

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

**Minutes of the State Panel Meeting
Held on December 13, 2016**

I. OPENING OF MEETING 10:30 A.M.— at 160 N LaSalle Street, S-401, Chicago, IL

II. PRESENT

John Hartnett, Chairman; Michael Coli, Member of the Board; John Samolis, Member of the Board; Keith Snyder, Member of the Board; Albert Washington, Member of the Board; Melissa Mlynski, Executive Director; Helen J. Kim, General Counsel; Anna Hamburg-Gal, Associate General Counsel; and staff members.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD November 15, 2016

Chairman Hartnett called for approval of the minutes of the November 15, 2016, meeting. Member Washington moved to approve the minutes. Member Samolis seconded. The Board passed the motion unanimously, by a voice vote.

IV. ADMINISTRATIVE MATTERS

Chairman Hartnett asked Executive Director Mlynski to present the Executive Director's reports. She presented the report and summarized the highlights.

V. BOARD ACTIONS

**1. Case Nos. S-CB-16-017 and S-CA-16-087
American Federation of State, County and Municipal Employees, Council 31/State of Illinois,
Department of Central Management Services**

Chairman Hartnett asked Acting General Counsel Mlynski to call the case. Acting General Counsel Mlynski called the case and read the Decision and Order of the Illinois Labor Relations Board State Panel in its entirety. The following motions were made by the Board:

Member Coli moved to adopt the introductory section of the Board Decision. Member Washington seconded the motion, and the Board passed it unanimously by a voice vote.

Member Coli moved to affirm the first paragraph, specifically regarding the ALJ's statements of facts. Member Washington seconded the motion, and the Board passed it unanimously by a voice vote.

Member Snyder moved to affirm the "Relevant Background" section. Member Coli seconded the motion, and the Board passed it unanimously by a voice vote.

Member Coli moved to adopt the "ALJ's Reliance on Pre-Filed Direct Evidence" section. Member Snyder seconded the motion, and the Board passed it unanimously by a voice vote.

Member Coli moved to adopt the paragraph on the Union's independent section 10(a)(1). Member Samolis seconded the motion, and the Board passed it unanimously by a voice vote.

Member Washington moved to affirm the Board's position that three members were in support of this paragraph: "A majority of the Board finds that the existence of such waivers is a matter of reasonable debate particularly in a complex case such as this, and we therefore decline to make an express finding on each alleged waiver" and two dissented. Member Samolis seconded the motion, and the Board passed it unanimously by a voice vote.

Member Washington moved to adopt Section III, "Case S-CB-16-017" including the footnote. Member Coli seconded the motion, and the Board passed it unanimously by a voice vote.

Member Coli moved to adopt Section IV, “Case S-CA-16-087” which is the summary of the ALJ’s findings. Member Washington seconded the motion, and the Board passed it unanimously by a voice vote.

Member Coli moved to adopt Section B, “Alleged Unfair Labor Practices Committed by the State; State’s Alleged Refusals to Provide Information Prior to Declaring Impasse” including footnotes. Member Samolis seconded the motion, and the Board passed it unanimously by a voice vote.

Member Washington moved to adopt Section 2, “Alleged Direct Dealing” including footnote. Member Coli seconded the motion, and the Board passed it unanimously by a voice vote.

Member Coli moved to adopt the “Alleged Evidence of Hostility to the Process of Collective Bargaining” section including the footnote. Member Samolis seconded the motion, and the Board passed it unanimously by a voice vote.

Member Coli moved to adopt the “Alleged permissive subjects of bargaining in the State’s best and final offer section. Member Samolis seconded the motion, and the Board passed it unanimously by a voice vote.

Member Washington moved to adopt the “Alleged refusal to bargain over mandatory subjects, parking and records/reforms” section. Member Samolis seconded the motion, and the Board passed it unanimously by a voice vote.

Member Coli moved to adopt “The State’s Alleged Refusal to Provide Information Requested by the Union in February 2016” section including the footnote and the dissent. Member Samolis seconded the motion, and the Board passed it unanimously by a voice vote.

Member Coli moved to adopt this section on the first prong of the test “Existence of a good-faith bargaining impasse”. Member Washington seconded the motion, and the Board passed it unanimously by a voice vote.

Member Washington moved to adopt the “Impasse” section. Member Samolis seconded the motion, and the Board passed it unanimously by a voice vote.

Member Coli moved to adopt “Existence of a good faith bargaining impasse” section, including the footnotes, on the first prong of the test. Member Washington seconded the motion, and the Board passed it unanimously by a voice vote.

Member Washington moved to adopt the second prong of the test “Critical Issue” section. Member Samolis seconded the motion, and the Board passed it unanimously by a voice vote

Member Washington moved to adopt the third prong of the test “Led to Breakdown in Negotiations” section. Member Samolis seconded the motion, and the Board passed it unanimously by a voice vote.

Member Washington moved to adopt “Post-Impasse Conduct” section including the footnote. Member Samolis seconded the motion, and the Board passed it unanimously by a voice vote.

Member Coli moved to adopt the conclusion section of the Board Decision. Member Samolis seconded the motion, and the Board passed it unanimously by a voice vote.

Member Washington then moved to adopt the “Thereby it is hereby ordered” section. Member Samolis seconded the motion, and the Board passed it unanimously by a voice vote.

Member Coli moved to adopt the Board decision in its entirety as its decision in these two cases. Member Samolis seconded the motion, and the Board passed it unanimously by a voice vote.

2. **Case No. S-CA-14-107**
James Young/Village of University Park

General Counsel Kim called the case, gave a brief summary of the case and noted that no party filed exceptions to ALJ Sanceda's Recommended Decision and Order (RDO) and asked whether the Board wished to review the decision on its own motion. The Board by unanimous vote, affirmatively declined to review the decision on its own motion.

VI. EXECUTIVE SESSION

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

VII. PUBLIC COMMENT

No members of the public sought to make comments.

VIII. ADJOURNMENT

Chairman Hartnett called for a motion to adjourn. Member Coli moved 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 January, 2017.