



Illinois Labor Relations Board

**2011
ANNUAL REPORT**



Illinois Labor Relations Board

To the Governor of the State of Illinois, the President of the Illinois Senate, the Speaker of the Illinois House, and the Members of the Illinois General Assembly:

This is the 27th annual report of the Illinois Labor Relations Board (ILRB) giving an overview of decisions rendered, statistics of case activity, relevant court decisions, budget and staffing from July 1, 2010 through June 30, 2011.

The ILRB has offices in Springfield and Chicago. Once two separate boards, local and state, the ILRB now consists of two panels with four members on the State Panel and two members on the Local Panel. The seventh member is the chairman of both panels. The panels hold monthly meetings and meet jointly at least twice a year. ILRB meetings are open to the public. Dates and locations can be found at www.state.il.us/ilrb.

The Illinois Labor Relations Board is grateful to the Illinois General Assembly, the Governor, the Mayor of the City of Chicago and the Cook County Board President for entrusting us with the responsibility to help maintain a positive relationship between public employers and their employees throughout the State of Illinois.

Table of Contents

Jurisdiction of the Board	1
Funding of the Board	2
Board Members	3
Board Staff	3
Functions of the Board	
Case Processing	
Representation Petitions	4
Unfair Labor Practice Charges	6
Mediation/Arbitration Cases	6
Strike Investigations	6
Declaratory Rulings	7
Police Decertification Cases	7
Rulemaking	7
Referrals to other Agencies	8
Law Library/Contract Repository	8
Selected Case Summaries	
Jurisdiction	9
Representation Issues	
Showing of Interest	10
Unit Determination/Appropriateness	10
Section 3(c) confidential employees	11
Section 3(j) Managerial Employees	13
Section 3(r) Supervisory Employees	15
Employer Unfair Labor Practices	
Section 10(a)(1) Restraint, Interference and Coercion	21
Section 10(a)(2) Discrimination	22
Section 10(a)(4) Refusal to Bargain	23
Union Unfair Labor Practices	26
Procedural Issues	
Default and Waiver	28

Right to Interest Arbitration	29
Sanctions	29
Interest Arbitration Awards	31
Caseload Statistics	40
Certified Representation Cases Statistics.....	40
Disposition of Cases Active in FY 2011	41
Representation Units Certified	42
Listing of Certification of Voluntarily Recognized Representative	56
Listing of Revocation of Prior Certifications	56
Listing of Amendments of Certifications	60
Board Decisions and Orders Issued	64
General Counsel Orders	68
Declaratory Ruling	69

JURISDICTION OF THE BOARD

The Illinois Public Labor Relations Act (Act), 5 ILCS 315 (2010), enacted into law as Public Act 83-1012, effective July 1, 1984, and last amended effective February 16, 2011, governs labor relations between most public employers in Illinois and their employees. Throughout the state, the Illinois Labor Relations Board (ILRB) regulates the designation of employee representatives; the negotiation of wages, hours, and other conditions of employment; and the resolution of disputes arising under collective bargaining agreements. It also is required under certain circumstances to determine through an administrative adjudication process whether certain police officers have committed perjury in homicide proceedings that could result in their decertification.

On July 9, 2000, amendments to the Illinois Public Labor Relations Act took effect, dissolving the Illinois State Labor Relations Board and the Illinois Local Labor Relations Board and transferring the jurisdiction and authority of those boards to the State Panel and Local Panel, respectively, of the newly-created Illinois Labor Relations Board.

The State Panel has jurisdiction over all public, non-educational employers and employees in the State of Illinois, counties and municipalities with populations not in excess of two million persons, and including the Regional Transportation Authority.

The Local Panel has jurisdiction over units of local government with a population in excess of two million persons. This includes not only the County of Cook and the City of Chicago, but also other county- and city-wide governmental entities such as the Forest Preserve District of Cook County, the Metropolitan Water Reclamation District of Greater Chicago, the Chicago Housing Authority, the Chicago Transit Authority, and the Chicago Park District.

Together with the Illinois Educational Labor Relations Act, 115 ILCS 5 (2010), the Illinois Public Labor Relations Act provides the first comprehensive statutory regulation of public sector collective bargaining in Illinois history. It has many similarities to the National Labor Relations Act, which regulates collective bargaining matters in the private sector, and to the laws of numerous other states which regulate collective bargaining in the public sector.

The Board's duties under the Act include the following:

1. Rendering determinations on all charges alleging unfair labor practices under the Act, after either investigation or hearing;
2. Processing petitions seeking the certification or decertification of collective bargaining representatives of public employees, and conducting hearings and Elections upon such petitions;
3. Processing petitions to modify or clarify bargaining units and certifications of bargaining units;
4. Providing rosters of mediators, fact-finders, and arbitrators to parties covered by the Act in order to assist in resolving collective bargaining impasses and grievance disputes; and
5. Conducting emergency investigations of public employee strikes and strike threats upon demand to determine whether judicial proceedings are warranted to restrain or prevent strike activity imperiling the health and safety of the public.
6. Conducting administrative hearings to determine whether certain police officers have committed perjury in homicide proceedings such that they should be decertified.

During FY2011, several amendments to the Act took effect.

Public Act 96-1257, effective July 23, 2010, amended the definition of a “public employee” in Section 3(n) of the Act to include “peace officers employed by a school district in its own police department in existence on the effective date of this amendatory Act of the 96th General Assembly” and similarly amended the definition of a “public employer” in Section 3(o) of the Act to include “a school district in the employment of peace officers in its own police department in existence on the effective date of this amendatory Act of the 96th General Assembly.”

Public Act 96-1529, effective February 16, 2011, added Section 21.5 to the Act which reads as follows:

§ 21.5. Termination of certain agreements after constitutional officers take office.

(a) No collective bargaining agreement entered into, on or after the effective date of this amendatory Act of the 96th General Assembly between an executive branch constitutional officer or any agency or department of an executive branch constitutional officer and a labor organization may extend beyond June 30th of the year in which the terms of office of executive branch constitutional officers begin.

(b) No collective bargaining agreement entered into, on or after the effective date of this amendatory Act of the 96th General Assembly between an executive branch constitutional officer or any agency or department of an executive branch constitutional officer and a labor organization may provide for an increase in salary, wages, or benefits starting on or after the first day of the terms of office of executive branch constitutional officers and ending June 30th of that same year.

(c) Any collective bargaining agreement in violation of this Section is terminated and rendered null and void by operation of law.

(d) For purposes of this Section, “executive branch constitutional officer” has the same meaning as that term is defined in the State Officials and Employees Ethics Act.

FUNDING OF THE BOARD

In FY2011, the Illinois Labor Relations Board was funded as follows:

Operational Expenses—\$1,467,300;
Lump Sum—\$177,200

ILLINOIS LABOR RELATIONS BOARD MEMBERS

Jacalyn J. Zimmerman
Chairman
Libertyville

STATE PANEL

Michael G. Coli
Crystal Lake

Michael Hade
Springfield

Jessica Kimbrough
Chicago

Albert Washington
Matteson

LOCAL PANEL

Charles Anderson
Chicago

Edward Sadlowski
Chicago

Illinois Labor Relations Board Staff

EXECUTIVE DIRECTOR

John Brosnan

GENERAL COUNSEL

Jerald Post

PERSONNEL OFFICER

Carla Stone

ATTORNEYS

Eileen Bell

John Clifford

FISCAL OFFICER
Nicole Hildebrand (SP)

Anna Hamburg-Gal

Colleen Harvey

Philip Kazanjian

INVESTIGATORS

Hans de Kok

Michael Dunne

Michael Provines

Martin Kehoe (SP)

Michelle Owen (SP)

Sylvia Rios

Deanna Rosenbaum

Ellen Strizak

INFORMATION TECHNOLOGY

Jodi M. Marr (SP)

Joseph Tansino

Elaine Tarver

Sharon B. Wells

(SP) based in Springfield office

FUNCTIONS OF THE BOARD

I. CASE PROCESSING

The following is a brief description of the types of cases processed by the Board and the procedures used in processing them. All references to the Board are applicable to either the State or Local Panel.

