

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

**Minutes of the State Panel Meeting  
Held on March 11, 2014**

**I. OPENING OF MEETING 11:00 A.M.- 160 N LaSalle Street, S401, Chicago, Illinois.**

**II. PRESENT**

John Hartnett, Chairman; 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; and staff members.

**III. APPROVAL OF MINUTES OF REGULAR MEETING HELD February 28, 2014**

Chairman Hartnett called for approval of the minutes of the February 28, 2014 meeting. Member Washington moved to approve the minutes. Member Besson 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 for the period of time from February 1 through February 28, 2014. She presented the report and summarized its highlights. The Board examined the report and discussed it.

**V. BOARD ACTIONS**

**1. Case No. S-UC-13-044**

**Illinois Office of the Comptroller/International Union of Operating Engineers, Local 965**

Chairman Hartnett asked General Counsel Post to call the case. He called the case then asked Deputy General Counsel Kerley to present and discuss the issues of the case. Deputy General Counsel Kerley made a brief summary of the oral argument that was heard at the February 11<sup>th</sup> State Panel Board meeting. She then discussed the issues of the case. After her discussion, she recommended that the Board find that the amendment is not self-effectuating, the allegations that may give rise to an unfair labor practice or a contract violation are not presently before the Board, and questions regarding the composition of a bargaining unit are a question for the Board not an arbitrator. She also recommended that the Board reject the Union's exceptions based on the following: that the Union not being granted intervenor status and the Administrative Law Judge's (ALJ) denial of the Union's request for a stay did not prejudice the Union; the ALJ's alleged failure to cite the Union's authorities was not an error; the Board need not determine the effective date of the amendment because the Comptroller is not seeking retroactive application of the amendment; and the composition of a bargaining unit is a question for the Board, not an arbitrator. After a detailed discussion, Member Brennwald moved to affirm the Recommended Decision and Order, consistent with the Board's discussion, except to clarify that the employees are excluded from the bargaining unit as of the date of the Executive Director's certification, not as of the date the amendment was signed. Member Coli seconded the motion, and the Board passed it unanimously, by a voice vote.

**2. Case No. S-CA-14-033**

**American Federation of State, County and Municipal Employees, Council 31/Plainfield Park District**

Chairman Hartnett asked General Counsel Post to call the case. General Counsel Post noted that no party filed exceptions to ALJ Hamburg-Gal's RDO and asked whether the Board wished to review the decision on its own motion. The Board declined to do so.

**3. Case No. S-RC-14-036  
American Federation of State, County and Municipal Employees, Council 31/County of Knox and  
Knox County Nursing Home**

Chairman Hartnett asked General Counsel Post to call the case. General Counsel Post noted that no party filed exceptions to ALJ Hamburg-Gal's RDO and asked whether the Board wished to review the decision on its own motion. The Board declined to do so.

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

**Case No. S-DE-14-162 (Financial and Professional Regulation)**-Chairman Hartnett asked General Counsel Post to call the case. General Counsel Post called the case then asked Counsel Sidwell to present the case. Counsel Sidwell presented and discussed the issues of the case and recommended that the Board deny AFSCME's exceptions with respect to the General Counsel's order permitting CMS to withdraw its designation of Ingrum's and Campuzano's positions and affirm the RDO with respect to the ten remaining positions. After discussion, Member Washington moved to accept the RDO. Member Besson seconded the motion, and the Board passed it unanimously, by a voice vote.

General Counsel Post then called and briefly discussed each of the following cases except as otherwise noted, stating in each case that AFSCME's exceptions failed to support overturning the ALJ's RDO therefore recommending the Board affirm each RDO.

**Case No. S-DE-14-163 (Financial and Professional Regulation)**-After discussion, Member Besson moved to accept the RDO. Member Brennwald seconded the motion, and the Board passed it unanimously, by a voice vote.

**Case No. S-DE-14-168 (Children and Family Services)**-After discussion, Member Washington moved to accept the RDO. Member Brennwald seconded the motion, and the Board passed it unanimously, by a voice vote.

**Case No. S-DE-14-169 (Children and Family Services)**-After discussion, Member Washington moved to accept the RDO. Member Besson seconded the motion, and the Board passed it unanimously, by a voice vote.

