financial Control I; Director of Financial Control II
S-RC-12-075 Majority Interest	Village of Rockdale	General Teamsters, Local 179	3/30/2012	Teamsters	3	Laborer in the Public Works Department
S-RC-12-048 Majority Interest	County of Montgomery	Laborers' Int'l Union of North America, Local 397	4/17/2012	Laborers'	2	Billing Agent/CAC; Billing Agent/CAC/EMA; Administrative Assistant
S-RC-12-052 Majority Interest	County of Montgomery and Supervisor of Assessments of Montgomery County	Laborers' Int'l Union of North America, Local 397	4/17/2012	Laborers'	4	Deputy Assessor; Field Assistant
S-RC-12-056 Majority Interest	County of Montgomery and State's Attorney of Montgomery County	Laborers' Int'l Union of North America, Local 397	4/17/2012	Laborers'	3	Receptionist; Legal Secretary
S-RC-12-079 Majority Interest	Village of Dixmoor	Illinois Council of Police	4/25/2012	ICOP	7	Police Officer
S-RC-12-077 Majority Interest	Village of Mundelein	Int'l Union of Operating Engineers, Local 150	4/25/2012	IUOE	27	Public Works Department: Maintenance Tech I; Maintenance Tec II; Crew Leader; Mechanic I; Mechanic II
L-RC-12-010 Majority Interest	County of Cook, Sheriff of Cook County	Service Employees Int'l Union, Local 73	4/25/2012	SEIU	1	Include in L-RC-11-018 Administrative Assistants III within the Dept. of Information Technology

L-RC-10-033 Majority Interest	County of Cook, Recorder of Deeds	Service Employees Int'l Union, Local 73	4/25/2012	SEIU	26	Include in L-RC-08-017 Administrative Assistant III; Administrative Assistant IV; Title Express Supervisor; Accountant V
L-RC-12-012 Majority Interest	County of Cook	American Federation of State, County and Municipal Employees, Council 31	4/25/2012	AFSCME	2	Include in L-UC-08-011 Communication Manager in the Health and Hospital Systems
S-RC-12-044	Village of Sauget	Policemen's Benevolent Labor Committee, and Sauget Fire Fighters Association (Incumbent)	4/27/2012	PBLC	9	Firefighter; Captain
L-RC-11-009 Majority Interest	County of Cook (Stroger Hospital)	American Federation of State, County and Municipal Employees, Council 31	4/27/2012	AFSCME	9	Assistant Director of Occupational Therapy; Occupational Therapy Supervisor, Morgue Supervisor; Building Custodian I
L-RC-11-014 Majority Interest	County of Cook	American Federation of State, County and Municipal Employees, Council 31	4/27/2012	AFSCME	6	Oak Forest Hospital Computer Operator III; Telephone Operator IV Stroger Hospital Respiratory Therapist Supervisor
S-RC-12-058 Majority Interest	Perry County Housing Authority	Laborer's Int'l Union of North America, Local 773	5/8/2012	Laborers'	3	Leasing & Occupancy Specialist; Billing Clerk/Receptionist
S-RC-12-085 Majority Interest	Roberts Park Fire Protection District	Teamsters, Local 700	5/8/2012	Teamsters	7	Lieutenant
S-RC-12-081 Majority Interest	Village of Buffalo Grove	Metropolitan Alliance of Police, Buffalo Grove Police Chapter #672	5/8/2012	MAP	44	Patrol Officer
S-RC-08-130 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	5/15/2012	AFSCME	6	Include in RC-10 Public Service Administrator, Opt. 8L, Administrative Law Judge (Healthcare and Family Services)
S-RC-12-083 Majority Interest	Village of Riverdale	Illinois Fraternal Order of Police Labor Council	5/17/2012	FOP	1	Include in S-RC-10-053 Community Service Officer