A. Representation Petitions

Representation cases can be initiated in several ways. A labor organization seeking recognition as the exclusive bargaining representative of a unit of employees in which no other labor organization has attained recognition rights has two options: request that the employer voluntarily recognize it; or file a representation petition with the Board. If another labor organization is already recognized in accordance with the Act, a representation petition must be filed with the Board.

The following types of petitions initiate representation proceedings before the Board:

- Representation/Certification Petitions (RC) are filed by an employee, a group of employees, or a labor organization seeking certification of an exclusive collective bargaining representative for employees in an appropriate unit.

Majority Interest Petitions are filed by a labor organization seeking certification as the exclusive bargaining representative of employees based on evidence that a non-coerced majority of employees in an appropriate unit signed valid cards or petitions indicating they want said labor organization to represent them for the purpose of collective bargaining.

Election Petitions are similar, except that they are based on evidence that over 30 percent of the employees seek an election to determine whether a majority desires such representation.

- Employer's Representation Petitions (RM) are filed by an employer alleging that one or more labor organizations have presented a claim to be recognized as an exclusive collective bargaining representative for a majority of the employees in an appropriate unit.
- Voluntary Recognition Requests (VR) are requests for certification of a unit, without an election, where the labor organization demonstrates it has a majority showing of interest in an appropriate unit and the employer voluntarily recognizes them as the unit's exclusive representative.
- Decertification Petitions (RD) seek a determination as to whether a majority of the employees in an appropriate bargaining unit maintain their desire to be represented by the existing exclusive collective bargaining representative.
- Unit Clarification Petitions (UC) are filed by an exclusive collective bargaining representative or an employer seeking to clarify or amend an existing bargaining unit through the addition or deletion of a position without an election.
- Petitions to Amend Certification (AC) are filed by an exclusive collective bargaining representative seeking to amend its certification whenever there is a change in its name or structure.
- Declaration of Disinterest Petitions (DD) are filed by an exclusive collective bargaining representative to declare its disinterest in further representation of a bargaining unit.

Upon receipt of a representation petition, the Board provides the employer with a notice to be posted for the benefit of affected employees. An investigation is initiated that includes determining the adequacy of the showing of interest based on employee authorization cards or petitions or by means of an election as well as the appropriateness of the proposed bargaining unit.

Employees or competing labor organizations within specified time limits may file intervention petitions.

Petitions are dismissed by the Executive Director when they have been untimely filed, when the bargaining unit is clearly inappropriate, when the showing of interest is not adequate, when the employer and/or employees are not covered by the Act, or when there is no reasonable cause to believe a question of representation exists.

Following the filing of an election petition, a stipulation for consent election—to be signed by the petitioner, the employer, the labor organization seeking to represent the employees, and any timely intervener—shall be filed with the Board. If the Board determines that the stipulation is consistent with the Act and its Rules, it will direct that a consent election be held.

If the investigation of the petition discloses the existence of a question concerning representation, but the parties cannot stipulate to a consent election, the matter is set for hearing before an administrative law judge. Unlike unfair labor practice hearings, representation hearings are non-adversarial in nature.

Parties may file appeals from the Executive Director's dismissals or file exceptions to administrative law judge's recommended dispositions. As in unfair labor practice cases, appeals and exceptions are filed with the General Counsel and thereafter reviewed and ruled upon by the Board. If the Board determines that a question concerning representation exists, it will direct the Executive Director to conduct an election.

After an election is conducted, any party may file objections with the Board alleging that the result was not fairly and freely chosen by a majority of the employees. If, after investigation and hearing, it is determined that the objections are valid, a new election is conducted. If no objections are filed or if the Board determines after investigation or hearing that filed objections are not well-founded, the Board either certifies the collective bargaining representative that received a majority of the votes cast or, if no representative is chosen, certifies the election results. Subsequent elections cannot be conducted in the bargaining unit for one year following an election that results in a Board certification.

Following the filing of a Majority Interest Petition, the petition is investigated to ensure that the labor organization has provided evidence that a non-coerced majority of the employees in the appropriate unit want to be represented for the purposes of collective bargaining. If the employer objects to the petition because it believes that specific positions are not eligible to be represented in a bargaining unit (for example, because employees in the positions are supervisors, confidential employees, or managerial employees), the Board will nevertheless certify the labor organization if the number of contested positions are not sufficient to affect the labor organization's evidence of majority support. Whether the disputed positions should be included in the bargaining unit will be resolved by use of the Board's unit clarification procedures. If a Majority Interest Petition seeks to represent a bargaining unit that combines both professional and nonprofessional employees, the Board will first conduct an election to determine whether both the professional and nonprofessional employees want to be represented in such a combined unit. If both the professional and nonprofessional employees vote to not be represented in a combined unit, the Board will certify separate professional and nonprofessional units, provided the labor organization has demonstrated majority support in each separate unit. If a party or individual provides evidence demonstrating a material issue of fact or law that the labor organization's majority support was obtained by fraud or through coercion, the Board will conduct a hearing to determine whether there is a clear and convincing evidence of fraud or coercion. If the Board determines there is clear and convincing evidence of fraud or coercion, it will conduct an election to determine majority support for the labor organization in the appropriate unit. If the Board finds that there is not clear and convincing evidence of fraud or coercion, the Board will certify the unit based on the labor organization's evidence of majority support.

B. Unfair Labor Practice Charges

Section 10 of the Act prohibits employers and labor organizations from engaging in certain labor practices. An employer, a labor organization, or an employee may file with the Board a charge alleging such unfair labor practices. There are two categories of unfair labor practice charges:

- A *Charge Against Employer (CA)* alleges that an employer has violated one of the provisions under Section 10(a) of the Act;
- A *Charge Against Labor Organization (CB)* alleges that a labor organization has violated one of the provisions under Section 10(b) of the Act.

Upon receipt of a charge, the case is assigned to an investigator. If the investigation reveals that there is no basis to sustain the charge, the Executive Director dismisses the charge. If, on the other hand, the investigation reveals the existence of a dispositive question of law or fact as to whether an unfair labor practice has been committed, the Executive Director will issue a complaint and the case will be set for hearing before an administrative law judge. In contrast to practices before the National Labor Relations Board, the Board does not perform the prosecutorial function once a complaint is issued. Instead, the charging parties or their representatives prosecute unfair labor practice cases. Because it does not prosecute, the Board's "issue of law or fact" standard for issuance of a complaint is less strenuous than the reasonable cause standard used by the National Labor Relations Board.

At unfair labor practice charge hearings, charging parties and respondents produce and examine witnesses, adduce evidence in support of their positions, and, typically, file written briefs. After considering the record and the parties' briefs, the administrative law judge will subsequently issue a "recommended decision and order."

Parties may file appeals from the Executive Director's dismissals or file exceptions to administrative law judges' recommended dispositions. Appeals and exceptions are filed with the General Counsel and thereafter reviewed and ruled upon by the Board. Parties aggrieved by Board decisions and orders may obtain judicial review in the Illinois Appellate Court. Enforcement of Board orders is also obtainable in the Illinois Appellate Court.

C. Mediation/Arbitration Cases

Upon request, the Board provides mediation/arbitration (MA) services to parties who have reached an impasse in collective bargaining. A roster of mediators and arbitrators is maintained from which panels are provided to parties requesting such services. The Act prohibits protective services employees (security employees, peace officers, firefighters) from striking. Disputes over their negotiations are subject to mandatory mediation and interest arbitration. Units of non-protective services employees use mediation in the event of impasse, and can only use interest arbitration on agreement of the parties. Other services, such as fact-finding, grievance arbitration, and grievance mediation are provided at the request of one or both parties.