**Case Nos. S-DE-14-170, 171, 172, 173, 175 (Healthcare and Family Services)**-General Counsel Post recommended that the Board consolidate these cases for the purpose of issuing a single Board decision covering all cases. Member Brennwald moved to consolidate the cases. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote. Then General Counsel Post recommended that the Board accept the ALJ's recommendations. After discussion, Member Brennwald moved to accept the RDOs. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

**Case Nos. S-DE-14-176, 177 (State Police)**-General Counsel Post recommended that the Board remand the case for an evidentiary hearing. After discussion, Member Coli moved to instead accept the RDO finding the positions properly designated. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

**Case Nos. S-DE-14-178, 179, 180, 181, 182, 183, 184, 185 (Veterans Affairs)**-General Counsel Post recommended that the Board consolidate these cases for the purpose of issuing a single Board decision covering all cases. Member Besson moved to consolidate the cases. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote. Then General Counsel Post recommended that the Board accept the ALJ's

recommendations. After discussion, Member Coli moved to accept the RDOs. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

**Case Nos. S-DE-14-193, S-DE-14-194 (Juvenile Justice)**- General Counsel Post recommended that the Board consolidate these cases for the purpose of issuing a single Board decision covering all cases. Member Coli moved to consolidate the cases. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote. Then General Counsel Post recommended that the Board accept the ALJ's recommendations. After discussion, Member Coli moved to accept the RDOs. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

**Case No. S-DE-14-196 (Property Tax Appeal Board)**-After discussion, Member Brennwald moved to accept the RDO with modifications. Member Besson seconded the motion, and the Board passed it unanimously, by a voice vote.

**Case No. S-DE-14-197 (Law Enforcement Training Board)**-After discussion, Member Coli moved to accept the RDO. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

**Case Nos. S-DE-14-198, 199 (Department on Aging)**-After discussion, Member Coli moved to accept the RDO. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

**Case No. S-DE-14-200 (Commerce and Economic Opportunity)**-After discussion, Member Washington moved to accept the RDO. Member Besson seconded the motion, and the Board passed it unanimously, by a voice vote.

**Case No. S-DE-14-201 (Department of Agriculture)**-In addition to recommending that the Board affirm the RDO, General Counsel Post recommended that the Board decline to consider the untimely filed specific objections consistent with its denial of a variance in consolidated cases S-DE-14-153 & S-DE-14-154 and in case S-DE-14-195. After discussion, Member Coli moved to accept the RDO and decline the specific objections. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

**Case Nos. S-DE-14-186, 187, 188, 189, 190, 191 (Department of Corrections)**-After a detailed presentation, General Counsel Post recommended the following to the Board: to accept one aspect of AFSCME's exceptions and issue a remand limited to the ALJ's consideration of the objections filed specific to the positions held by Mattingly, Strock, and Krause; to decline to rule on AFSCME's exceptions presenting its claims of unconstitutionality and reject the remainder of AFSCME's exceptions; to reject the exceptions filed by employees Wortley, Kerr and Duffield; to accept the part of CMS's exceptions that challenges the ALJ's reliance on Board precedent to the effect that any position currently without a subordinate must necessarily fail to meet the requirements of a supervisor under Section 6.1(c)(ii), but nevertheless affirm the ALJ's conclusion that the positions held by Flournoy and Barnoski do not meet the supervisor-like component of Section 6.1(c)(ii); and reject the remainder of CMS's exceptions. After discussion, Member Coli moved to accept those portions of the RDO that found the positions at issue appropriately designated, but reverse that portion of the RDO that found the positions held by Flournoy and Barnoski were not properly designated and instead find that they met the managerial requirements of Section 6.1(c)(i) of the Act. Member Washington seconded the motion, and the Board passed it unanimously, by a voice vote.

**Case No. S-DE-14-192 (Juvenile Justice)**-General Counsel Post stated that no party filed exceptions to the RDO. The Board declined to review the case on its own motion.

**VI. OTHER BOARD MATTERS**

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

**VII. ADJOURNMENT**

Chairman Hartnett 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 1<sup>st</sup> day of April, 2014.**