

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

Minutes of the State Panel Meeting
Held on July 12, 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. Philip M. Kazanjian, Elaine Tarver 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 June 7, 2011 meeting. Member Washington moved to approve the minutes. Member Kimbrough seconded. The Board passed the motion unanimously, by a voice vote.

V. ADMINISTRATIVE MATTERS

Chairman Zimmerman asked Executive Director Brosnan to present the State Panel administrative actions report for the period of time from June 1 to June 30, 2011. He presented the report and summarized its highlights. The Board examined the report and discussed it.

IV. BOARD ACTIONS

1. Case No. S-RC-10-196

**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) Hamburg-Gal's Recommended Decision and Order (RDO), and recommended that the Board affirm those portions of the RDO that recommend finding the attorney assistants are not managerial employees and that they are not excluded from the protections of the Act by their mere exemption from the Personnel Code. Counsel Post also recommended the Board find the issue of their potential confidential status has been waived by the Employer's failure to include that topic in its exceptions. After discussion, Member Hade moved to accept General Counsel Post's recommendation. Member Washington seconded the motion. The motion passed with three ayes and two nays. Member Coli and Member Kimbrough dissented.

2. Case No. S-RC-10-214

Illinois State Employees Association, Laborers Int'l Union/State of Illinois

Chairman Zimmerman called the case. Counsel Kazanjian reviewed the issues presented by the exceptions to ALJ Tarver's RDO, and recommended that the Board uphold the ALJ's recommendation that the three Public Service Administrators, Option 7s, currently employed as Internal Security Investigator IIIs by the Illinois Department of Corrections, are not supervisors or confidential employees within the meaning of the Act. Accordingly, the instant petition should be granted. After discussion, Member Kimbrough made a motion to reject the ALJ's findings with regard to the supervisory status of the petitioned-for employees. Member Coli seconded the motion, and the Board passed it unanimously, by a voice vote.

**3. Case No. S-CA-09-045
Service Employees International Union, Local 73/New Lenox Fire Protection District**

Chairman Zimmerman called the case, noting that no party filed exceptions to ALJ Rosenbaum'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-11-117
Service Employees International Union, Local 73/Village of Robbins**

Chairman Zimmerman called the case, noting that no party filed exceptions to ALJ Tansino'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-CB-10-083
John V. Schubert/International Association of Fire Fighters, Local 441**

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

**6. Case No. S-RC-11-016
American Federation of State, County and Municipal Employees, Council 31/ State of Illinois,
Department of Central Management Services**

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

**7. Case No. S-UC-10-102
International Brotherhood of Teamsters, Local 627/County of Marshall/Clerk of Marshall
County**

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

**8. Case No. S-RC-11-071
Combined Counties Police Association/Village of Northbrook/Metropolitan Alliance of Police,
Chapter No. 376**

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

**9. Case No. S-CA-10-137
Service Employees International Union, Local 73/City of Braidwood**

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

**10. Case No. S-CA-11-137
Association of Professional Police Officers/City of Aurora**

Chairman Zimmerman called the case, noting that Executive Director Brosnan issued a dismissal on May 26, 2011, with an appeal filed. Counsel Kazanjian reviewed the issues presented by the appeal and recommended that the Board affirm the Executive Director's dismissal based on Charging Party's failure to

raise a reasonable question of fact or law warranting the issuance of a complaint with respect to the instant charge which alleged that the Respondent violated Section 10(a)(4) and (1) of the Act by retaliating against employees represented by Charging Party for engaging in protected, concerted activity and failing to bargain in good faith with Charging Party. After discussion, Member Hade moved to accept the dismissal. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

**11. Case No. S-CB-10-027
Todd Baran/American Federation of State, County and Municipal Employees, Council 31**

Chairman Zimmerman called the case, noting that Executive Director Brosnan issued a dismissal on December 15, 2010, with an appeal filed. Counsel Tarver reviewed the issues presented by the appeal and recommended that the Board affirm the Executive Director's dismissal because Charging Party provided no other evidence of animus or past acts and did not claim misconduct based on status. As such, the claim that the Respondent acted with animus due to the Charging Party's exposure of an agreement lacks support. Therefore this charge does not raise an issue of law or fact. After discussion, Member Hade moved to accept the dismissal. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

**12. Case No. S-CA-11-121
Shannon Watkins/Village of Dolton**

Chairman Zimmerman called the case, noting that Executive Director Brosnan issued a dismissal on February 22, 2011, with an appeal filed. Counsel Wells reviewed the issues presented by the appeal and recommended that the Board affirm the Executive Director's dismissal based on the fact that the Charging Party was laid off for financial reasons and not because of her status as a member/non-member of the bargaining unit. After discussion, Member Washington moved to accept the dismissal. Member Coli seconded the motion, and the Board passed it unanimously, by a voice vote.

VI. OTHER BOARD MATTERS

The Board heard and considered the fiscal and legislative reports in a joint panel meeting earlier on this date. 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 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 9th day of August, 2011.