D. Strike Investigations

If a unit of non-protective services employees engages in a strike that the employer believes presents "a clear and present danger to the health and safety of the public," the employer may petition the Board for a strike investigation (SI). The Board has 72 hours to determine whether such a clear and present danger exists. The employer may then take the Board's findings to Circuit Court to seek to enjoin the work stoppage in a manner that would eliminate the danger. When employees have been enjoined from striking pursuant to this procedure, interest arbitration is used to resolve the issues in dispute.

E. Declaratory Rulings

Employers and labor organizations may also request that the Board's General Counsel issue a declaratory ruling (DR) stating whether the Act requires bargaining over a particular subject or subjects. Such requests must be made jointly, unless it involves a protective services employee unit where a request for interest arbitration has been made.

F. Police Decertification Cases

Amendments to Section 6.1 of the Illinois Police Training Act through Public Act 93-0655 instituted a process for the decertification of a police officer when it has been proven that, while under oath, he or she has knowingly and willfully made false statements as to a material fact going to an element of the offense of murder. There are two situations in which the ILRB State Panel may be required to conduct hearings involving alleged police perjury. In the first scenario, the Illinois Law Enforcement Training Standards Board (ILETSB) investigates verified complaints of police perjury in cases where there has been an acquittal. Following an investigation, ILETSB will forward a report to the Executive Director of the ILRB who will review the evidence to determine whether the evidence is sufficient to warrant a hearing before an administrative law judge of the ILRB. In these cases, the Executive Director may either dismiss the complaint that is not appealable, or order a hearing. In the second scenario where there has been a finding of guilt on the offense of murder but a new trial is granted on direct appeal or a state post-conviction evidentiary hearing is ordered based on a claim of police perjury that goes to an element of the offense of murder, a request for hearing is filed directly with the ILRB without an investigation by ILETSB. If any of these cases proceed to hearing, an administrative law judge will make a recommendation to the ILRB State Panel as to whether certain police officers have committed perjury in homicide proceedings such that they should be decertified. The Administrative Law Judge's decision may be appealed to the Board and the Board decision may be further appealed to court.

II. RULE MAKING

The Labor Relations Board is authorized to promulgate rules and regulations governing its activity. 5 ILCS 315/5(i), (j) & (k) (2010). It takes a vote of four of the seven Board members to enact or amend rules.

The Board has adopted regulations governing its internal structures (2 Ill. Adm. Code 2500), implementation of the Illinois Freedom of Information Act (2 Ill. Adm. Code 2501), general provisions applicable to all Board proceedings (80 Ill. Adm. Code 1200), procedures in representation cases (80 Ill. Adm. Code 1210), procedures in unfair labor practice cases (80 Ill. Adm. Code 1220), procedures for resolving collective bargaining impasses (80 Ill. Adm. Code 1230), and procedures for police decertification cases (80 Ill. Adm. Code 1240). The latter five sets of rules governing Board procedures are available from the Board at its offices or on its website at <http://www.state.il.us/ilrb>.

In fiscal year 1989, the Board adopted revisions to the Rules and Regulations that updated and clarified many of the procedural provisions.

During fiscal year 1990, the Board adopted further revisions to the Rules and Regulations to: conform to revised statutory impasse procedures; increase compensation for appointed counsel to indigent parties; and to modify the procedures for the issuance of subpoenas and the filing of voluntary recognition petitions.

Updates and additions to Board rules were adopted during both FY2003 and FY2004 to reflect the many statutory and regulatory changes that had occurred since the 1990 revisions.

III. REFERRALS TO OTHER AGENCIES

The Board spends a considerable amount of time talking to members of the general public who either call or walk into the Board's offices seeking information regarding their work-related problems. When, as often happens, a Board agent determines that the Board has no jurisdiction to remedy the problem presented by the person, the agent directs the person to the appropriate governmental agency.

IV. LAW LIBRARY/CONTRACT REPOSITORY

Specialized public sector labor relations law libraries are maintained in the Board's Chicago and Springfield offices. The libraries, which are open to the public, contain the Illinois Public Employee Reporter as well as the official decisions from many other states, which have public employee labor relations boards.

The Board also serves as the repository of public sector collective bargaining agreements for employees under the Board's jurisdiction.

Selected Case Summaries

I. Jurisdiction

In Service Employees International Union, Local 73, and City of Chicago Office of Emergency Management and Communications, 26 PERI ¶ 105 (IL LRB-LP, Oct. 4, 2010)(Case No. L-CA-10-042), the charging party filed an unfair labor practice charge against the Employer alleging that the Employer unilaterally assigned supervisory duties normally performed by full-time Supervising Traffic Control Aids to part-time “Hourlies.” The Executive Director dismissed the charge as untimely and the Board upheld the dismissal. Considering the evidence, the Executive Director found that a letter from the Employer dated July 2, 2009 was sufficient evidence that the charging party had knowledge of the Employer’s intent to change the policy, and therefore a response dated January 6, 2010, failed to meet the six-month limitation period established in Section 11(a) of the Act.

The Board reiterated in Urszula T. Panikowski/PACE Northwest Division, 25 PERI ¶188 (IL LRB-SP 2009)(Case No. S-CA-05-217), appeal pending, No. 1-09-2582 (Ill. App. Ct., 1st Dist.)(argued Oct. 13, 2010), that although it is limited to remedying unfair labor practices to those occurring within six months of the charge, a charging party may properly use events outside the limitations period, set forth in Section 11(a) of the Illinois Public Labor Relations Act, 5 ILCS 315 (2008), to show the true nature of the event timely pled. However, the Board noted that a charging party cannot prove the timely pled event simply by proving that the occurrences outside the six-month limitations period were in fact a series of unremedied unfair labor practices, citing the distinction made by the United States Supreme Court in Bryan Manufacturing Co., 362 U.S. 411, 416-17 (1960). The Board issued a similar ruling in Kelvin Brown and Amalgamated Transit Union, Local 241, 26 PERI ¶57 (IL LRB-LP May 28, 2010)(Case No. L-CB-09-020).

In Pace Suburban Bus Div. of Reg’l Transp. Auth. v. Ill. Labor Relations Bd., 406 Ill. App.3d 484 (1st Dist. 2010), 26 PERI ¶133, the appellate court affirmed the Board’s decision in Urszula T. Panikowski and PACE Nw. Div., 25 PERI ¶188 (IL LRB-SP 2009)(Case No. S-CA-05-217) in which the Board found that, although it is limited to remedying unfair labor practices to those occurring within six months of the charge, a Charging Party may properly use events outside the limitations period to show the true nature of the event timely pled. However, the Board noted that a Charging Party cannot prove the timely pled event simply by proving that the occurrences outside the six-month limitations period were in fact a series of unremedied unfair labor practices, citing the distinction made by the United States Supreme Court in Bryan Mfg. Co., 362 U.S. 411, 416-17 (1960).

Public Act 96-1257, amended Sections 3(n) and 3(o) of the Illinois Public Labor Relations Act so that the Illinois Labor Relations Board would have jurisdiction over “peace officers employed by a school district in its own police department.” In Board of Educ. of Peoria School Dist. No. 150 v. Peoria Fed’n of Support Staff, Security/Policeman’s Benevolent and Protective Ass’n Unit #114, Ill. Educ. Labor Relations Bd. & Ill. Labor Relations Bd., No. 2011 MR 000106 (7th Judicial Cir., Sangamon Cty.), appeal pending, No. 4-11-0875 (Ill. App. Ct., 4th Dist.), a school district sought to enjoin the Illinois Labor Relations Board from asserting jurisdiction on the basis that Public Act 96-1257 was special legislation and on the basis that it does not employ peace officers. The circuit court dismissed the complaint, and an appeal is now pending.

The Board upheld the Executive Director’s dismissal of a charge as untimely in Harlow R. Brown and State of Illinois, Dep’t of Cent. Mgmt Serv. (Dep’t of Corr.), 27 PERI ¶52 (IL LRB-SP 2011) (Case No. S-CA-10-046), in which the complained-of action occurred in January and February of 2008 and the charge was not filed until 2010.