S-RC-12-040	City of Troy	Policemen's Benevolent Labor Committee, and Illinois Fraternal Order of Police Labor Council (Incumbent)	5/18/2012	PBLC	12	Patrol Officer, Investigation Officer
S-RC-12-060 Majority Interest	Illinois Secretary of State (Capitol Police Department)	Policemen's Benevolent Labor Committee	5/18/2012	PBLC	3	Capitol Police Investigator-Sergeant
S-RC-12-008	City of Trenton	Christopher Joellenbeck; Ryan Weh, and Illinois Fraternal Order of Police Labor Council (Incumbent)	5/18/2012	FOP	4	Patrol Officer, Senior Patrolman
S-RC-12-167 Majority Interest	Village of Olympia Fields	Metropolitan Alliance of Police, Olympia Field Chapter #678	5/18/2012	MAP	15	Patrol Officer, Corporal
S-RC-12-071	Village of Alsip	Metropolitan Alliance of Police Chapter #669 and Illinois Fraternal Order of Police Labor Council (Incumbent)	5/21/2012	MAP	41	Sergeant; Patrol Officer; Radio Communication Operator
S-RC-12-073	Village of Forest Park	Illinois Council of Police and Illinois Fraternal Order of Police Labor Council	5/25/2012	FOP	34	Patrol Officer; Sergeant
L-RC-12-015 Majority Interest	Chicago Transit Authority	District Lodge 8, Int'l Association of Machinists and Aerospace Workers	5/30/2012	IAMAW	14	All full-time engineers – track and structure
S-RC-12-062 Majority Interest	Village of Forsyth	Laborers' Local 159	5/31/2012	LIUNA	6	Public Works Technician; Public Works Assistant; Building Inspector/Water Plant Operator
S-RC-12-027 Unit A	Rockford Park District	Policemen's Benevolent Labor Committee	5/31/2012	PBLC	11	Full time police officers including Officer in Charge
S-RC-12-027 Unit B	Rockford Park District	Policemen's Benevolent Labor Committee	5/31/2012	PBLC	35	Part-time Facility/Event Officers

S-RC-12-027 Unit C	Rockford Park District	Policemen's Benevolent Labor Committee	5/31/2012	PBLC	9	Part-time Police/Patrol Officers
S-RC-12-064 Majority Interest	City of Bushnell	Int'l Brotherhood of Electrical Workers, Local 51	6/6/2012	IBEW	4	Assistant City Clerk; Clerk I; Clerk II; Utility Office Manager
S-RC-12-089 Majority Interest	Emergency Telephone System Board (ETSB), Grundy County Consolidated 911 Dispatch Center	Metropolitan Alliance of Police, Grundy County Consolidated 911 Dispatch Center, Chapter #181	6/6/2012	MAP	13	Telecommunicator
S-RC-12-095 Majority Interest	County of McHenry (Valley Hi Nursing and Rehabilitation)	Service Employees Int'l Union, Local 73	6/11/2012	SEIU	102	Health Care Non-Professionals and support staff

CERTIFICATION OF VOLUNTARILY RECOGNIZED REPRESENTATIVE

Case Number	Employer	Labor Organization	Date Certified	No. of Employees	Unit Type
S-VR-12-001	City of Country Club Hills	Teamsters, Local 700	10/31/2011	20	Administrative employees; Clerical employees; Community Service Officer
S-VR-12-003	City of Country Club Hills	Teamsters, Local 700	10/31/2011	4	Lieutenant

AMENDMENT TO CERTIFICATIONS

Case Number	Employer	Labor Organization	Date Certified	Amendment
S-AC-11-049	PACE Southwest Division	Amalgamated Transit Union, Local 241	7/15/2011	Change name from Amalgamated Transit Union, Local 1561 to Amalgamated Transit Union, Local 241
S-AC-11-051	Village of Thornton (Police Department)	Int'l Brotherhood of Teamsters, Local 700	8/2/2011	Change name from Int'l Brotherhood of Teamsters, Local 726 to Int'l Brotherhood of Teamsters, Local 700

L-AC-12-001	Cook County President's Office of Employment Training (POET), Cook County Office of the President	Service Employees Int'l Union, Local 73	5/3/2012	Change name from Cook County President's Office of Employment Training (POET), Cook County Office of the President to County of Cook, Cook County Office of the President, Cook County Works
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REVOCATION OF PRIOR CERTIFICATIONS

