

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
LOCAL PANEL

Minutes of the Local Panel Meeting
Held on April 16, 2013

I. OPENING OF MEETING 10:00 A.M.—160 North LaSalle Street, Suite S-400, Chicago, IL

II. PRESENT

Robert M. Gierut, Chairman; Charles E. Anderson, Member of the Board; Richard Lewis, Member of the Board; Melissa Mlynski, Executive Director; Jerald S. Post, General Counsel; and staff members.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD March 15, 2013

Chairman Gierut called for approval of the minutes of the March 15, 2013 meeting. Member Lewis moved to approve the minutes. Member Anderson seconded. The Board passed the motion unanimously, by a voice vote.

IV. ADMINISTRATIVE MATTERS

Chairman Gierut asked Executive Director Mlynski to present the Local Panel administrative actions report for the period of time from March 1 through March 31, 2013. She presented the report and summarized its highlights. The Board examined the report and discussed it. The Local Panel deferred discussion of fiscal and legislative matters to the Joint Panel meeting scheduled to be held later that day.

VI. BOARD ACTIONS

1. Case No. L-CB-13-011

Lesley Jones/ Amalgamated Transit Union, Local 241

Chairman Gierut asked General Counsel Post to call and present the case. General Counsel Post stated that on December 18, 2012 the Executive Director dismissed the charge and charging party filed an appeal alleging that the respondent engaged in unfair labor practices in violation of Section 10(b)(1) of the Illinois Public Labor Relations Act. General Counsel Post then reviewed the issues raised by the Charging Party's appeal and recommended that the Board affirm the Executive Director's dismissal. After discussion, Member Anderson moved to accept the dismissal. Member Lewis seconded the motion, and the Board passed it unanimously, by a voice vote.

2. Case No. L-CA-11-052 and L-CA-11-056

Amalgamated Transit Union, Local 241/ Chicago Transit Authority

Chairman Gierut indicated that he was recusing himself from consideration of the matter in the above mentioned case. General Counsel Post called the case and asked Counsel Kazanjian to present the case. Counsel Kazanjian stated that on December 3, 2012 Administrative Law Judge (ALJ) Anna Hamburg-Gal issued a recommended decision and order (RDO) alleging that the Respondent violated Section 10(a)(4) and (1) and 10(a)(2) and (1) of the Act. He then presented and discussed Charging Party's exceptions and Respondent's responses and cross exceptions and recommended that the Board adopt the ALJ's findings that Respondent violated the Act when it threatened to replace and move Charging Party's bulletin board, revoke Charging Party's parking privileges and placed a warning sticker on a vehicle. Counsel Kazanjian further recommended that the Board reverse the ALJ in finding that Respondent violated Section 10(a)(1) of the Act when it issued a written reprimand and a one-day suspension and Sections 10(a)(4) and (1) of the Act when it denied Charging Party's use of its office. After a lengthy discussion, the board made the following motions:

- 1) The Board affirmed the RDO finding violations of the Act with respect to the bulletin board issue, reserved parking spot, and parking sticker.

- 2) The Board noted that no exceptions were filed from the RDO finding of a violation stemming from the imposed requirement that union officials check in with Employer representative prior to meeting with bargaining unit members. Therefore, the ALJ's finding on this issue stands as final Board decision, binding on the parties but not precedential.
- 3) The Board reversed the ALJ and finds a violation stemming from locking the union out of its office.
- 4) The Board reversed the ALJ and finds a violation stemming from the 1-day suspension and failure to provide back pay.

VII. EXECUTIVE SESSION

After a short discussion regarding whether there was a need for executive session, the Board concluded that it was unnecessary at this time.

VIII. ADJOURNMENT

Chairman Gierut called for a motion to adjourn. Member Lewis made a motion to adjourn the meeting, and the Board passed it unanimously, by a voice vote.

Adopted and approved by the Chairman and Members of the Local Panel of the Illinois Labor Relations Board, in Chicago, Illinois, this 7th day of May, 2013.