In Karyn Thomas and SEIU, Local 73, 28 PERI ¶9 (IL LRB-LP 2011)(Case No. L-CB-10-022), the Board upheld the Executive Director’s dismissal of a charge filed by Thomas because it was untimely filed. Thomas filed the charge two years after she learned of the unfair labor practice.

In Sherwin Baker and Peoria Housing Auth., 27 PERI ¶64 (IL LRB-SP 2011)(Case No. S-CA-11-058), the Executive Director dismissed the unfair labor practice charge filed by Sherwin Baker, which alleged that the Peoria Housing Authority engaged in unfair labor practices within the meaning of Section 10(a) of the Act when the Peoria Housing Authority terminated Baker’s employment. The Board upheld the Executive Director’s dismissal, finding the charge was filed outside the six-month limitation period.

In John Michels and State of Illinois, 28 PERI ¶10 (IL LRB-SP 2011)(Case Nos. S-CA-09-250, S-CB-09-038), appeals pending, Nos. 4-11-0612, 4-11-0659 (Ill. App. Ct., 4th Dist.), the Board upheld the Executive Director's dismissal where the charge was not filed within six months of the termination forming the basis of the charge.

In Marvin Perez and State of Illinois, Dep't of Cent. Mgmt. Serv., 27 PERI ¶28 (IL LRB-SP 2011)(Case No. S-CA-10-208), the Board sustained the Executive Director's dismissal as untimely that portion of the charge alleging discharge in retaliation for union activity.

II. Representation Issues

A. Showing of interest

In Laborers Int'l Union of N. Am., Local 362 and Town of Normal (Employer) and David Olson, Keith Simpson, Craig Tackett and Jarod Windhorn (Objectors), 26 PERI ¶106 (IL LRB-SP 2010)(Case No. S-RC-10-234), the Board sustained the Executive Director's dismissal of a petition filed by objectors. Among other things, the objectors complained about aspects of the majority interest process. The Board found it was required to apply the statute as written.

In AFSCME, Council 31 and State of Illinois, Dep't of Cent. Mgmt. Serv. (Envtl. Prot. Agency), _ PERI ¶_ (IL LRB-SP June 15, 2011)(Case No. S-RC-09-180), appeal pending, No. 4-11-0638 (Ill. App. Ct., 4th Dist.), the Employer objected to an election, arguing it had insufficient opportunity to observe the tally of ballots after an election was held by mail. Due to its confusion over the date set for the tally, no Employer representative appeared at the time the ballots were to be counted. The Board agent was able to contact one of the Employer's attorneys who attended and verified the ballot signatures, objecting to a few under circumstances where the vote was overwhelmingly in favor of joining the Union. The Board agent later learned that this attorney was a member of a different bargaining unit represented by the same union. The Board dismissed the objection finding the Employer had sufficient opportunity to observe the tally.

B. Unit determination/appropriateness

In Illinois Council of Police v. Ill. Labor Relations Bd., 26 Ill. App. 3d 104 Nos. 1-09-1859 and 1-09-1860 (Ill. App. Ct., 1st Dist., Sept. 30, 2010), aff'g Illinois Council of Police/City of Chicago, 25 PERI ¶77 (IL LRB-LP 2009)(Case No. L-RC-07-032), the court affirmed the Board's certification of a unit of aviation security sergeants employed by the City. The court consolidated appeals by the City of Chicago and the Illinois Council of Police (ICOP). The City argued the Board erred in certifying the sergeant's stand-alone unit as an appropriate bargaining unit. The court affirmed the Board's certification and expressed its approval of the Board's reconsideration of its preference for large units and its certification of small, stand-alone units in recent years. The court stated that "the Board's decisions to certify smaller units were anything but arbitrary and capricious. The Board made the decisions consciously and with clear consideration of the past preference for larger bargaining units. The Board recognized that, although the elevation of the fragmentation factor may have had a place when the Act first came into effect, time and the changes it has wrought in the City's bargaining landscape meant that fragmentation, more so than ever, should not be the predominant factor in an appropriateness determination under section 9(b)." The court went on to consider the other section 9(b) factors to determine whether the Board's certification of the sergeants was clearly erroneous, and determined that it was not. ICOP's petition was granted by the Board, yet it appealed arguing the Board erred in finding the sergeants were not "peace officers." The court dismissed ICOP's appeal because ICOP received the relief it has requested from the Board. As such, it was not an "aggrieved party" and had no standing to appeal.

In Laborers Int'l Union of N. Am., Local 362 and Town of Normal (Employer) and David Olson, Keith Simpson, Craig Tackett and Jarod Windhorn (Objectors), 26 PERI ¶106 (IL LRB-SP 2010)(Case No. S-RC-10-234), the Board sustained the Executive Director's dismissal of a petition filed by objectors. A majority interest representation petition had been filed to represent 40 employees in the Employer's Public Works Department. The Employer had no objection, but four mechanics within the Equipment Maintenance Division of the Public Works Department objected to the appropriateness of the proposed unit because their duties differed from those of the

other employees. The Executive Director found differing duties an insufficient basis for finding the unit inappropriate.

In County of Cook and Teamsters, Local 700, 27 PERI ¶50 (IL LRB-LP 2011) (Case No. L-AC-11-004), the Board found that the Executive Director correctly refused to amend the certification of a unit where the Employer had failed to post notice. However, the Board directed the Executive Director to order the Employer to provide the Petitioner access to its premises and to order Petitioner to post notice and certify the fact of posting to the Board.

SEIU, Local 73 and County of Cook and Sheriff of Cook County, 27 PERI ¶38 (IL LRB-LP 2011) (Case No. L-RC-10-025), involved two overlapping representation petitions. The Fraternal Order of Police sought to include three administrative assistants in a unit of other employees within the Office of Professional Review. The election petition was subject to objections by the Employer that were found to be without merit, after a hearing. After the FOP had filed its petition, but before its resolution, SEIU sought by majority interest petition to represent a unit of administrative personnel that included the administrative assistants within FOP's petition. The Board certified the unit, only later realizing that these employees were the subject of two petitions. Accordingly, the Executive Director issued a partial revocation of SEIU's unit with respect to the three employees at issue, and the ALJ assigned to FOP's petition ordered an election for the three administrative assistants with the following choices: (1) representation by FOP, (2) representation by SEIU, or (3) no representation. The Board upheld the Executive Director's partial revocation, finding that the Executive Director did not deny employees their choice of representative or improperly fragment a group of employees. The Board further found that the Executive Director had the authority to issue a partial revocation given the unusual circumstances in this petition.

In AFSCME, Council 31 and State of Illinois, Dep't Cent Mgmt. Serv. (Dep't of Agric.), _PERI ¶_ (IL LRB-SP, June 10, 2011)(Case No. S-RC-11-004), the Board rejected the ALJ's recommendation that nine employees in the title of Private Secretary I should be added to an existing bargaining unit. The Board rejected the Employer's contention that the employees needed to be excluded as a matter of law because they were exempt from Jurisdiction B of the Personnel Code, 20 ILCS 415 (2010), but found exemption "may be relevant in determining whether an employee shares a sufficient community of interest with Code-covered employees such that they should be included in a single bargaining unit." The Board remanded the case back to the ALJ to determine if these employees would be appropriately included in the existing bargaining unit.

In Teamsters, Local 700 and County of McHenry and McHenry Cnty. Health Dep't, _PERI ¶_ (IL LRB-SP, June 13, 2011)(Case No. S-RC-10-133), the Board remanded a case to the ALJ for further consideration of the Section 9(b) factors where the unit proposed consisted of our registered nurses and two certified nurses' aides who were employed by the joint Employer along with 23 other unrepresented registered nurses.

