

**STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL**

**Minutes of the State Panel Meeting
Held on January 3, 2014**

I. OPENING OF MEETING 1:30 P.M.—160 N LaSalle Street, S-401, Chicago, Illinois

II. PRESENT

John Hartnett, Chairman of the Board; Paul Besson, Member of the Board; James Brennwald, Member of Board; Michael Coli, Member of the Board; Albert Washington, Member of the Board; Melissa Mlynski, Executive Director; Jerald S. Post, General Counsel; and staff members.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD December 17, 2013

Chairman Hartnett called for approval of the minutes of the December 17, 2013 meeting. Member Besson moved to approve the minutes. Member Washington seconded. The Board passed the motion unanimously, by a voice vote.

IV. BOARD ACTIONS

1. Case No. S-DE-14-115 (Commerce and Economic Opportunity)

Chairman Hartnett asked General Counsel Post to call and present the issues of the case. After his presentation, General Counsel Post recommended that the Board reject the exceptions filed by the objectors and reject exceptions filed by the Petitioner relating to positions held by Dale Fesser, John Baldini, Deveta Francois and Carol Watson and find that these positions were not properly designated, but that it accept Petitioner's exceptions with respect to positions held by Brian Turner, Anthony Rolando and Virden Trotter II, and reverse the ALJ, and find their positions were properly designated. Then General Counsel Post recommended that the Board decline to address those exceptions filed by Petitioner which would have no bearing on the outcome of this case. After discussion, Member Coli moved to reverse the ALJ's recommended conclusions that the positions held by Brian Turner, Dale Fesser, John Baldini, Anthony Rolando, Virden Trotter II, Deveda Francois and Carol Watson are not properly designated, and find instead that they are, and affirm the remaining portions of the ALJ's recommended decision and order to conclude that the designation of all 40 positions at issue comport with the requirements of Section 6.1 of the Act. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

2. Case No. S-DE-14-116 (Central Management Services)

Chairman Hartnett asked General Counsel Post to call the case. General Counsel Post called the case and asked Counsel Hamburg-Gal to present the issues of the case. After discussions, Counsel Hamburg-Gal recommended that the Board affirm the RDO and find the designations comport with the requirements of Section 6.1 of the Act. After discussion, Member Besson moved to accept the RDO. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

3. Case No. S-DE-14-117 (Military Affairs)

General Counsel Post called and presented the case discussing the issues. He then recommended that the Board accept the RDO and find the designations comport with the requirements of Section 6.1 of the Act. After discussion, Member Washington moved to accept the RDO. Member Besson seconded the motion, and the Board passed it unanimously, by a voice vote.

4. Case No. S-DE-14-120 (Transportation)

General Counsel Post called and presented the case discussing the issues. He then recommended that the Board accept the RDO and find the designations comport with the requirements of Section 6.1 of the Act. After discussion,

Member Washington moved to accept the RDO. Member Coli seconded the motion, and the Board passed it unanimously, by a voice vote.

5. Case No. S-DE-14-121 (Gaming Board)

General Counsel Post called and presented the case discussing the issues. He then recommended that the Board affirm the ALJ's findings that the vacant position and that held by Trudy Curtis were properly designated, but reverse the ALJ's finding with respect to the positions held by Eugene O'Shea, James Pellum and Paul Prezioso and instead find that they were properly designated. After discussion, Member Brennwald moved to accept General Counsel Post's recommendation that all five positions were properly designated. Member Besson seconded the motion, and the Board passed it unanimously, by a voice vote.

- 6. Case No. S-DE-14-122 (Employment Security)**
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- Case No. S-DE-14-124 (Employment Security)

General Counsel Post called and presented the issues of the consolidated case. After detailed discussions, General Counsel Post recommended that the Board accept the RDO, and find that the designations comport with the requirements of Section 6.1 of the Act and further recommended that it decline to address the exceptions filed by the Petitioner. After discussion, Member Coli moved to accept the RDO and reject Petitioner's exceptions. Member Besson seconded the motion, and the Board passed it unanimously, by a voice vote.

7. Case No. S-DE-14-125 (Council of Developmental Disabilities)

General Counsel Post called and presented the issues of the case. After discussions, General Counsel Post recommended that the Board accept the RDO, and find that the designations comport with the requirements of Section 6.1 of the Act. After discussion, Member Washington moved to accept the RDO. Member Brennwald seconded the motion, and the Board passed it unanimously, by a voice vote.

8. Case No. S-DE-14-126 (Department on Aging)

General Counsel Post called and presented the issues of the case. After discussions, General Counsel Post recommended that the Board affirm the RDO and find that the positions at issue were properly designated and comport with the requirements of Section 6.1 of the Act. He also recommended that the Board clarify that "directing" the effectuation of agency policies is not required under the second prong of the first managerial test. After discussion, Member Besson moved to accept the RDO with clarification. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

9. Case No. S-DE-14-127 (Criminal Justice Information Authority)

General Counsel Post called and presented the issues of the case. After discussions, General Counsel Post recommended that the Board affirm the RDO and find that the positions at issue were properly designated and comport with the requirements of Section 6.1 of the Act. He also recommended that the Board clarify that "directing" the effectuation of agency policies is not required under the second prong of the first managerial test. After discussion, Member Besson moved to accept the RDO with clarification. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

10. Case No. S-DE-14-128 (Worker's Compensation Commission)

General Counsel Post called and presented the issues of the case. After discussions, General Counsel Post recommended that the Board reverse the RDO and find that the Governor lacks authority to designate positions at the

Worker's Compensation Commission (WCC). After discussion, Member Coli moved to find that the Governor has authority to designate positions at the WCC, and therefore affirms the RDO and its findings that the positions comport with the requirements of Section 6.1 of the Act and the Board's prior decision in case S-DE-14-005. Member Washington seconded the motion, and the motion passed with four ayes and one nay; Member Brennwald dissented.

V. ADJOURNMENT

Chairman Hartnett called for a motion to adjourn. Member Coli 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 State Panel of the Illinois Labor Relations Board, in Chicago, Illinois, this 16th day of January, 2014.