Case Number	Employer	Labor Organization	Date Certified	No. of Employees	Unit Type
S-RC-09-132	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	7/28/2011	6	PSA Opt. 8L Administrative Law Judge (HRC)
S-RC-10-034	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	7/28/2011		Administrative Law Judge IV (ICC)
S-RC-10-036	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	7/28/2011	7	Administrative Law Judge III (ICC)
S-RC-09-061	City of Sandwich	Illinois Fraternal Order of Police Labor Council	8/2/2011		Police Sergeants
S-RC-09-136	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	8/25/2011		Public Service Administrator, Option 8L (Property Tax Appeals Board)
S-DD-12-001	City of Wheaton	Illinois Fraternal Order of Police Labor Council	11/15/2011		S-RC-98-027 Community Service Officer; Police Services Representative
S-DD-12-002	City of West Frankfort	Laborers Int'l Union of North America, Local 529	12/16/2011		Full-time and permanent part-time clerical and bookkeeper employees
S-DD-12-003	City of Evanston	Int'l Brotherhood of Teamsters, Local 700	2/22/2012		Police officers and telecommunicators

S-DD-12-005	Village of DePue	Illinois Council of Police	3/2/2012		S-RC-09-091 Part-time police officers
S-DD-12-007	North Park Fire Protection District	Service Employees Int'l Union, Local 73	5/7/2012		S-UC-11-007 Firefighter; Lieutenant; Captain
S-DD-12-009	Rock Island Tri-County Consortium	American Federation of State, County and Municipal Employees, Council 31	6/11/2012		S-UC-99-013 Account Clerk; MIS Specialist; Case Manager; Placement Specialist; Generalist; Lead Case Manager; Program Assistant; Intake and Assessment Specialist; Dislocated Worker Specialist
S-RC-07-048 S-RC-08-074 Partial Revocation	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31, and Laborers' Int'l Union/Illinois State Employees Association, Local 2002, SEIU Local 73			Certain positions in the title of Public Service Administrator, Option 2

BOARD DECISIONS AND ORDERS ISSUED

Case Number	Parties	Date Issued
L-CA-10-026 28 PERI ¶ 54	Int'l Brotherhood of Electrical Workers, Local 21 and City of Chicago and Service Employees Int'l Union, Local 73	7/22/2011
L-CB-11-014 28 PERI ¶ 36	Violar Murry and American Federation of State, County and Municipal Employees, Council 31	7/22/2011
S-CA-11-121 28 PERI ¶ 37	Shannon Watkins and Village of Dolton	7/28/2011
S-CA-11-137 28 PERI ¶ 38	Association of Professional Police Officers and City of Aurora (Police Department)	7/28/2011
S-CB-10-027 28 PERI ¶ 39	Todd Baran and American Federation of State, County and Municipal Employees, Council 31	7/28/2011
S-CA-10-283 28 PERI ¶ 45	Service Employees Int'l Union, Local 73 and City of Waukegan	8/5/2011
S-RC-10-214 28 PERI ¶ 46	Laborers' Int'l Union of North America, Local 2002, Illinois State Employees Association and State of Illinois, Department of Central Management Services (Illinois Department of Corrections)	8/5/2011
S-CA-09-228 28 PERI ¶ 47	Sahin Cakir and State of Illinois, Department of Central Management Services	8/19/2011
S-CB-10-075 28 PERI ¶ 48	Maryanne Tighe and Teamsters, Local 726	8/19/2011
S-RC-10-196 28 PERI ¶ 50	American Federation of State, County and Municipal Employees, Council 31 and State of Illinois, Department of Central Management Services	8/24/2011
S-CB-11-002 28 PERI ¶ 49	Britt Weatherford and American Federation of State, County and Municipal Employees, Council 31	8/24/2011
S-RC-10-112 28 PERI ¶ 51	American Federation of State, County and Municipal Employees, Council 31 and State of Illinois, Department of Central Management Services	8/26/2011
L-CA-10-045 28 PERI ¶ 52	Int'l Brotherhood of Teamsters, Local 700 and City of Chicago	8/26/2011
L-CB-10-018 28 PERI ¶ 63	Arlency Pitts and Chicago Fire Fighters Union, Local 2	9/23/2011
L-CA-11-054 28 PERI ¶ 66	American Federation of State, County and Municipal Employees, Council 31 and County of Cook	10/21/2011
L-CA-11-006 28 PERI ¶ 65	William Foster and Laura Foster and Chicago Transit Authority	10/21/2011