C. Section 3(c) confidential employees

In AFSCME, Council 31, and State of Illinois, Dep't of Cent. Mgmt. Serv., 26 PERI ¶83 (IL LRB-SP 2010)(Case No. S-RC-10-052), appeal pending, No. 4-10-0729 (Ill. App. Ct., 4th Dist.), the Board affirmed the ALJ's finding that the duties of three employees in the title Public Service Administrator Option 8L (PSA 8L) did not qualify them for exclusion as confidential under the labor nexus test because there was no evidence that they assist in a confidential capacity in the regular course of their duties a person or persons who formulate, determine, and effectuate labor relations policies. The Board found these employees were more akin to employees who provide financial information that may be relevant to collective bargaining strategy, which does not make them confidential under the Act. However, the Board found an issue of fact or law warranting a hearing concerning the confidential status of a third PSA 8L relating to her duties in representing State agencies before the Civil Service Commission in cases against the Petitioner.

In AFSCME, Council 31, and City of Chicago, 26 PERI ¶114 (IL LRB-LP 2010)(Case Nos. L-RC-09-018 and L-UC-09-008), the Board rejected the ALJ's recommended decision with respect to the confidential status of seven employees, but adopted her recommendation that the remaining 31 employees should be added to an existing bargaining unit. The Board found under the labor-nexus test that six employees had superiors who formulated, determined, and effectuated labor relations policies, and that they assisted these superiors in a confidential capacity in the regular course of their duties. In doing so, the Board rejected the notion that the superiors had to be the

persons who are primarily responsible for formulation, determination, or effectuation of labor relations policies before the labor-nexus test could be applied. It also explained that infrequency of assistance does not necessarily mean that the assistance is not given in the regular course of duties. The Board further found that five of six employees who met the labor-nexus test also met the authorized access test, and it held that one employee who did not meet the labor-nexus test met the authorized access test because she has access to contract negotiation files. The Board found no merit in the Employer's argument that two other employees met either the labor-nexus test or the authorized access test when they had access to information that was confidential only in a general sense and not with regard to labor relations. Regarding the supervisory status of one employee, the Board determined that, although this employee has the authority to direct and discipline, she was not a supervisor according to the Act because she did not spend a preponderance of her employment time performing supervisory functions.

In AFSCME, Council 31 and State of Illinois, Dep't of Cent. Mgmt. Serv., 27 PERI ¶31 (IL LRB-SP 2011)(Case No. S-RC-10-122), appeal pending, No. 4-11-0356 (Ill. App. Ct., 4th Dist.), the Board found one of the petitioned-for employees, a Public Service Administrator, Option 8L at the Illinois State Police, was a confidential employee where, in preparation for interest arbitration, he assisted individuals who formulate, determine, and effectuate labor relations policy and had access to sensitive information regarding collective bargaining strategy. It further found the employee assisted in the "regular course of his duties," where the task appeared likely to be a normal task despite its infrequency.

In Int'l Union of Operating Eng'rs, Local 965 and Pike Cnty. Housing Auth., 28 PERI ¶13 (IL LRB-SP 2011)(Case No. S-UC-10-256), the Board found an executive director was not a supervisor, but was a confidential employee using the "reasonable expectation" test. While the executive director performed many of the same functions as her subordinates, she was ultimately responsible for the Housing Authority's proper function. She routinely made financial and personnel recommendations to the Housing Authority's Board. The Board found there was a reasonable expectation the executive director would be performing confidential duties since she would be likely assisting the Housing Authority in developing the Housing Authority's collective bargaining strategy.

In AFSCME, Council 31 and State of Illinois, Dep't of Cent. Mgmt. Serv. (Dep't of Human Serv.), 28 PERI ¶16 (IL LRB-SP 2011)(Case No. S-RC-10-162), the Board found one of the employees at issue was a supervisor within the meaning of the Act, and remanded for hearing on the issue of whether the remaining employees were confidential or managerial within the meaning of the Act. All of the employees were attorneys. For nine, the Board found sufficient evidence to raise a question as to whether they were confidential employees. Using the "authorized access test" the Board found evidence some of the employees performed tasks directly related to issues associated with collective bargaining. The fact that these tasks were only performed occasionally was insufficient to determine whether the tasks were performed in the regular course of duties.

As for their managerial status, the Board agreed with the ALJ's determination that these employees were not managers "as a matter of law." There was no evidence suggesting these employees acted as "surrogates" for the Department of Human Services, a necessary element for finding employees managers as a matter of law. However, the Board did find sufficient evidence to raise an issue of whether the employees met the statutory criteria under Section 3(j).

The Board also found the last employee to be a supervisor within the meaning of the Act. He principally performed tasks substantially different from his subordinates, and performed those tasks a preponderance of the time. Further, the Board found he directed his subordinates with independent judgment by reviewing draft decisions and directing his subordinates in their editing process.

In Laborers' Int'l Union of N. Am., Local 751 and Cnty. of Kankakee and Coroner of Kankakee Cnty., 28 PERI ¶21 (IL LRB-SP 2011)(Case No. S-RC-11-005), the ALJ recommended certifying a unit of part-time and full-time deputy coroners, but that an administrative assistant was a confidential employee within the meaning of Section 3(c) of the Act, and that the chief deputy coroner should be excluded from the unit pursuant to a stipulation by both parties. While the Board agreed with and adopted two of the ALJ's findings, it reversed his finding that the administrative assistant was a confidential employee. The Board found that while the administrative assistant performed most of the administrative tasks of the office, there was not a reasonable expectation that she would function as a confidential employee once the collective bargaining unit was recognized. In a footnote, the Board stated that if after the bargaining relationship began the assistant started performing tasks related to collective bargaining, the Employer could file a unit clarification petition.

Board Member Kimbrough dissented from that part of the majority's holding that the administrative assistant was not a confidential employee. She would have found it reasonable to expect the assistant to be involved in the collective bargaining process, where the administrative assistant performed support functions, and it was reasonable to assume her support functions would inevitably involve her in the collective bargaining process.

See also Illinois Fraternal Order of Police Labor Council and City of Springfield, 27 PERI ¶69 (IL LRB-SP 2011)(Case No. S-RC-09-184), appeal pending, No. 1-11-1691 (Ill. App. Ct., 1st Dist.), discussed below in supervisory employee section. Section 3(j) managerial employees

In AFSCME, Council 31/State of Illinois, Dep't of Cent. Mgmt. Serv., 26 PERI ¶ 136, No. 4-09-0438 (Ill. App. Ct., 4th Dist.)(argued April 28, 2010), AFSCME sought, pursuant to a showing of majority interest, to represent in its existing RC-63 bargaining unit, approximately 16 persons in the job title or classification of Senior Public Service Administrator, Option 8P (hereinafter referred to as "pharmacy directors"), employed by the State of Illinois in its Department of Human Services. The Employer opposed the petition on several grounds, one of which was the employees sought were statutorily excluded from bargaining as managerial employees under Section 3(j) of the Act. The ALJ found that the Employer failed to establish that any of the petitioned-for pharmacy directors were managerial employees within the meaning of Section 3(j), concluding that none of them met either part of the managerial test. Agreeing with the ALJ's determination, the Board noted that in support of its position, the Employer reviewed and cataloged the significant responsibilities it entrusts to the pharmacy directors, yet nowhere in the record was there evidence that the disputed employees possessed and exercised a level of authority and independent judgment sufficient to broadly effect the organization's purposes or its means of effectuating these purposes. Nor, the Board found, was the other half of the managerial test met, as there was no evidence that the disputed employees direct the effectuation of management policy in that they oversee or coordinate policy implementation by developing the means and methods of reaching policy objectives, and by determining the extent to which the objectives will be achieved. The Board noted that as it has long held (and the courts have agreed) that, with regard to the first part of the test, executive functions require more than simply the exercise of professional discretion and technical expertise, and where the employee's role in establishing policy is merely advisory and subordinate, the employee is not managerial. Likewise, the Board pointed out, as it has in the past (with the approval of the courts), that to meet the second part of the test an employee must be empowered with a substantial measure of discretion to determine how policies will be effected.

