

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

Minutes of the State Panel Meeting
Held on December 12, 2006

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; Charles Hernandez, Member of the Board; Michael Hade, Member of the Board; Rex Piper, Member of the Board; John F. Brosnan, Executive Director; Jacalyn J. Zimmerman, General Counsel; and staff members.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD NOVEMBER 14, 2006

Chairman Gallagher called for approval of the minutes of the November 14, 2006 meeting. Member Coli moved to approve the minutes. Member Hade seconded. The Board passed the motion unanimously, by a voice vote.

IV. BOARD ACTIONS

1. Case No. S-RC-06-153

Clerk of the Circuit Court of Cook County/Int'l Brotherhood of Teamsters, Local 714/American Federation of State, County and Municipal Employees, Council 31

The Board modified the order of its agenda to hear oral argument in this matter; a certified court reporter noted and transcribed this portion of the December 12 meeting.

V. ADMINISTRATIVE MATTERS

Chairman Gallagher asked Executive Director Brosnan to present the State Panel administrative actions for the period of time from November 1 through November 30, 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 one certification pursuant to a representation election, four certifications pursuant to majority interest petitions, and one certification pursuant to a unit clarification petition. The agency also received withdrawals in connection with seven representation petitions, and the agency's Administrative Law Judges (ALJs) issued two Recommended Decisions and Orders (RDOs), disposing of four representation cases. The Executive Director also noted that with regard to unfair labor practice cases, the agency issued six complaints for hearing and one administrative dismissal, had twenty charges withdrawn, and the agency's ALJs issued RDOs in three unfair labor practice cases.

VI. BOARD ACTIONS (resumed)

2. S-CA-05-155

Illinois Fraternal Order of Police Labor Council/Village of Calumet Park

General Counsel Zimmerman began by summarizing the case, noting that the issues presented were whether Respondent Employer threatened an employee with retaliation for engaging in union activities, thus violating Section 10(a)(1) of the Illinois Public Labor Relations Act (Act), and whether Respondent Employer suspended an employee in retaliation for engaging in union activity, thus violating Section 10(a)(2) of the Act. General Counsel Zimmerman noted that the ALJ determined that Respondent Employer violated Section 10(a)(1) and (2) of the Act, and she recommended that the Board uphold the

ALJ's determination. Member Hade moved to accept the General Counsel's recommendation. Member Piper seconded the motion, and the Board passed it unanimously, by a voice vote.

3. S-RC-05-079

Village of South Elgin/Metropolitan Alliance of Police, South Elgin Sgts Chapter No. 205

General Counsel Zimmerman began by summarizing the case, noting that therein, the ALJ determined that the petitioned-for police sergeants employed by the Village are supervisory employees within the meaning of the Act. The General Counsel recommended that the Board find the record evidence insufficient to support that outcome, and instead, direct the certification of the petitioned-for unit. Member Piper moved to accept the General Counsel's recommendation. Member Coli seconded the motion, and the Board passed it unanimously, by a voice vote.

4. S-CA-05-098

Service Employees International Union, Local 73/Illinois Secretary of State

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.

5. S-RC-07-007

Plainfield Fire Protection District/Plainfield Firefighters, IAFF/Metropolitan Alliance of Firefighters

General Counsel Zimmerman began by summarizing the case, noting that the issue presented was whether a certification issued pursuant to a unit clarification petition may bar a later filed representation petition, seeking the employees that were the subject of the earlier petition. The General Counsel further noted that the ALJ had dismissed the instant petition, concluding the earlier petition was indeed a bar, and recommended that the Board uphold the ALJ's determination. Member Piper moved to accept the General Counsel's recommendation. Member Coli seconded the motion, and the Board passed it unanimously, by a voice vote.

6. S-CA-06-181

Jerry Seeling/City of Des Plaines

General Counsel Zimmerman began by summarizing the case, noting that the Executive Director issued a Dismissal on November 3, 2006, with an appeal filed. The General Counsel recommended that the Board uphold the dismissal, as the charge was untimely. Member Coli moved to accept the General Counsel's recommendation. Member Piper seconded the motion, and the Board passed it unanimously, by a voice vote.

VII. OTHER BOARD MATTERS

After a short discussion, the Chairman and the Board decided to postpone review of the fiscal and legislative reports until the joint panel session, scheduled for 12:30 p.m. Thereafter, Member Piper moved to go into executive session, to consider the evidence and testimony in Case No. S-RC-06-153/Clerk of the Circuit Court of Cook County/Int'l Brotherhood of Teamsters, Local 714/American Federation of State, County and Municipal Employees, Council 31. Member Hade seconded the motion, and the Board passed it unanimously, by a voice vote. At the conclusion of the executive session, Member Hade moved to return to open session. Member Piper seconded the motion, and the Board passed it unanimously, by a voice vote. Member Hade then moved that the Board meet in executive

VII. OTHER BOARD MATTERS (Continued)

session, on January 4, 2007, at 1:00 p.m., to resume consideration of the evidence and testimony in Case No. S-RC-06-153/Clerk of the Circuit Court of Cook County/Int'l Brotherhood of Teamsters, Local 714/American Federation of State, County and Municipal Employees, Council 31. Member Piper seconded the motion, and the Board passed it unanimously, by a voice vote.

VIII. 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 16th day of January, 2007.