S-CA-10-063 28 PERI ¶ 67	American Federation of State, County and Municipal Employees, Council 31 and County of Lake	10/24/2011
S-UC-09-182 28 PERI ¶ 75	American Federation of State, County and Municipal Employees, Council 31 and State of Illinois, Department of Central Management Services	10/24/2011
S-RC-11-086 28 PERI ¶ 69	American Federation of State, County and Municipal Employees, Council 31 and State of Illinois, Department of Central Management Services (Department of Healthcare and Family Services)	10/24/2011
S-RC-11-006 28 PERI ¶ 68	Service Employees Int'l Union, Local 73 and Illinois Secretary of State	10/24/2011
S-RC-11-122 28 PERI ¶ 70	American Federation of State, County and Municipal Employees, Council 31 and Illinois State Board of Elections	10/24/2011
L-CA-12-004 28 PERI ¶ 79	Grover Stephens and County of Cook	11/18/2011
L-RC-07-017 28 PERI ¶ 80	Illinois Council of Police and City of Chicago and Service Employees Int'l Union, Local 73 & Int'l Brotherhood of Electrical Workers, Local 21	11/18/2011
L-RC-11-009 28 PERI ¶ 85	American Federation of State, County and Municipal Employees, Council 31 and County of Cook	12/23/2011
L-RC-11-006 28 PERI ¶ 86	Service Employees Int'l Union, Local 73, CLC-CTW and City of Chicago	12/23/2011
S-RC-11-035 28 PERI ¶ 98	American Federation of State, County and Municipal Employees, Council 31 and City of Naperville	12/29/2011
S-CA-11-205 28 PERI ¶ 87	Service Employees Int'l Union, Local 73 and City of Hickory Hills	12/30/2011
S-CB-09-009 28 PERI ¶ 88	PACE South Division and Amalgamated Transit Union, Local 1028	12/30/2011
S-UC-08-398 28 PERI ¶ 89	City of East Moline and American Federation of State, County and Municipal Employees, Council 31	12/30/2011
L-CA-11-060 28 PERI ¶ 108	Licensed Practical Nurses Association of Illinois and County of Cook (Health & Hospital System)	1/27/2012
L-CA-10-066 28 PERI ¶ 110	Amalgamated Transit Union, Local 241 and Chicago Transit Authority	1/27/2012
L-RC-11-014 28 PERI ¶ 109	American Federation of State, County and Municipal Employees, Council 31 and County of Cook	1/27/2012
S-CA-08-131 28 PERI ¶ 111	James Pino and Village of Oak Park	1/27/2012
S-CA-09-001-C 28 PERI ¶ 124	Markham Professional Firefighters Association, Local 3209 and City of Markham	1/27/2012

L-CB-11-018 28 PERI ¶ 114	Janette Watkins and Amalgamated Transit Union, Local 241	2/16/2012
L-CB-11-024 28 PERI ¶ 115	Barbara Brown-Frazier and National Nurses Organizing Committee	2/15/2012
S-CA-10-241 29 PERI ¶ 50	Ann Moehring and Chief Judge of the 16 th Judicial Circuit	2/22/2012
S-CA-10-143 and S-CB-10-033 28 PERI ¶ 125	Georgia M. Foster and Clerk of the circuit Court of Cook County and Georgia M. Foster and Int'l Brotherhood of Teamsters, Local 714	2/22/2012
S-RC-08-154 28 PERI ¶ 126	American Federation of State, County and Municipal Employees, Council 31 and State of Illinois, Department of Central Management Services (Department of Human Services)	2/23/2012
S-CA-08-271 28 PERI ¶ 127	Oak Lawn Professional Firefighters Association, Local 3405, IAFF, and Village of Oak Lawn	3/5/2012
L-CA-12-016 28 PERI ¶ 135	Mathew George and County of Cook (Health & Hospitals System)	3/21/2012
L-CB-12-010 28 PERI ¶ 136	Deborah Ann Threlkeld and American Federation of State, County and Municipal Employees, Council 31	3/22/2012
S-CA-11-055 28 PERI ¶ 137	Metropolitan Alliance of Police, Chapter #228 and Chief Judge of the 12 th Judicial Circuit (River Valley Juvenile Detention Center)	3/23/2012
S-CA-11-152 28 PERI ¶ 138	Margaret J. Lowder and State of Illinois, Department of Central Management Services	3/23/2012
S-CA-11-227 28 PERI ¶ 144	Int'l Union of Operating Engineers, Local No. 150 and Village of Frankfort	3/26/2012
S-CB-11-045 28 PERI ¶ 139	Carl Hamilton and American Federation of State, County and Municipal Employees, Council 31	3/23/2012
S-CB-11-059 28 PERI ¶ 141	Viridia Spain and American Federation of State, County and Municipal Employees, Council 31	3/23/2012
S-CB-12-003 28 PERI ¶ 142	Edward White and American Federation of State, County and Municipal Employees, Council 31	3/23/2012
S-CA-11-016 28 PERI ¶ 145	Illinois Fraternal Order of Police Labor Council and Illinois Secretary of State	3/30/2012
S-CA-11-167 28 PERI ¶ 154	Illinois Fraternal Order of Police Labor Council and Village of Summit	4/26/2012
L-CA-10-032 28 PERI ¶ 155	County of Cook and Sheriff of Cook County and American Federation of State, County and Municipal Employees, Council 31	5/1/2012
S-RC-08-130 28 PERI ¶ 160	American Federation of State, County and Municipal Employees, Council 31 and State of Illinois, Department of Central Management Services	5/1/2012