In Illinois, Dep't of Cent. Mgmt. Serv./Human Rights Comm'n v. Ill. Labor Relations Bd., 406 Ill. App. 3d. 310 (4th Dist. 2010), the court reversed the Board's decision and held ALJs were managerial employees as a matter of law. Referencing Cook County State's Attorney v. Ill. Local Labor Relations Bd. and Chief Judge of the 16th Judicial Circuit v. Ill. State Labor Relations Bd., the court stated the ALJs would be managerial employees if there was close identification between the employer and employee, if there was a unity of their professional interests, and if the employees had authority to act on behalf of the employer. Here, the actions of the ALJs were closely identified with the Commission. They carried out of the policies of the Commission and the Human Rights Act. Finally, they conducted investigations and hearings, and made recommendations to the Commission that in some circumstances served as the final agency decision. Therefore, the court held the ALJs were managerial employees as a matter of law.

In Illinois, Dep't of Cent. Mgmt. Serv./Commerce Comm'n v. Ill. Labor Relations Bd., 406 Ill. App. 3d 766 (4th Dist. 2010), the court reversed and remanded the Board's decision to include administrative law judges in a bargaining unit. The court held employees are considered managerial under the Act if they spend a majority of their time engaged in executive and management functions, as well as implementing department policies. The ALJs implemented the policies and mission of the Commerce Commission by making recommendations to the Commission which were almost always accepted. The court held these duties could qualify the ALJs as managerial employees, and therefore remanded for a hearing.

By means of a non-precedential decision issued in Illinois, Dep't of Cent. Mgmt. Serv./Dep't of Human Serv. v. Ill. Labor Relations Bd., and Illinois, Dep't of Cent. Mgmt. Serv./Dept of Healthcare and Family Serv. v. Ill. Labor Relations Bd., Nos. 4-09-0233, 4-09-0234, 27 PERI ¶11 (Ill. App. Ct., 4th Dist., Dec. 28, 2010)(Case Nos. S-RC-08-130 & S-RC-08-154), the appellate court reversed and remanded the Board's certification of units of administrative law judges employed at two agencies. Although the Employer, the State of Illinois, was not entitled to due process, it was entitled to have the Board follow its own administrative rules. After receiving the petition

and the Employer's objection and finding the objections insufficient to state an issue of law or fact, the Board should have issued an order to show cause to allow the Employer to demonstrate there was such an issue warranting a hearing. The court reversed and remanded both cases and ordered the Board to issue an order to show cause.

By means of a non-precedential decision issued in Illinois Dep't of Cent. Mgmt. Serv./Prop. Tax Appeal Bd. v. Ill. Labor Relations Bd., 27 PERI ¶2 (Ill. App. Ct., 4th Dist., Dec. 28, 2010), the court reversed the Board's inclusion within a collective bargaining unit of the chief hearing officer of the Property Tax Appeal Board. Finding the chief hearing officer made recommendations to the Tax Appeal Board on appeals and other decisions that were predominately adopted by the Tax Appeal Board, the court found enough of a question about the officer's managerial status to require a hearing.

In AFSCME, Council 31, and State of Illinois, Dep't of Cent. Mgmt. Serv., 26 PERI ¶83 (IL LRB-SP 2010)(Case No. S-RC-10-052), appeal pending, No. 4-10-0729 (Ill. App. Ct., 4th Dist.), the Board affirmed the ALJ's finding that the duties of two employees in the title Public Service Administrator Option 8L (PSA 8L) did not qualify them for exclusion as managerial employees where their legal duties involved professional discretion and technical expertise, but not managerial authority. While the Employer contended that one of these PSA 8Ls was managerial because he "drafts legislation, regulations and executive and administrative orders" the Board found there was only evidence that he might assist his superiors in those tasks, and that the employee lacked "final responsibility and independent authority to establish and effectuate policy" necessary to establish managerial authority.

In General Teamsters/Professional & Technical Employees, Local 916 and State of Illinois Attorney General (Public Aid Bureau), 27 PERI ¶67 (IL LRB-SP 2011)(Case No. S-RC-10-232), the Board found that assistant attorneys general within the Public Aid Bureau of the Attorney General's Office were managerial employees by applying the alternative analysis articulated in Office of the Cook County State's Attorney v. Ill. Local Labor Relations Bd., 166 Ill. 2d 296 (1995).

In AFSCME, Council 31 and State of Illinois, Dep't of Cent. Mgmt. Serv. (Commerce Comm'n), 26 PERI ¶132 (IL LRB-SP 2010)(Case No. S-RC-09-144), the Board upheld the ALJ's determination that employees in the job title Technical Advisor III were not managerial employees within the meaning of the Act, under either the traditional test applying the statutory criteria or under the alternative managerial as a matter of law analysis. The Board agreed that there was no issue of fact or law warranting a hearing. Under the traditional test, the Board found that the petitioned-for attorneys were not "broadly" affecting the Illinois Commerce Commission's (ICC) goals, but rather served a subordinate and advisory role. The Board noted that one Technical Advisor III's drafting of legislation did not make him managerial, in absence of any suggestion that he helps determine the policy sought to be implemented by the draft legislation. Instead, the drafting was a matter of applying professional, technical expertise to choices made by others. Under the managerial as a matter of law analysis, the Board found that the attorneys were not operating as surrogates for the ICC, rather they advised or sought direction from superiors. The Board noted that although the attorneys would typically have power to act on behalf of their clients in court, only the Attorney General could represent the ICC in court, or for limited purposes, those she designates as special assistant attorneys general. The Board found that in their capacity as special assistant attorneys general, the petitioned-for attorneys operated more as surrogates for the Attorney General as office holder, than as surrogates for the ICC.

The petitioner-union filed a representation/certification petition. It sought to represent a bargaining unit of 26 assistant Attorneys General in the Public Aid bureau of the state's Office of the Attorney General. The ALJ recommended dismissal of the petition. The ALJ found that the assistant Attorneys General qualified as managerial employees as a matter of law who were excluded from the PLRA's coverage. The ALJ reasoned that the petitioned-for employee maintain a close identification with the office-holder and, therefore, that they were managerial under the alternative analysis established in Cook County State's Attorney, 11 PERI 4011 (Ill. Ct. App. 1995). Upon review of the record and the petitioner-union's appeal from the ALJ's decision, the LRB, State Panel upheld the ALJ's decision. General Teamsters/Professional & Technical Employees, Local 916 v. Illinois Attorney General (Public Aid Bureau), 27 PERI 67.

In AFSCME, Council 31 and State of Illinois, Dep't of Cent. Mgmt. Serv. (Commerce Comm'n), 27 PERI ¶30 (IL LRB-SP 2011)(Case No. S-RC-09-202), the Board remanded for a hearing to determine whether employees of the ICC in the job title Technical Advisor IV were managerial employees.

In State of Illinois, Dep't of Cent. Mgmt. Serv. and AFSCME, Council 31, 26 PERI ¶155 (IL LRB-SP)(Case No. S-RC-09-180), appeal pending, No. 4-11-0638 (Ill. App. Ct., 4th Dist.), the Board adopted the Executive Director's order directing an election to determine whether employees of the State of Illinois in the title of Senior Public Service Administrator, Option 4 wished to be represented. The Board found that even though the evidence showed that the petitioned-for employees are somewhat involved in real policy-making, the evidence is insufficient to conclude that they have "control" over or effectively recommend policies. Moreover, where the record was unclear as to whether policies and procedures that were drafted and implemented actually changed existing policies, the Board found it difficult to conclude that such managerial authority exists when there is no evidence that the petitioned-for employee has actually exercised said authority.

The Board further adopted the ALJ's decision that the Employer failed to provide sufficient evidence to conclude that the petitioned-for employees were supervisors as some did not perform work substantially different than that of their subordinates, and those that did (and also performed at least one of the 11 statutory indicia), did not meet the preponderance test.

