

**STATE OF ILLINOIS**  
**ILLINOIS LABOR RELATIONS BOARD**  
**STATE PANEL**

**Minutes of the State Panel Meeting**  
**Held on November 14, 2006**

**I. OPENING OF MEETING 10:00 A.M.—320 West Washington Street, Suite 500, Spfld, IL**

**II. PRESENT**

Jackie Gallagher, Chairman; Michael Coli, Member of the Board; Charles Hernandez, Member of the Board; Michael Hade, Member of the Board; John F. Brosnan, Executive Director; Jacalyn J. Zimmerman, General Counsel; and staff members. Board Member Rex Piper had an excused absence.

**III. APPROVAL OF MINUTES OF REGULAR MEETING HELD OCTOBER 10, 2006**

Chairman Gallagher called for approval of the minutes of the October 10, 2006 meeting. Member Coli moved to approve the minutes. Member Hernandez seconded. The Board passed the motion unanimously, by a voice vote.

**IV. ADMINISTRATIVE MATTERS**

Chairman Gallagher asked Executive Director Brosnan to present the State Panel administrative actions for the period of time from October 1 through October 31, 2006. He distributed the report to the Board for review, and the Board examined it. The Executive Director summarized the report's highlights, noting that during the month, the agency issued three certifications pursuant to representation elections, five certifications pursuant to majority interest petitions, two certifications of voluntary recognition, and six certifications pursuant to unit clarification petitions. The agency also received withdrawals in connection with two representation petitions, and the agency's Administrative Law Judges (ALJs) issued Recommended Decisions and Orders (RDOs) in three representation cases. The Executive Director also noted that with regard to unfair labor practice cases, the agency issued ten complaints for hearing and nine administrative dismissals, one deferral to arbitration, had twenty-six charges withdrawn, and an ALJ issued an RDO in an unfair labor practice case.

**V. BOARD ACTIONS**

**1. S-RC-06-037**

**Village of Hinsdale/Illinois Fraternal Order of Police Labor Council**

General Counsel Zimmerman began by summarizing the case, noting that the issue presented concerned the supervisory status of Village employees in the title of Police Sergeant. The ALJ determined the title was supervisory within the meaning of the Illinois Public Labor Relations Act (Act), and General Counsel Zimmerman recommended that the Board uphold the ALJ's determination. Member Coli moved to accept the General Counsel's recommendation. Member Hernandez seconded the motion, and the Board passed it unanimously, by a voice vote.

**2. S-RC-06-161**

**City of Berwyn/Service Employees International Union, Local 73**

General Counsel Zimmerman began by summarizing the case, noting that therein, the ALJ dismissed objections to an election and upheld the outcome, finding that the use of a management official as an election observer did not affect employees' free choice. The General Counsel recommended that the Board adopt the position of the National Labor Relations Board (NLRB), finding the use of a management official as an election observer *per se* adversely affects employees' free choice, but also,

uphold the ALJ's result. Member Coli moved to accept the General Counsel's recommendation as to adopting the *per se* standard, and to reject it as to upholding the ALJ's result, thereby directing the agency to rerun the election. Member Hade seconded the motion, and the Board passed it unanimously, by a voice vote.

**3. S-CA-04-148/S-CA-04-150/S-CA-05-156  
American Federation of State, County and Municipal Employees, Council 31/Champaign-Urbana Public Health District**

General Counsel Zimmerman began by summarizing the case, noting that no party filed exceptions to the ALJ's RDO, and asked whether the Board wished to review the decision on its own motion. The Board declined to do so.

**4. S-CA-05-172  
Sally Cheatem/State of Illinois, Department of Central Management Services (Department of Human Services)**

General Counsel Zimmerman began by summarizing the case, noting that the Executive Director issued a Dismissal on September 14, 2006, with an appeal filed. The General Counsel recommended that the Board uphold the dismissal, explaining that the Executive Director deferred to the arbitrator's finding on the underlying grievance, that the suspension complained-of by Charging Party was not motivated by her protected activity. Member Hade moved to accept the General Counsel's recommendation. Member Coli seconded the motion, and the Board passed it unanimously, by a voice vote.

**VI. OTHER BOARD MATTERS**

The Chairman distributed the year-to-date fiscal report, the report on estimated year-end account balances, and the "actual v. budgeted" year-to-date report, prepared by Fiscal Officer Nicole Hildebrand. The Chairman and Board members then briefly discussed the agency's fiscal reports. The Chairman reported regarding legislative matters, but noted that there was nothing thus far, that had any direct impact on the agency. Fiscal Officer Hildebrand alerted the Board to a new requirement that they submit travel vouchers within sixty days of the date the expenses were incurred, and General Counsel Zimmerman forewarned the Board of two pending requests for injunctive relief. Thereafter, the Board discussed whether there was a need for executive session, concluding it was not necessary at this time.

**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 12th day of December, 2006.**