

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

**Minutes of the State Panel Meeting
Held on October 7, 2014**

I. OPENING OF MEETING 11:00 A.M.—160 N LaSalle Street, S-401, Chicago, Illinois

II. PRESENT

John Hartnett, Chairman of the Board; Paul Besson, Member of the Board; James Brennwald, Member of Board; Michael Coli, Member of the Board; Albert Washington, Member of the Board; Melissa Mlynski, Executive Director; Jerald S. Post, General Counsel; Sarah Kerley, Deputy General Counsel; Anna Hamburg-Gal, Associate General Counsel; and staff members.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD September 9, 2014

Chairman Hartnett called for approval of the minutes of the September 9, 2014 meeting. Member Besson moved to approve the minutes. Member Coli 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. She presented the report and summarized its highlights. The Board examined the report and discussed it.

V. BOARD ACTIONS

**1. Case No. S-CA-12-121
International Union of Operating Engineers, Local 399/ Village of Stickney**

Chairman Hartnett asked General Counsel Post to call the case. General Counsel Post called the case and then asked Associate General Counsel Hamburg-Gal to present and discuss the case to the Board. Associate General Counsel Hamburg-Gal stated that on July 3, 2014, Administrative Law Judge (ALJ) Michelle N. Owen issued a Recommended Decision and Order (RDO) addressing a charge filed by the Charging Party against the Respondent alleging that the Respondent violated Sections 10(a)(2) and (1) of the Act. The ALJ found that Respondent violated Section 10(a)(1) when it asked employees to sign affidavits attesting to their level of support for the union, but did not violate Sections 10(a)(2) and (1) by terminating three employees. She then discussed the exceptions and the cross-exceptions and response that were filed. After her discussion she recommended that the Board affirm the ALJ's RDO with modifications. After discussion, Member Besson moved to accept the RDO with modifications. Member Washington seconded the motion, the motion passed with four ayes and one nay; Member Coli dissented in part.

**2. Case Nos. S-CA-12-197-C, S-CA-12-201-C, S-CA-12-211-C
Tyron McCullough/ Harvey Park District**

Chairman Hartnett asked General Counsel Post to call the cases. General Counsel Post stated that these are consolidated compliance cases initiated after the Respondent failed to file a petition for review with the Appellate Court of the Board's final determination of unfair labor practices in consolidated cases: S-CA-12-197, S-CA-12-201 and S-CA-12-211. In the earlier cases, the Board found that Respondent violated Sections 10(a)(2), (3) and (1) of the Act. General Counsel Post then discussed the issues resolved in those earlier cases, the issues presently before the Board, and the exception and response filed by the parties. He then recommended that the Board affirm the RDO with modifications. After detailed discussion, Member Coli moved to affirm the RDO with modifications. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

**3. Case No. S-CA-14-189
Dwyane McCann/ County of Will (Land Use Department)**

General Counsel Post called the case and then asked Deputy General Counsel Kerley to present and discuss the case to the Board. Deputy General Counsel Kerley stated that the Executive Director dismissed the charge filed by the Charging Party which alleged that the Respondent violated Section 10(a) of the Act. She then discussed the appeals and responses that were filed by both parties. After her discussion, Deputy General Counsel Kerley recommended that the Board affirm the Executive Director dismissal. After discussion, Member Coli moved to affirm the dismissal. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote. Member Brennwald then moved to deny Charging Party's motion to strike the Respondent's response. Member Besson seconded the motion, and the Board passed it unanimously, by a voice vote.

**4. Case No. S-CB-14-025
Dwyane McCann/ American federation of State, County and Municipal Employees, Council 31**

Deputy General Counsel Kerley called the case and then discussed the case to the Board. Deputy General Counsel Kerley stated that the Executive Director dismissed the charge filed by the Charging Party which alleged that the Respondent violated Section 10(b) of the Act. She then discussed the Charging Party's appeal. After her discussion, Deputy General Counsel Kerley recommended that the Board affirm the Executive Director dismissal. After discussion, Member Besson moved to affirm the dismissal. Member Coli seconded the motion, and the Board passed it unanimously, by a voice vote.

VI. EXECUTIVE SESSION

After a short discussion regarding whether there was a need for executive session, the Board concluded it was unnecessary.

VII. ADJOURNMENT

Chairman Hartnett called for a motion to adjourn. Member Washington 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 18th day of November, 2014.