Lastly, the Employer objected to the ALJ's decision not to address the "claim reserved" that two of the petitioned-for employees should be excluded as they are exempt from the Personnel Code under Section 4d(3) of that Code. The Board found the Employer had waived its alternative basis for exclusion because the Employer failed to argue the merits of its exception and because the claim was not "self-evident" in that the Act does not contain an explicit exclusion for Code-exempt persons.

In AFSCME and State of Illinois, Dep't Cent. Mgmt. Serv., 26 PERI ¶149 (IL LRB-SP)(Case No. S-RC-09-188), the Board found employees in the job title of Senior Public Service Administrator who worked at either the Gaming Board or the Illinois Department of Revenue were neither managers nor supervisors within the meaning of the Act. It found the exercise of professional discretion and technical expertise does not constitute executive or management functions and are not indicative of managerial authority. The ability to develop policies and procedures that only affect one particular area or worksite and not the agency as a whole, does not approach the level of policy making required by the Act. And enforcing existing law, rules and regulations and making determinations based on technical expertise and knowledge are not necessarily indicative of managerial authority.

See also AFSCME, Council 31, and State of Illinois, Dep't of Cent. Mgmt. Serv., 26 PERI ¶113 (IL LRB-SP 2010)(Case No. S-RC-10-138), and Illinois Fraternal Order of Police Labor Council and City of Springfield, 27 PERI ¶69 (IL LRB-SP 2011)(Case No. S-RC-09-184), appeal pending, No. 1-11-1691 (Ill. App. Ct., 1st Dist.), both discussed below in supervisory employee section.

D. Section 3(r) supervisory employees

In Village of Maryville v. Ill. Labor Relations Bd., 402 Ill. App. 3d 369, 932 N.E.2d 558 (5th Dist. 2010), rev'g Illinois Fraternal Order of Police Labor Council/Village of Maryville, 24 PERI ¶113 (IL LRB-SP 2008), a two-member majority of the court reversed the Board's determination that two sergeants were not supervisors and ordered the Board to deny a unit clarification petition filed to add them to an existing unit of subordinate officers. The Board had found the Village failed to provide evidence of specific instances where the sergeants disciplined, directed, or adjusted grievances in a manner that affected the terms and conditions of their subordinates' employment, but the court found this improperly assigned dispositive weight to the number of times the sergeants had exercised their supervisory authority. The court found the sergeants could deny requests for leave, and also had written authority via a policies and procedures manual to issue oral and written reprimands, conduct oral and written performance evaluations, and memorialize counseling sessions, which are placed in personnel files and axiomatically have the potential to be used in future discipline. Justice Spomer issued the opinion in which Justice Stewart joined.

Justice Chapman dissented, stating that precedent establishes that a written ability to perform indicia of supervisory status is insufficient and that there needs to be actual examples of the exercise of supervisory authority. She further noted that ability to review requests for time off and vacation has been deemed a routine, clerical function that does not mandate the use of independent judgment. And she stated that performance evaluations that do not have any bearing on an officer's pay or employment status fails to establish supervisory direction. While the majority did not discuss Village of Hazel Crest v. Ill. Labor Relations Bd., 385 Ill. App. 3d 109, 895 N.E.2d 1082 (1st Dist. 2008), the sole case relied upon by the Village, Justice Chapman distinguished it on the basis that the

Employer there did have documented evidence that the disputed employees had actually recommended discipline on two occasions and that, following independent review, one of those recommendations had been accepted.

In the City of Sandwich v. Ill. Labor Relations Bd., 406 Ill. App. 3d 1006 (2d Dist. 2011), the court reversed the Board's decision and vacated a certification adding sergeants to a unit of police officers. The court held the sergeants' duty to investigate complaints about patrol officers and then report their findings to the chief was sufficient for the sergeants to be excluded from the bargaining unit. It found this created a conflict of interest section 3(s)(1) sought to avoid. The court also looked to the hierarchy of the department, where the sergeants were the highest ranking officer on duty the majority of time and the chief would likely rely on the sergeants to run the department in his absence.

In a non-precedential decision in Village of Oak Brook v. Ill. Labor Relations Bd., No. 2-10-0168, 26 PERI ¶7 (Ill. App. Ct., 2d Dist., 2011), (IL LRB SP 2010)(Case No. S-RC-09-057), rev'g, 27 PERI ¶41, the court found that police sergeants were supervisory, finding the sergeants did not collaborate in making evaluations, sought guidance in discipline of their own volition, could reward subordinates, adjusted grievances by denying them at the first level, and engaged in "other indicia" of supervisory status in that they were often the highest ranking employees on duty.

In AFSCME, Council 31 and State of Illinois (Dep't of Cent. Mgmt. Serv.), 26 PERI ¶84, (IL LRB-SP 2010)(Case No. S-RC-10-114), the Board adopted the ALJ's recommended conclusion that employees in the title of "Manager" at the Illinois Commerce Commission were not supervisors under the Act. The employer had objected to the inclusion of the Managers in an existing bargaining unit, arguing that they were supervisors based on their authority to perform four of the 11 statutory indicia: 1) hiring and transferring; 2) adjusting grievances; 3) disciplining, suspending and discharging; and 4) directing. The ALJ found there was no issue of law or fact warranting a hearing on the first two statutory indicia. With respect to the third and fourth indicia, although the ALJ found an issue of fact or law regarding whether one of the employees at issue disciplines using independent judgment and whether another employee disciplines and directs using independent judgment, she found there was no issue of fact or law whether they do so for a preponderance of their time. The employer excepted to the ALJ's findings on authority to direct and adjust grievances, while AFSCME excepted to the ALJ's findings that there were issues of fact or law regarding authority to direct and discipline. The Board found no issue on three out of the four indicia at issue, but in its analysis of the authority to direct, found that although the collective bargaining agreement sets the amount of benefits that derive from a good evaluation, the evaluations that the Managers complete can either lead to the employee's termination or return to his prior position or even loss of a step increase. Thus, the Board found that the ALJ erred in concluding that there was no issue of fact or law as to whether Managers exercise supervisory authority by using independent judgment in performing evaluations of their subordinates that can impact the subordinates' terms and conditions of employment. The Board adopted the ALJ's conclusion despite this finding because in its calculation of whether Managers spent a preponderance of their time exercising supervisory authority, it was inconceivable that the additional time spent conducting evaluations would alter the result.

In AFSCME, Council 31, and State of Illinois, Dep't of Cent. Mgmt. Serv., 26 PERI ¶116 (IL LRB-SP 2010)(Case No. S-UC-10-014), the Board adopted the ALJ's Recommended Decision that found human casework managers who served as local office administrators for the Department of Human Services' Division of Human Capital Development were supervisors within the meaning of the Act. The ALJ found the local office administrators had the authority to direct, discipline, and adjust grievances and that they spend a preponderance of their employment time performing such tasks. In reaching the latter finding, the ALJ noted the different court interpretations of the preponderance standard, and found adequate support in the record for the regional administrators' assessment of the percentage of time the local office administrators spend on supervisory functions from the fact that they were regularly informed of what the local office administrators are doing, and the fact that two of the regional administrators had formerly been local office administrators.

In AFSCME, Council 31, and Chief Judge of the Circuit Court of Cook County, 26 PERI ¶117 (IL LRB-SP 2010)(Case No. S-RC-10-007), the Board rejected the Employer's contention that the petitioned-for employees were managers or supervisors where the Employer declined to provide the ALJ with sufficient information to raise either issue. The Board adopted the ALJ's findings with two modifications: 1) The employees' assignment of cases based on who works well with whom and with specific residents is evidence of independent judgment and is not routine; and 2) The Board disavowed any contention in the RDO that the employees' reliance on skills,

knowledge or experience necessarily precludes their exercise of independent judgment. The Board found these modifications did not alter the conclusion that the employees are not supervisors because, in any event, their supervisory tasks could not consume a preponderance of their employment time.

