

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

Minutes of the State 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; Charles Hernandez, Member of the Board; Michael Hade, Member of the Board; Rex Piper, Member of the Board; Letitia Taylor, Member of the Board; John 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 Hade made a motion for approval of the minutes. Member Taylor seconded. The motion passed unanimously.

IV. ADMINISTRATIVE MATTERS

Chairman Gallagher asked Executive Director Brosnan to present the administrative actions for February 1 to February 28, 2006. Executive Director Brosnan distributed his report to the Board. Executive Director Brosnan noted that from February 1 to February 28, six units were certified through representation elections; nine units were certified through majority interest petitions; one certification was issued pursuant to a unit clarification petition; one petition was withdrawn by the petitioner; and one petition was administratively dismissed by the agency. He concluded his report, surveying the unfair labor practice case activity from February 1 to February 28, highlighting the twelve complaints for hearing issued, fourteen charges withdrawn, one administrative dismissal, one deferral, and two Administrative Law Judge Recommended Decision and Orders issued during that time.

V. BOARD ACTIONS

1. S-RC-04-121
Village of Niles and MAP, Niles Police Sergeants, Chapter No. 358

General Counsel Zimmerman began by summarizing the case, noting that the issue was whether the Employer's police sergeants are supervisory employees within the meaning of Section 3(r) of the Act or managerial employees within the meaning of Section 3(j) of the Act. She further explained that the case turns on disciplinary authority, as police officers are not subject to the preponderance requirement. The General Counsel discussed the issues she believed needed further clarification from the Administrative Law Judge and recommended the case be remanded for such clarification. Chairman Gallagher sought to specify the exact issues that required clarification. The Board engaged in a general discussion of the case, and at the conclusion of that discussion, based thereon, the General Counsel agreed to include in the Board decision the specific items requiring clarification. Member Piper made a motion to adopt the recommendation of the General Counsel. Member Taylor seconded the motion. The Board passed the motion unanimously, by a voice vote.

**2. S-RC-05-194 and S-RC-05-196
City of Delavan and United Auto Workers, Local 974**

General Counsel Zimmerman began by summarizing the case. At issue in this matter is whether a small community's chief of police, head of a two-person force, all of whom perform similar duties, can appropriately be included in the petitioned-for bargaining unit. The General Counsel recommended that the Board remand the case for consideration of whether the chief of police would, with the advent of collective bargaining, become a confidential employee, and further recommended that the Board sustain the Administrative Law Judge's supervisory determination. The Board discussed the unusual circumstances of the case, including the various predictable consequences based on the options available to it. After thoroughly discussing the matter and the limits of the remand order, Member Hade made a motion to adopt the General Counsel's recommendation. Member Taylor seconded the motion. The Board passed the motion unanimously, by a voice vote.

**3. S-CA-05-028
Illinois Fraternal Order of Police Labor Council and City of Carlinville**

General Counsel Zimmerman stated that no party had filed exceptions to this decision and asked the Board whether they wished to review the case on their own motion. The Board declined to do so.

**4. S-RC-04-039 and S-RC-04-139
City of Harvey and Illinois Council of Police and Sheriffs, Local No. 7 and American Federation of State, County and Municipal Employees**

General Counsel Zimmerman stated that no party had filed exceptions to this decision and asked the Board whether they wished to review the case on their own motion. The Board declined to do so.

**5. S-UC-04-013
County of Stephenson/Stephenson County Sheriff/Stephenson County Sheriff's Merit Commission/United Automobile, Aerospace and Agricultural Implement Workers of America, UAW, Local No. 2261; consolidated with:
S-RC-04-027
County of Stephenson/Stephenson County Sheriff/Stephenson County Sheriff's Merit Commission/Policemen's Benevolent Labor Committee/United Automobile, Aerospace and Agricultural Implement Workers of America, UAW, Local No. 2261**

General Counsel Zimmerman stated that no party had filed exceptions to this decision and asked the Board whether they wished to review the case on their own motion. The Board declined to do so.

VI. OTHER BOARD MATTERS

Fiscal Officer Nicole Hildebrand presented the current fiscal reports. During her presentation, she noted that the new printers purchased for the Chicago office had been installed, that she was concluding the purchase of a new copier for the Springfield office, and that she was awaiting purchase approval for additional new computers. The Chairman reported on the agency's hearings before the House and Senate Appropriations Committees and summarized new legislation which might have an impact on Board operations. Member Taylor made a motion to go into Executive Session to discuss personnel matters, and Member Piper seconded the motion. The motion passed unanimously. Subsequently, the Board voted to return to open session.

VII. ADJOURNMENT

Chairman Gallagher called for a motion to adjourn. Member Piper made a motion to adjourn the meeting. Member Taylor seconded the motion. The Board adjourned the meeting.