

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
LOCAL PANEL

Minutes of the Local Panel Meeting
Held on March 14, 2006

I. OPENING OF MEETING 10:00 A.M.—320 West Washington Street, Suite 500, Spfld, IL

II. PRESENT

Jackie Gallagher, Chairman; Don Hubert, Member of the Board—participated by telephone; Edward E. Sadlowski, Member of the Board—participated by telephone; John F. Brosnan, Executive Director; Jacalyn J. Zimmerman, General Counsel; and staff members.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD FEBRUARY 14, 2006

Chairman Gallagher called for approval of the minutes of the February 14, 2006 meeting. Member Sadlowski made a motion for approval of the minutes. Member Hubert seconded. The Board approved the motion unanimously by voice vote.

IV. ADMINISTRATIVE MATTERS

Chairman Gallagher asked Executive Director Brosnan to present the Local Panel administrative actions for the period of time from January 1 through February 28, 2006, as at the last meeting, due to a computer malfunction, there was no report regarding Local Panel administrative actions from January 1 through January 31. Executive Director Brosnan noted that the agency had conducted a representation election at Cook County's Oak Forest Hospital, for 25 employees, in which Illinois Fraternal Order of Police Labor Council prevailed. The agency certified the outcome on January 19, 2006. Executive Director Brosnan also noted that Administrative Law Judge Clifford had issued a Recommended Decision and Order on January 5, 2006, which is before the Board today—Case No. L-RC-05-014. Executive Director Brosnan concluded his report, surveying the unfair labor practice case activity for January 1 through February 28, specifically noting the eleven administrative dismissals, three deferrals to arbitration, and the Recommended Decision and Order issued by Administrative Law Judge Kazanjian on January 24, 2006.

V. BOARD ACTIONS

1. Review of Administrative Law Judge Decisions and Orders

L-RC-05-014

**Metropolitan Water Reclamation District of Greater Chicago, and Illinois Council of Police,
and Firemen and Oilers Union, Local No. 7**

General Counsel Zimmerman began by summarizing the case, noting that this matter was before the Board at its February 14, 2006 meeting, at which time the Board declined to take the matter up on its own motion after learning that no exceptions were filed to Administrative Law Judge Clifford's Recommended Decision and Order. Thereafter, the Illinois Council of Police sought leave to file exceptions. General Counsel Zimmerman explained that the certified mail records showed the Recommended Decision and Order issued in this matter went unclaimed by the representative for Illinois Council of Police, Noel T. Wroblewski, but in a departure from what usually occurs in such instances, the document was not thereafter returned to the Board by the U.S. Postal Service. The agency's standard practice upon learning

that a document sent certified mail went unclaimed, is to resend it by first class mail. Herein, because the agency was unaware that service was incomplete, it did not attempt to resend the document. Thus, as a result of these circumstances, Mr. Wroblewski was unaware of Administrative Law Judge Clifford's Recommended Decision and Order until he received the subsequent General Counsel order, noting that no exceptions had been filed to Administrative Law Judge Clifford's decision. The Board engaged in a general discussion regarding the proper course of action to undertake and the content of Mr. Wroblewski's exceptions, observing that the criticisms contained therein, leveled at Administrative Law Judge Clifford, were unwarranted. After a thorough discussion, Member Sadlowski made a motion to revoke the General Counsel order previously issued in this matter and to accept the case for consideration on the merits. Member Hubert seconded the motion. The Board passed the motion unanimously, by a voice vote.

2. Review of Executive Director's Orders and Dismissals

L-CA-06-006

David J. Dogget and County of Cook

General Counsel Zimmerman began by summarizing the case and recommended that the Board sustain the dismissal. She stated that Charging Party failed to provide any evidence in the investigation or his appeal, in support of his contention that his charge was both meritorious and timely filed. Member Sadlowski questioned Executive Director Brosnan as to the weight he accorded the timeliness factors in the decision to dismiss the charge. Thereafter, the Board engaged in a general discussion regarding the decision as a whole and the reasons Respondent proffered for terminating Charging Party's employment. Member Sadlowski made a motion to uphold the Executive Director's dismissal, and Member Hubert seconded the motion. The Board passed the motion unanimously, by a voice vote.

VI. OTHER BOARD MATTERS

The Board discussed whether to hear oral argument at its next meeting, in Case No. L-RC-05-018, Teamsters, Local 714/Metropolitan Pier and Exposition Authority, ultimately resolving to do so. Executive Director Brosnan did not present a new fiscal report, but Chairman Gallagher noted the agency is continuing to stay within its budget. The Chairman reported on the agency's hearings before the House and Senate Appropriations Committees. The Board decided against holding an Executive Session.

VII. ADJOURNMENT

Member Hubert made a motion to adjourn the meeting. Member Sadlowski seconded the motion. The Board adjourned the meeting.