

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

**Minutes of the State Panel Meeting
Held on April 16, 2013**

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

II. PRESENT

John Hartnett, Chairman of the Board; Paul Besson, Member of the Board; James Brennwald, Member of 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 March 12, 2013

Chairman Hartnett called for approval of the minutes of the March 12, 2013 meeting. Member Washington moved to approve the minutes. Member Brennwald seconded. The Board passed the motion unanimously, by a voice vote.

IV. ADMINISTRATIVE MATTERS

Chairman Hartnett asked Executive Director Mlynski to present the State Panel administrative actions report for the period of time from March 1 through March 31, 2013. She presented the report and summarized its highlights. The Board examined the report and discussed it.

V. BOARD ACTIONS

**1. Case Nos. S-CA-10-128 and S-CA-10-200
International Association of Fire Fighters, Local 23/City of East St. Louis (Fire Department)**

Chairman Hartnett asked General Counsel Post to call and present the case. General Counsel Post stated that on January 3, 2013, Administrative Law Judge (ALJ), Kimberly Faith Stevens, issued a Recommended Decision and Order (RDO) finding that Respondent violated Sections 10(a)(4) and (1) of the Act. General Counsel Post then presented and discussed the Respondent's exceptions and the Charging Party's responses. General Counsel Post recommended that the board affirm the ALJ's recommendation. After discussion, Member Washington moved to accept the ALJ's recommendation finding violation of 10(a)(4) and (1) and denying deferral. Member Brennwald seconded the motion, and the Board passed it unanimously, by a voice vote.

**2. Case No. S-RC-12-004
**American Federation of State, County and Municipal Employees, Council 31/State of Illinois,
Department of Central Management Services****

Chairman Hartnett called the case, noting that no party filed exceptions to ALJ Allen's 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-RC-12-046
**American Federation of State, County and Municipal Employees, Council 31/City of Columbia,
(Emergency Medical Services)****

Chairman Hartnett called the case, noting that no party filed exceptions to ALJ Stevens' 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-11-235
Illinois Brotherhood of Teamsters, Local 705/Thorn Creek Basin Sanitary District**

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

**5. Case No. S-CA-12-125
International Association of Fire Fighters, Local 439/City of Elgin**

Chairman Hartnett asked General Counsel Post to call the case. General Counsel Post called the case and asked Counsel Hamburg-Gal to present it. Counsel Hamburg-Gal stated that on October 29, 2012, the Executive Director issued a deferral to arbitration, a partial dismissal, and a complaint for hearing. After the complaint issued, ALJ Owen granted in part, but also denied in part Respondent's motion to defer issues to grievance arbitration. An appeal was filed from the Executive Director's dismissal, and exceptions were also filed from the ALJ's denial of deferral as to two issues. The allegations asserted that the Respondent engaged in unfair labor practices in violation of Sections 10(a)(4), (2), and (1) of the Act. Counsel Hamburg-Gal addressed and presented Charging Party's appeal and Respondent's exceptions. After much discussion, she recommended that the Board reverse the Executive Director's partial dismissal and issue a complaint for hearing; reverse the ALJ's denial of Respondent's motion to defer with respect to the allegation that Respondent repudiated a variance agreement; and affirm the ALJ's denial of Respondent's motion to defer with respect to an alleged unilateral change to the Acting Captain Program. After detailed discussion, Member Brennwald moved to reverse the Executive Director's partial dismissal and issue a complaint for hearing. Member Washington seconded the motion, but the Board failed to pass with a 2-2 vote. Therefore, the Executive Director's partial dismissal stands as final binding agency action. Member Besson then made a motion to reverse the RDO and defer with respect to allegations that Respondent repudiated the variance agreement. Member Washington seconded the motion and the Board passed it unanimously. Member Besson then made a motion to affirm the RDO to deny deferral with respect to the alleged unilateral change to the Acting Captain Program. Member Brennwald seconded the motion and the Board passed it unanimously.

**4. Case No. S-CA-12-175
Service Employees International Union, Local 73/Village of Oak Park**

Chairman Hartnett asked General Counsel Post to call the case. General Counsel Post called the case and asked Counsel Sidwell to present the issues concerning dismissal. Counsel Sidwell stated that an Executive Director's partial dismissal issued on November 20, 2012. She presented and discussed Charging Party's appeal, alleging that the Respondent violated Sections 10(a)(2) and 10(a)(3) of the Act, and Respondent's responses. She then recommended that the Board affirm the Executive Director's partial dismissal. After discussion, Member Besson moved to accept the Executive Director's partial dismissal. Member Washington seconded the motion and the Board passed it unanimously. General Counsel Post then stated that on the same date that the partial dismissal issued, the Executive Director deferred all remaining issues in the case to grievance arbitration. He presented and discussed the Charging Party's appeal of the deferral and the Respondent's responses and recommended that the Board accept the deferral. Member Besson made a motion to affirm the deferral with contingency that the Employer agrees to be bound by the arbitration on this particular issue. Member Washington seconded the motion and the Board passed it unanimously.

**5. Case No. S-CA-12-163
Service Employees International Union, Local 73/Village of Oak Park**

Chairman Hartnett asked General Counsel Post to call and present the case. General Counsel Post stated that on November 20, 2012 the Executive Director issued a deferral to arbitration with Charging Party filing an appeal and Respondent filing responses. After discussion he recommended that the Board accept the Executive Director's deferral to arbitration. Member Besson made a motion to affirm the deferral with contingency that the Employer

agrees to be bound by the arbitration on this particular issue. Member Washington seconded the motion and the Board passed it unanimously.

VI. OTHER BOARD MATTERS

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 Hartnett called for a motion to adjourn. Member Besson 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 May, 2013.