

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

Minutes of the State Panel Meeting
Held on February 10, 2009

I. OPENING OF MEETING 11:00 A.M.—160 North LaSalle Street, Suite S-400, Chicago, IL

II. PRESENT

Jackie Gallagher, Chairman; Michael Coli, Member of the Board; Michael Hade, Member of the Board; Rex Piper, Member of the Board (participated by telephone-conference); Albert Washington, Member of the Board; John F. Brosnan, Executive Director; and staff members. John F. Brosnan acted as counsel to the Board at this meeting.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD OCTOBER 7, 2008

Chairman Gallagher called for approval of the minutes of the October 7, 2008 meeting. Member Coli moved to approve the minutes. Member Hade seconded. The Board passed the motion—two in favor, none against—Chairman Gallagher, Member Piper, and Member Washington abstained.

IV. APPROVAL OF MINUTES OF REGULAR MEETING HELD JANUARY 6, 2009

Chairman Gallagher called for approval of the minutes of the January 6, 2009 meeting. Member Washington made a motion for approval of the minutes. Member Hade seconded. The Board passed the motion—four in favor, none against—Member Coli abstained.

V. ADMINISTRATIVE MATTERS

Chairman Gallagher asked Executive Director Brosnan to present the State Panel administrative actions for the period of time from January 1 through January 31, 2009. He distributed the report to the Board and summarized its highlights. The Board examined the report and discussed it.

VI. BOARD ACTIONS

1. Case No. S-RC-08-067

Homewood Firefighters, Local 3656, Int'l Ass'n of Firefighters/ Village of Homewood

Chairman Gallagher called the case and summarized its background. Acting General Counsel Brosnan reviewed the issues presented by the exceptions to Administrative Law Judge (ALJ) Clifford's Recommended Decision and Order (RDO), and recommended that the Board find no merit to the exclusion sought by the Employer and direct a representation election on the Union's petition. After a discussion of the merits, Member Hade moved to accept the ALJ's recommendation. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

2. Case No. S-RC-09-038

**American Federation of State, County and Municipal Employees, Council 31/State of Illinois,
Department of Central Management Services**

Case No. S-RC-09-060

**Illinois State Employees Association, Laborers International Union, Local 2002/State of
Illinois, Department of Central Management Services**

Chairman Gallagher called the cases and noted both that the Employer's exceptions were untimely filed and that it had served a motion on the Board and the parties, to have its exceptions accepted as timely filed.

Furthermore, Chairman Gallagher pointed out that neither of the Petitioners objected to the Board's acceptance and consideration of the Employer's exceptions. After a general discussion among the Chairman and Board Members regarding the circumstances surrounding the late filing, overall Board policy, and the effect that granting such a request would have on that policy, Member Coli moved to deny the Employer's motion. Member Hade seconded the motion, and the Board passed it unanimously, by a voice vote. Consequently, noting that no party timely filed exceptions to ALJ Waechter's RDO, and since under Section 1200.135(b)(1) of the Rules "[a] party not filing timely exceptions waives its right to object to the Administrative Law Judge's recommended decision and order," Chairman Gallagher inquired as to whether the Board wished to review the decision on its own motion. The Board declined to do so.

**3. Case Nos. S-CA-04-193 and S-CA-04-233
Policemen's Benevolent Labor Committee/City of Ottawa**

Chairman Gallagher called the cases and summarized their procedural background. Acting General Counsel Brosnan reviewed the issues presented by the exceptions and recommended that the Board accept ALJ Kazanjian's recommendation dismissing the unfair labor practice complaint against City of Ottawa. Thereafter, the Chairman and Board Members engaged in a lengthy discussion of Weingarten rights in general, and the application thereof to this particular case. At the conclusion thereof, Member Coli moved to reject the ALJ's recommendation and instead, find Respondent denied the employee his rights under Weingarten and as a result, violated the Act. Member Hade seconded the motion, and the Board passed it unanimously, by a voice vote.

**4. Case No. S-CB-06-039
Village of Bellwood/Am. Fed. of State, County and Municipal Employees, Council 31
Case No. S-CA-06-211
Am. Fed. of State, County and Municipal Employees, Council 31/Village of Bellwood**

Chairman Gallagher began by summarizing the cases, noting that ALJ Clifford had sustained in part the unfair labor practice complaints against both the Union and the Village. Acting General Counsel Brosnan, after a review of the decision and exceptions, recommended that the Board accept the ALJ's recommendation. The Chairman and Board Members then engaged in a discussion of the ALJ's determinations and the issues raised by the exceptions. At the conclusion thereof, Member Coli moved to sustain the complaint against the Union and dismiss the complaint against the Village. Member Washington seconded the motion. The motion passed with three ayes and two nays; Chairman Gallagher and Member Hade dissented.

VII. OTHER BOARD MATTERS

Chairman Gallagher noted that the fiscal outlook was somewhat uncertain given the overall economy, and that although the legislature was in session, there were no bills affecting the agency as of yet. Thereafter, the Board discussed whether there was a need for executive session, concluding it was not necessary at this time.

VIII. ADJOURNMENT

Chairman Gallagher called for a motion to adjourn. Member Hade 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 10th day of March, 2009.