S-CB-11-002 28 PERI ¶156	American Federation of State, County and Municipal Employees, Council 31 and Britt J. Weatherford	5/1/2012
S-CB-10-073 28 PERI ¶159	Amanda Moren and American Federation of State, County and Municipal Employees, Council 31	5/1/2012
S-CB-10-004 28 PERI ¶158	Britt J. Weatherford and American Federation of State, County and Municipal Employees, Council 31	5/1/2012
S-CA-12-076 28 PERI ¶157	Int'l Brotherhood of Teamsters, Local 700 and State of Illinois, Department of Central Management Services	5/1/2012
S-CA-11-255 28 PERI ¶161	Barbara Martenson and County of Boone and Boone County Sheriff	5/14/2012
L-CB-12-006 28 PERI ¶166	Pamela Mercer and American Federation of State, County and Municipal Employees, Council 31	5/29/2012
L-CA-12-010 28 PERI ¶165	Pamela Mercer and County of Cook/Sheriff of Cook County	5/29/2012
S-CA-10-189 29 PERI ¶15	Metropolitan Alliance of Police, Barrington Hills Chapter #576 and Village of Barrington Hills	5/29/2012
S-CA-12-011 28 PERI ¶167	Patrick C. Nickerson and Village of University Park	5/29/2012
S-CA-12-022 28 PERI ¶168	Dottie Atterberry and State of Illinois, Department of Central Management Services	5/29/2012
S-CB-12-002 28 PERI ¶169	Dottie Atterberry and American Federation of State, County and Municipal Employees, Council 31	5/29/2012
S-RC-11-062 29 PERI ¶13	American Federation of State, County and Municipal Employees, Council 31 and State of Illinois, Department of Central Management Services (Pollution Control Board)	5/29/2012
S-RC-10-052 29 PERI ¶12	American Federation of State, County and Municipal Employees, Council 31 and State of Illinois, Department of Central Management Services	5/29/2012

