

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

Minutes of the State Panel Meeting
Held on March 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 FEBRUARY 10, 2009

Chairman Gallagher called for approval of the minutes of the February 10, 2009 meeting. Member Coli made a motion for approval of the minutes. Member Washington seconded. The Board passed the motion unanimously, by a voice vote.

IV. ADMINISTRATIVE MATTERS

Chairman Gallagher asked Executive Director Brosnan to present the State Panel administrative actions for the period of time from February 1 through February 28, 2009. He distributed the report to the Board and summarized its highlights. The Board examined the report and discussed it.

V. BOARD ACTIONS

1. Case No. S-CA-07-155
Service Employees International Union, Local 73/Illinois State Toll Highway Authority

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) Wells' Recommended Decision and Order (RDO), and recommended that the Board accept the ALJ's recommendation that under the circumstances of this case, there was no violation of the Illinois Public Labor Relations Act (Act), 5 ILCS 315 (2006), as amended, in connection with Respondent's tape recording of investigatory interviews; no violation of the Act in connection with Respondent obtaining Murray to represent Williams in her investigatory interview; and no violation of the Act in connection with Respondent's failure to provide Reilly or the Union with information as to the subject matter of his investigatory interview. However, the acting general counsel further recommend that the Board find that Respondent's failure to provide information as to the subject matter of Williams' investigatory interview violated her rights under Weingarten, and thereby, violated Section 10(a)(1) of the Act. He also recommended that the appropriate remedy should be a posting, as there was no evidence Williams' discharge was due to retaliation for asserting her right to union representation, or "predominantly dependent" upon information obtained through the unlawful interview, as Williams apparently admitted no wrongdoing during it. Finally, the acting general counsel recommended that as neither party filed exceptions to the ALJ's determinations regarding Reilly's retaliation claim, the Board decline to take that issue up on its own motion. After a discussion of the merits, Member Hade moved to accept the acting general counsel's recommendation. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

**2. Case No. S-CA-05-165
Service Employees International Union, Local 73/Village of Maywood**

Chairman Gallagher called the case, noting that no party filed exceptions to ALJ Rios' RDO, and asked whether the Board wished to review the decision on its own motion. The Board declined to do so.

**3. Case No. S-CA-06-199
Gina Brajkovich/Village of Burnham**

Chairman Gallagher called the case, noting that no party filed exceptions to ALJ Kazanjian's RDO, and asked whether the Board wished to review the decision on its own motion. The Board declined to do so.

**4. Case No. S-CA-07-075
Int'l Brotherhood of Teamsters, Local 714/Lincolnway Police Communications Center**

Chairman Gallagher called the case, noting that no party filed exceptions to ALJ Clifford's RDO, and asked whether the Board wished to review the decision on its own motion. The Board declined to do so.

VI. OTHER BOARD MATTERS

Chairman Gallagher observed that the governor's budget message was scheduled for April 18; she updated the Board as to the status of legislation that could affect the agency, and distributed the text of the pending bills. The Chair and Members of the Board discussed the various pieces of legislation and assessed the effect of each on the agency. Thereafter, the Board discussed whether there was a need for executive session, concluding it was not necessary at this time.

VII. 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 14th day of April, 2009.