

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

Minutes of the State Panel Meeting
Held on June 7, 2011

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

II. PRESENT

Jacalyn J. Zimmerman, Chairman; Michael Coli, Member of the Board; 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, Anna Hamburg-Gal, Philip M. Kazanjian and Sharon B. Wells also acted as counsel to the Board at this meeting.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD May 10, 2011

Chairman Zimmerman called for approval of the minutes of the May 10, 2011 meeting. Member Washington moved to approve the minutes. Member Coli seconded. The Board passed the motion unanimously, by a voice vote.

IV. BOARD ACTIONS

1. Case No. S-RC-09-123

Illinois Fraternal Order of Police Labor Council/County of Winnebago/Sheriff of Winnebago County

Chairman Zimmerman called the case. The Board heard oral argument, recorded by a court reporter. At the conclusion of the parties' arguments, the Board agreed to discuss this case at the end of this agenda.

V. ADMINISTRATIVE MATTERS

Chairman Zimmerman asked Executive Director Brosnan to present the State Panel administrative actions report for the period of time from May 1 to May 31, 2011. He presented the report and summarized its highlights. The Board examined the report and discussed it.

VI. CONTINUED BOARD ACTIONS

1. Case No. S-UC-10-256

International Union of Operating Engineers, Local 965/Pike County Housing Authority

Chairman Zimmerman called the case. Counsel Tansino reviewed the issues presented by the exceptions to Administrative Law Judge (ALJ) Owen's Recommended Decision and Order (RDO), and recommended that the Board reverse the ALJ's conclusion that the employee at issue is not a supervisor within the meaning of the Act, but reject the conclusion that she is not a confidential employee under the reasonable expectation test and that the Board exclude her from the bargaining unit and dismiss the petition for representation. After discussion, Member Hade moved to accept Counsel Tansino's recommendation. Member Kimbrough seconded the motion. The motion passed with four ayes and one nay. Member Coli dissented.

**2. Case No. S-CA-10-228
Illinois Fraternal Order of Police Labor Council/County of St. Clair/Sheriff of St. Clair
County**

Chairman Zimmerman called the case. Counsel Hamburg-Gal reviewed the issues presented by the exceptions to ALJ Kehoe's RDO, and recommended that the Board accept the ALJ's recommendation and affirm the ALJ's determination that the Respondent, County of St. Clair and Sheriff of St. Clair County violated section 10(a)(4) and (1) of the Act. Member Kimbrough moved to accept the ALJ's recommendation. Member Coli seconded the motion, and the Board passed it unanimously, by a voice vote.

**3. Case No. S-RC-09-180
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 appeal to the Executive Director's report dismissing objections to the conduct of the election. He recommended the Board accept the Executive Director's dismissal. After discussion, Member Hade moved to accept the dismissal. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

**4. Case No. S-CA-10-127
Service Employees International Union, Local 73/County of McHenry/Sheriff of McHenry
County**

Chairman Zimmerman called the case, noting that Executive Director Brosnan issued a dismissal on October 29, 2010, with an appeal filed. Counsel Kazanjian reviewed the issues presented by the appeal and recommended that the Executive Director's dismissal be upheld as to the issues of the Coroner's attendance at negotiations and the alleged failure to bargain over the issues of firearms and other protective equipment, use of personal vehicles and training. Counsel Kazanjian also recommended that the Executive Director's dismissal be reversed and a complaint issue with respect to the allegations concerning the failure to bargain over wages, work schedules, call-out pay, on-call pay, paid lunch breaks and insurance opt-out payments. After discussion, Member Coli moved to reverse the Executive Director's dismissal. Member Washington seconded the motion. The motion was passed with four ayes and one nay. Member Kimbrough dissented.

**5. Case No. S-CA-09-250
John Michels/ State of Illinois, Department of Central Management Services**

**Case No. S-CB-09-038
John Michels/ American Federation of State, County and Municipal Employees, Council 31**

Chairman Zimmerman called the case, noting that Executive Director Brosnan issued dismissals respectively on January 4 and 6, 2011, with an appeal filed. Counsel Kazanjian reviewed the issues presented by the appeal and recommended that the Board accept the Executive Director's dismissals. After discussion, Member Kimbrough moved to accept the Executive Director's dismissals. Member Coli seconded the motion, and the Board passed it unanimously, by a voice vote.

**6. Case No. S-CA-10-283
Service Employees International Union, Local 73/City of Waukegan**

Chairman Zimmerman called the case, noting that Executive Director Brosnan issued a partial dismissal on September 13, 2010, with an appeal filed. Counsel Wells reviewed the issues presented by the appeal and recommended that the Board reverse the Executive Director's dismissal and issue a complaint for hearing. After discussion, Member Coli moved to accept Counsel Wells' recommendation to reject the Executive Director's partial dismissal and set the case for hearing. Member Washington seconded the motion. The motion was passed with three ayes and two nays. Chairman Zimmerman and Member Kimbrough concur. They would reject the Executive Director's dismissal, but defer the case pending arbitration.

**7. Case No. S-CB-11-021
Nicholas Brais/Illinois Fraternal Order of Police**

Chairman Zimmerman called the case, noting that Executive Director Brosnan issued a dismissal on December 20, 2010, with an appeal filed. Counsel Tansino reviewed the issue 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 and Member Coli seconded the motion, and the Board passed it unanimously, by a voice vote.

**8. Case No. S-RC-09-123
Illinois Fraternal Order of Police Labor Council/County of Winnebago/Sheriff of Winnebago County**

Chairman Zimmerman called the case, in which oral arguments had earlier been presented. Member Coli moved to reverse ALJ Tansino's dismissal of the petition for representation and remand the matter for an evidentiary hearing on the issues of supervisory status of the petitioned-for employees and potential waiver by the parties. Member Washington seconded the motion, and the Board passed it by a voice vote with four ayes and one nay. Member Kimbrough dissented.

VI. OTHER BOARD MATTERS

Executive Director Brosnan updated the Board as to the status of legislation that could affect the agency.

VII. ADJOURNMENT

Chairman Zimmerman called for a motion to adjourn. Member Coli 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 12th day of July, 2011.