GENERAL COUNSEL ORDERS

Case Number	Parties	Date Issued
L-CA-09-044 28 PERI ¶ 22	National Nurses Organizing Committee California Nurses Association / County of Cook	7/13/2011
L-CA-10-069 28 PERI ¶ 23	Local 200, Chicago Joint Board / County of Cook (Stroger Hospital)	7/13/2011
S-CA-11-117 28 PERI ¶ 25	Service Employees Int'l Union, Local 73 / Village of Robbins	7/13/2011
S-CA-10-137 28 PERI ¶ 24	Service Employees Int'l Union, Local 73 / Village of Braidwood	7/13/2011
S-CB-10-083	John V. Schubert / Freeport Firefighters, IAFF Local 441	7/13/2011
S-UC-10-102 28 PERI ¶ 28	Teamsters Local Union 627 / County of Marshall and County Clerk of Marshall County	7/13/2011
S-RC-11-071 28 PERI ¶ 27	Village of Northbrook / Combined Counties Police Association / Metropolitan Alliance of Police, Northbrook Sergeants Chapter #376	7/13/2011
S-RC-11-016 28 PERI ¶ 26	American Federation of State, County and Municipal Employees, Council 31 / State of Illinois, Department of Central Management Services	7/13/2011
S-CA-09-045 28 PERI ¶ 35	Service Employees Int'l Union, Local 73 and New Lenox Fire Protection District	7/20/2011
S-CA-11-026 28 PERI ¶ 56	Int'l Brotherhood of Electrical Workers, Local 193 and City of Springfield	9/15/2011
S-CA-11-127 28 PERI ¶ 57	Tyrone McCullough and Harvey Park District	9/15/2011
L-RC-11-021 28 PERI ¶ 55	Int'l Brotherhood of Electrical Workers, Local 9 and Chicago Transit Authority	9/15/2011
S-CA-09-137 28 PERI ¶ 64	Metropolitan Alliance of Police, Northern Illinois University, Chapter #291 and Board of Trustees of Northern Illinois University	10/5/2011
L-CA-06-079 28 PERI ¶ 76	National Nurses Organizing Committee/California Nurses Association and Cook County Bureau of Health Services	11/09/2011
S-RC-09-182 28 PERI ¶ 84	Illinois Federation of Public Employees, Local 4408, IFT-AFT, FLC- COI and State of Illinois, Department of Central Management Services	12/7/2011
S-RC-11-097 28 PERI ¶ 101	American Federation of State, County and Municipal Employees, Council 31 & Illinois State Toll Highway Authority	1/10/2012

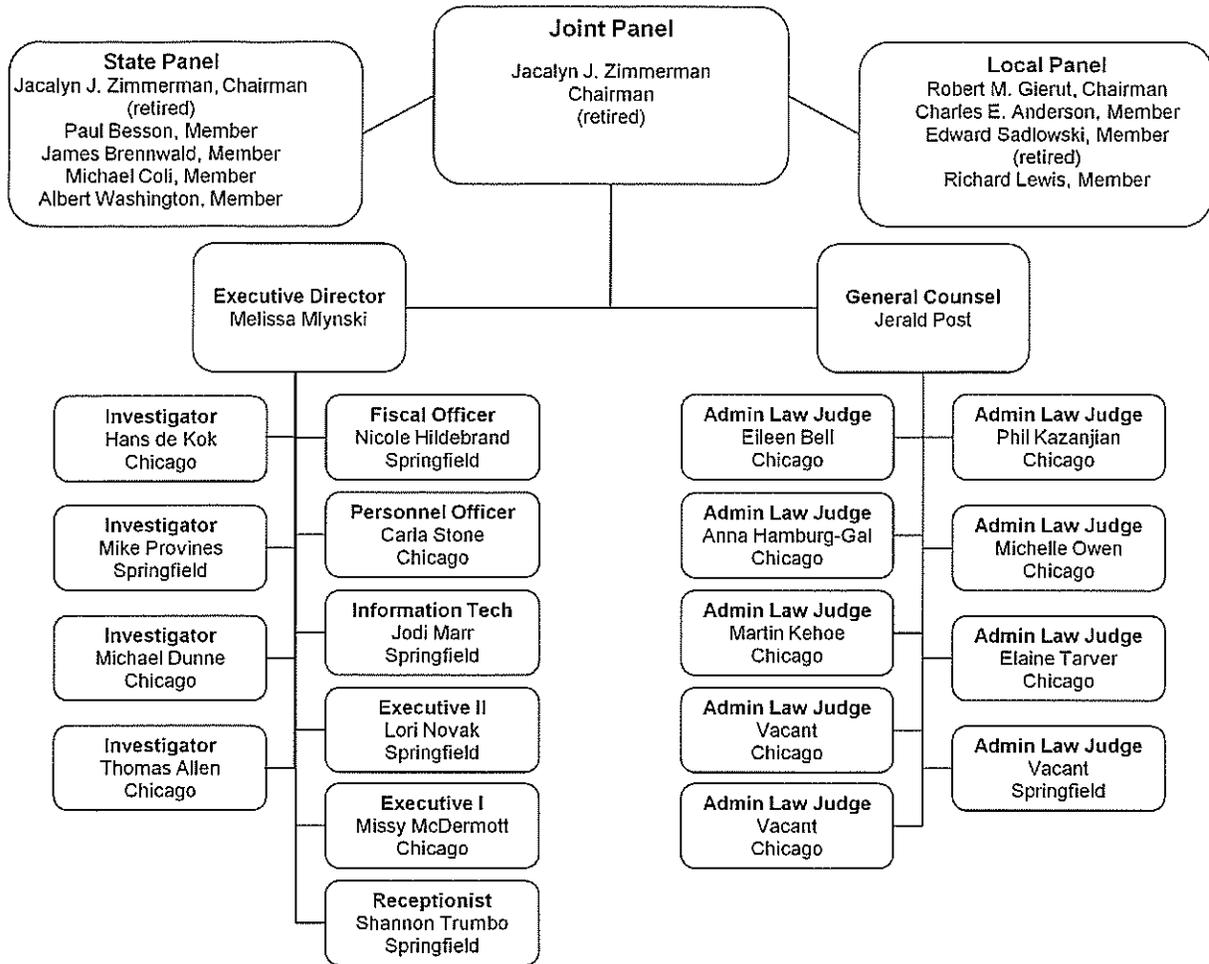
S-CA-05-009 S-CA-03-039 28 PERI ¶ 100	John Gaw and Chris Loudon & Village of Lisle	1/10/2012
L-RC-10-036 28 PERI ¶ 99	Teamsters, Local 700 and City of Chicago, Office of Emergency Management and Communications	1/10/2012
S-CA-11-175 28 PERI ¶ 112	Int'l Association of Fire Fighters, Local 717 and Town of Cicero	2/7/2012
S-RC-10-228 28 PERI ¶ 113	American Federation of State, County and Municipal Employees, Council 31 and State of Illinois, Department of Central Management Services	2/7/2012
S-RC-11-009 28 PERI ¶ 128	Policemen's Benevolent Labor Committee and City of Chicago Heights	3/13/2012
S-CA-11-201 28 PERI ¶ 148	Glenview Professional Firefighters, Local 4186 and Village of Glenview	4/12/2012
S-UC-11-152 28 PERI ¶ 149	Laborers' Int'l Union of North America and County of Crawford and County Clerk, Treasurer, Supervisor of Assessments and Sheriff of Crawford County	4/12/2012
S-CA-12-047 S-CA-12-049 28 PERI ¶ 164	Service Employees Int'l Union, Local 73 and Village of Dixmoor	5/15/2012
L-CA-10-035	Laura Foster and Chicago Transit Authority	6/12/2012
L-RC-11-024	American Federation of State, County and Municipal Employees, Council 31 and City of Chicago	6/12/2012
S-UC-12-036	Laborers' Int'l Union of North America, Local 477 and Village of Southern View	6/12/2012

