

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

**Minutes of the State Panel Meeting  
Held on March 15, 2011**

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

**II. PRESENT**

Jacalyn J. Zimmerman, Chairman; Michael Coli, Member of the Board (participated by telephone-conference); Michael Hade, Member of the Board; Jessica Kimbrough, Member of the Board; Albert Washington, Member of the Board; John F. Brosnan, Executive Director; Jerald S. Post, General Counsel; and staff members. Joseph F. Tansino and Eileen L. Bell also acted as counsel to the Board at this meeting.

**III. APPROVAL OF MINUTES OF REGULAR MEETING HELD FEBRUARY 8, 2011**

Chairman Zimmerman called for approval of the minutes of the February 8, 2011 meeting. Member Washington moved to approve the minutes. Member Hade seconded. The Board passed the motion unanimously, by a voice vote.

**IV. ADMINISTRATIVE MATTERS**

Chairman Zimmerman asked Executive Director Brosnan to present the State Panel administrative actions report for the period of time from February 1 to February 28, 2011. He presented the report, along with a report on the agency's efforts at mediation, and summarized the highlights in each. The Board examined and discussed the reports.

**V. BOARD ACTIONS**

**1. Case No. S-RC-10-162**

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

Chairman Zimmerman called the case. General Counsel Post reviewed the issues presented by the exceptions to Administrative Law Judge (ALJ) Tarver's Recommended Decision and Order (RDO), and ALJ Harvey's intermediate order incorporated therein. As to the first part of the case, regarding the intermediate order, General Counsel Post recommended that the Board uphold the determination on the "managerial" finding, but reverse on the "confidential" issue and remand that portion for hearing. After discussion, Member Washington moved to reverse ALJ Harvey's findings on both the managerial and confidential issues and remand them for hearing. Member Kimbrough seconded the motion, and the Board passed it unanimously, by a voice vote. As to the second part of the case, General Counsel Post recommended that the Board reject ALJ Tarver's findings and find the employee at issue to be a supervisor. After discussion, Member Hade moved to reject ALJ Tarver's determination. Member Kimbrough seconded the motion, and the Board passed it unanimously, by a voice vote.

**2. Case No. S-RC-09-202**

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

Chairman Zimmerman called the case. Counsel Tansino reviewed the issues presented by the exceptions to ALJ Bell's RDO, and recommended that the Board accept the ALJ's recommendation. After discussion,

Member Kimbrough moved to reject the ALJ's recommendation and remand the case for hearing regarding whether the employees at issue are managers. Member Coli seconded the motion, and the Board passed it unanimously, by a voice vote.

**3. Case No. S-RC-10-194  
International Union of Operating Engineers, Local 150/State of Illinois, Department of  
Central Management Services**

Chairman Zimmerman called the case. General Counsel Post, aided by Counsel Tarver's memorandum, reviewed the issues presented by the exceptions to ALJ Tansino's RDO, and recommended that the Board accept the ALJ's recommendation to find the employees in dispute were not supervisors. After discussion, Member Hade moved to accept the ALJ's recommendation. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

**4. Case No. S-RC-11-005  
Laborers Int'l Union, Local No. 751/County of Kankakee/Coroner of Kankakee County**

Chairman Zimmerman called the case. Counsel Bell reviewed the issues presented by the exceptions to ALJ Tansino's RDO, and recommended that the Board accept the ALJ's recommendation in its entirety. After discussion, as to the first part of the case, regarding whether the ALJ should have conducted a hearing on the status of the employee in the Chief Deputy Coroner title, Member Hade moved to accept the ALJ's determination. Member Washington seconded the motion. The motion passed with four ayes and one nay; Chairman Zimmerman dissented. As to the second part of the case, regarding the ALJ's finding as to the status of the employee in the Administrative Assistant title, Member Washington moved to reject the ALJ's determination. Member Hade seconded the motion. The motion passed with four ayes and one nay; Member Kimbrough dissented.

**5. Case No. S-CA-10-307  
Homero Bautista/State of Illinois, Department of Central Management Services  
Case No. S-CB-10-079  
Homero Bautista/American Fed. of State, County and Municipal Employees, Council 31**

Chairman Zimmerman called the cases, noting that Executive Director Brosnan issued dismissals on August 9, 2010, with appeals filed. General Counsel Post, aided by Counsel Wells' memorandum, reviewed the issues presented by the appeals and recommended that the Board accept the Executive Director's dismissals. After discussion, Member Hade moved to accept the Executive Director's dismissals. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

**6. Case No. S-CA-11-027  
Service Employees International Union, Local 73/Village of Carpentersville**

Chairman Zimmerman called the case, noting that Executive Director Brosnan issued a partial dismissal on October 15, 2010, with an appeal filed. Counsel Tansino reviewed the issues presented by the appeal and recommended that the Board accept the Executive Director's dismissal. After discussion, Member Kimbrough moved to accept the Executive Director's dismissal. Member Coli seconded the motion. The motion passed with four ayes and one nay; Member Washington dissented.

**7. Case No. S-CA-10-208  
Marvin Perez/State of Illinois, Department of Central Management Services**

Chairman Zimmerman called the case, noting that Executive Director Brosnan issued a dismissal on November 3, 2010, with an appeal filed. Counsel Tansino reviewed the issues presented by the appeal and recommended that the Board accept the Executive Director's dismissal. After discussion, Member Hade moved to accept the executive director's dismissal. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

## **VI. OTHER BOARD MATTERS**

Executive Director Brosnan presented the fiscal report, reviewing in detail the general ledger sheet and the disbursement record. Thereafter, he updated the Board as to the status of legislation that could affect the agency and addressed various operational concerns previously raised by the Board. After a short discussion regarding whether there was a need for executive session, the Board concluded that it was unnecessary at this time.

## **VII. ADJOURNMENT**

Chairman Zimmerman called for a motion to adjourn. Member Kimbrough 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 12<sup>th</sup> day of April, 2011.**