

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

Minutes of the State Panel Meeting
Held on October 15, 2009

I. OPENING OF MEETING 9:30 A.M.—160 North LaSalle Street, Suite S-400, Chicago, IL

II. PRESENT

Jackie Zimmerman, Chairman; Michael Coli, Member of the Board; Michael Hade, Member of the Board; 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. BOARD ACTIONS

Member Washington made a motion to leave open session. Member Coli seconded the motion, and the Board passed it unanimously, by a voice vote. Member Washington made a motion to go into executive session to discuss the evidence presented in the case on the agenda, pursuant to Section 2(c)(4) of the Illinois Open Meetings Act, 5 ILCS 120 (2009). Member Coli seconded the motion, and the Board passed it unanimously, by a voice vote. Subsequently, at the end of the discussion, Member Washington made a motion to leave executive session. Member Hade seconded the motion, and the Board passed it unanimously, by a voice vote. Member Washington then made a motion to return to open session. Member Hade seconded the motion, and the Board passed it unanimously, by a voice vote.

Case No. S-RC-07-048

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

Case No. S-RC-08-074

Illinois State Employees Association, Laborers International Union, Local 2002 & Service Employees International Union, Local 73/State of Illinois, Department of Central Management Services

Chairman Zimmerman called the case. Member Hade moved to uphold the result obtained by Administrative Law Judge (ALJ) Harvey's Recommended Decision and Order, but to disavow suggestions therein that any review by a superior precludes the exercise of independent judgment by the alleged supervisor. Member Washington seconded the motion. The Board passed the motion—three in favor. Chairman Zimmerman concurred in part and dissented in part. Chairman Zimmerman noted that she would have instead found that the Section Managers whose status was litigated in the hearing in this matter are supervisors within the meaning of Section 3(r) of the Act, and that the status of those employees found non-supervisory in the ALJ's Intermediate Order should have been determined through the hearing process. Chairman Zimmerman also noted that she would have instead found Andy Grapes, whose status was litigated during the hearing, a confidential employee within the meaning of Section 3(c) of the Act.

IV. 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 10th day of November, 2009.