DECLARATORY RULING

Case Number	Parties	Date Issued
S-DR-11-005	Village of Posen / Illinois Fraternal Order of Police Labor Council	7/8/2011
S-DR-10-010	City of Madison / Policemen's Benevolent Labor Committee, PBPA Unit #110	7/11/2011
S-DR-10-008	City of Madison / Policemen's Benevolent Labor Committee, PBPA Unit #110	7/11/2011
S-DR-12-001	City of Rock Island / Int'l Association of Fire Fighters, Local 26	7/13/2011

S-DR-11-010	City of Decatur / Int'l Association of Firefighters, Local 505	8/1/2011
S-DR-12-003	Int'l Association of Fire Fighters, Local 26 / City of Rock Island	11/7/2011
S-DR-10-012	Policemen's Benevolent Labor Committee and County of Macoupin and Sheriff of Macoupin County	11/09/2011
S-DR-11-004	County of Macoupin and Policemen's Benevolent Labor Committee	12/12/2011
S-DR-12-005	Service Employees Int'l Union, Local 73 and County of McHenry and McHenry County Coroner	12/15/2011
S-DR-12-002	Int'l Association of Firefighters, Local 305 and City of Decatur	12/30/2011
S-DR-12-007	Illinois Fraternal Order of Police Labor Council and City of Batavia	2/14/2012
S-DR-11-002	Policemen's Benevolent Labor Committee and City of Taylorville	2/22/2012

ORGANIZATIONAL CHART



CHICAGO OFFICE

160 North LaSalle Street
Suite S-400
Chicago, IL 60601
312-793-6400
FAX: 312-793-6989

SPRINGFIELD OFFICE

One Natural Resources Way
Springfield, IL 62702
217-785-3155
FAX: 217-785-4146

WEBSITE

www.state.il.us/ilrb

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