

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

Minutes of the State Panel Meeting
Held on July 14, 2009

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

II. PRESENT

Jackie Gallagher, Chairman; Michael Coli, Member of the Board; Michael Hade, Member of the Board; Rex Piper, Member of the Board (participated by telephone-conference); Albert Washington, Member of the Board; John F. Brosnan, Executive Director; and staff members. John F. Brosnan acted as counsel to the Board at this meeting.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD JUNE 2, 2009

Chairman Gallagher called for approval of the minutes of the June 2, 2009 meeting. Member Coli moved to approve the minutes. Member Washington seconded. The Board passed the motion—four in favor, none against—Member Piper abstained.

IV. ADMINISTRATIVE MATTERS

Chairman Gallagher asked Executive Director Brosnan to distribute the State Panel administrative actions report for the period of time from June 1 through June 30, 2009. He distributed the report to the Board and the Board examined it.

V. BOARD ACTIONS

1. Case No. S-UC-08-007

Palatine Fire Fighters, Int'l Association of Fire Fighters, Local 4588/Village of Palatine

Chairman Gallagher called the case and summarized its background, noting that Petitioner's request for oral argument was pending. Acting General Counsel Brosnan reviewed the issues presented by the exceptions to Administrative Law Judge (ALJ) Wells' Recommended Decision and Order (RDO), and recommended that the Board find contrary to the ALJ, that under the facts of this case, the petitioned-for captains are "company officers" for purposes of the Act, and certify Petitioner as the exclusive representative of all full-time firefighters employed by the Village in the title or rank of Captain. After discussion, Member Hade moved to deny the request for oral argument. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote. After a discussion of the merits, Member Washington moved to accept the acting general counsel's recommendation. Member Hade seconded the motion, and the Board passed it unanimously, by a voice vote.

2. Case No. S-UC-08-210

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

Chairman Gallagher called the case and summarized its procedural history. Acting General Counsel Brosnan reviewed the issues presented by the exceptions and recommended that the Board accept ALJ Harvey's recommendation, but decline to review the portions thereof to which the Employer opted not to file exceptions. After a discussion of the merits, Member Coli moved to accept the acting general counsel's recommendation. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

**3. Case No. S-RC-09-104
Illinois Fraternal Order of Police Labor Council/County of Pulaski/Sheriff of Pulaski
County/Laborers International Union of North America, Local No. 773**

Chairman Gallagher called the case and summarized its background. Acting General Counsel Brosnan reviewed the issues presented by the exceptions and recommended that the Board accept ALJ Clifford's recommendation. 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-08-152
Illinois State Employees Association, Laborers International Union, Local 2002 & Service
Employees International Union, Local 73/State of Illinois, Department of Central
Management Services**

**Case No. S-RC-09-002
American Federation of State, County and Municipal Employees, Council 31/State of
Illinois, Department of Central Management Services**

Chairman Gallagher called the cases and summarized their history. Acting General Counsel Brosnan reviewed the issues presented by the exceptions and recommended that the Board accept ALJ Clifford's recommendation, but decline to review the portions thereof to which the Employer opted not to file exceptions. After a discussion of the merits, Member Coli moved to accept the acting general counsel's recommendation. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

**5. Case No. S-RC-08-044
American Federation of State, County and Municipal Employees, Council 31/State of
Illinois, Department of Central Management Services**

Chairman Gallagher called the case and summarized its history. Acting General Counsel Brosnan reviewed the issues presented by the exceptions and recommended that the Board accept ALJ Harvey's recommendation, but decline to review the portions thereof to which the Employer opted not to file exceptions. After a discussion of the merits, Member Hade moved to accept the acting general counsel's recommendation. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

**6. Case No. S-CA-05-217
Urszula T. Panikowski/PACE Northwest Division**

Chairman Gallagher called the case and summarized its background. Acting General Counsel Brosnan reviewed the issues presented by the exceptions and recommended that the Board accept ALJ Clifford's recommendation. After a discussion of the case, Member Hade moved to accept the acting general counsel's recommendation. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

**7. Case No. S-CA-08-007
Libertyville Professional Fire Fighters Association, International Association of Fire
Fighters, Local 3892/Village of Libertyville**

Chairman Gallagher called the case, noting that no party filed exceptions to ALJ Clifford'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-CA-08-125
Belvidere Fire Department Officers/City of Belvidere**

Chairman Gallagher called the case, noting that no party filed exceptions to ALJ Clifford'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-09-025
Chicago Regional Council of Carpenters/State of Illinois, Department of Central Management Services

Chairman Gallagher called the case, noting that no party filed exceptions to ALJ Clifford'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-RC-09-051
Illinois Fraternal Order of Police Labor Council/Village of Fox Lake

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

VI. OTHER BOARD MATTERS

Chairman Gallagher updated the Board as to the status of legislation that could affect the agency, and distributed the fiscal report. After discussion, Member Coli made a motion to leave open session. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote. Member Coli made a motion to go into executive session to discuss personnel matters. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote. Subsequently, at the end of the discussion, Member Coli made a motion to leave executive session. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote. Member Coli then made a motion to return to open session. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

VII. ADJOURNMENT

Chairman Gallagher 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 11th day of August, 2009.