In AFSCME, Council 31, and State of Illinois, Dep't of Cent. Mgmt. Serv., 26 PERI ¶113 (IL LRB-SP 2010)(Case No. S-RC-10-138), the Board agreed with an ALJ that an Employer had failed to raise an issue as to whether employees with the title of public service administrator, option 8C, were supervisors or managers within the meaning of the Act, despite having been given a second opportunity to do so by means of a response to a detailed show-cause order specifying the requirements for a successful demonstration of the existence of such issues. Most generally, the Board rejected the Employer's position that the standards used under the Civil Practice Act should govern whether the general and conclusory affidavits it submitted were sufficient to raise an issue for hearing. The Board noted that, in contrast to the adversarial court proceedings referenced by the Employer, its certification of bargaining units was a non-adversarial, largely ministerial administrative task. It found no need to deviate from its prior practice, particularly since courts have recently reviewed, and approved of, that practice.

More specifically, the Board found no issue regarding adjustment of grievances because there was no evidence that any of the employees in dispute had the authority to provide substantive relief at the first stage as required by the Act. However, the Board disavowed any implication from the ALJ's recommendation that the employee must be designated to resolve grievances at the final step of the grievance process. The Board rejected the Employer's position that it did not need to present evidence on the employees' authority to train except in response to a defense raised by the Petitioner, noting that Employers always bear the burden of demonstrating that their employees are precluded from the protections of the Act. The Board found there was an issue of fact or law as to whether some of the employees exercise discipline, but that there was no need for a hearing here where there was no evidence that this task could take a preponderance of the employees' time, at least no evidence other than a vague, generalized, and conclusory statement in an affidavit.

Lastly, the Board rejected the Employer's argument that one employee was a manager where the Employer presented evidence that the employee met the first prong of the two-part managerial test, but failed to provide any evidence that the employee was predominantly engaged in directing the effectuation of management policies and functions. The Board rejected the Employer's contention that evidence of supervisory tasks met this aspect of the managerial definition, finding that it had to follow the statutory definitions, and the statute defined managerial employees separately from supervisory employees.

In State of Illinois, Dep't of Cent. Mgmt. Serv. (Dep't of Human Serv.), 26 PERI ¶116 (IL LRB-SP 2010)(Case No. S-UC-10-014), the Board affirmed the ALJ's finding that certain employees in the classification of Human Casework Manager acting as Local Office Administrators (LOAs) were supervisory employees within the meaning of the Act. The Board upheld the ALJ's finding that the essence of the LOAs' work and the work of the subordinates was obviously and visibly different. The LOAs oversaw the entire local office, did not maintain their own caseloads, conducted various meetings and conferences with other employees, were the only local office employee responsible for interpreting and implementing new procedures, maintained relationships with community resources, and when a subordinate employee filled in for the LOA, the subordinate did not have the authority of the LOA.

With respect to supervisory indicia, the ALJ found that that the LOAs had the ability to direct through their use of independent judgment in assignment and reassignment of work, actively checking the caseload without review from others, being responsible for proper performance of their subordinates, using discretionary authority to effectuate DHS policies through staff meetings and trainings, approving and denying time off requests based on operational needs, and completing annual performance evaluations which determine whether or not a probationary employee will be certified. He found the LOAs used independent judgment when imposing discipline and adjusting grievances. The ALJ noted that the LOAs were the only persons in the local office who have the responsibility to monitor or report any violations and take any corrective or disciplinary action. Further, the ALJ found that the LOAs could deny or grant grievances at the first step without prior approval and have done so. Finally, the ALJ found that the LOAs spent a preponderance of their time engaged in supervisory functions because they spent more than 50 percent of their time engaged in supervisory activity.

In State of Illinois, Dep't of Cent. Mgmt. Serv. (Dep't of Public Health, Pollution Control Bd.), 26 PERI ¶113 (IL LRB-SP 2010)(Case No. S-RC-10-138), the Board upheld the ALJ's determination that eight employees

with the title of Public Service Administrator, Option 8C were not supervisors or managers within the meaning of the Act. The Board agreed with the ALJ's finding that the Employer failed to raise an issue of fact or law warranting a hearing, and the Board's analysis differed only slightly from that of the ALJ.

As for supervisory status, the Board found that there was no evidence that any of the employees in dispute had the authority to provide substantive relief at the first stage of the grievance process or exercise discipline using independent authority. The Board found that the conclusory statements in the Employer's affidavits concerning authority to train were insufficient to raise an issue warranting hearing. The ALJ found that the Employer neglected to even address the preponderance of time requirement except to provide a broad statement that one employee spent an "overwhelming majority of her time supervising subordinates." The Employer did not raise the topic of whether one Option 8C employee had the authority to promote subordinates, but nevertheless excepted to the ALJ's finding on this point. The Board noted that in any event, because there was no issue of fact or law as to whether the employee engaged in supervisory tasks a preponderance of the time, no hearing was warranted.

As for managerial status, the ALJ found that one employee's preparation of the Illinois Pollution Control Board's budget met the first prong of the two-part managerial test. However, the ALJ found no facts or argument relating to the second prong. The Employer had stated that the employee's supervisory duties were to be considered part of her management function, but the Board rejected this sole basis for arguing that the employee was a manager, noting that the statute defines managers separately from supervisors.

In AFSCME, Council 31 and State of Illinois, Dep't of Cent. Mgmt. Serv., 26 PERI ¶131 (IL LRB-SP 2010) (Case Nos. S-RC-09-038 and S-RC-09-060) (Corrected Decision), appeal pending, No. 4-11-0013 (Ill. App. Ct., 4th Dist.), the Board upheld an ALJ's recommendation that approximately 20 professional engineers in the title of Senior Public Service Administrator Option 8E at the Department of Public Health (DPH), Department of Natural Resources (DNR), and the Illinois Environmental Protection Agency (IEPA) were not supervisors within the meaning of the Act. The Board agreed with the ALJ that the Option 8Es review of their subordinates' work was not indicative of supervisory status where the review was done to ensure work product met standards and not in order to correct the subordinates' work performance. However, the Board disagreed with the ALJ's analysis in regard to placement on proof status as indication of supervisory authority to discipline. The Board stated that it had previously found that the authority to place an employee on proof status, if exercised with independent judgment, is an indication of supervisory authority to discipline. Further, the Board found that counseling and oral reprimands constituted discipline because memoranda of the counselings were kept in the employees' personnel file and the memoranda warned that failure to take corrective action could result in disciplinary action. Nonetheless, the Board found that the Employer had failed to demonstrate that the Option 8Es spent a preponderance of time performing supervisory tasks where there was a lack of evidence concerning the number of disciplines and "repeated references to the professionalism of subordinates."

In AFSCME, Council 31 and State of Illinois, Dep't of Cent. Mgmt. Serv., _ PERI ¶ _ (IL LRB-SP Dec. 2, 2010) (Case No. S-RC-09-176), the Board affirmed the ALJ's determination that a Public Service Administrator Option 8L employee of the Environmental Protection Agency was a public employee under the Act. Though the employee performed substantially different principal work than her subordinates, she did not perform any indicia of supervisory authority with the requisite independent judgment. For example, the employee automatically approved time off and compensatory time requests. Her review of subordinates' work was either routine, to ensure it was complete, correct and complied with agency requirements, or based on her superior technical knowledge. Finally, her evaluations did not have adverse consequences on her subordinates without approval of the agency head.

In Village of Lake Zurich and Illinois Fraternal Order of Police Labor Council, 27 PERI ¶26 (IL LRB-SP 2011)(Case No. S-RC-09-139), the Board found police sergeants were supervisors. It found the authority to issue written notices of counseling, as well as oral and written reprimands, was supervisory. Although command staff often directed sergeants to issue discipline, there were instances where the sergeants issued discipline on their own initiative. The sergeants also completed evaluations for their subordinates which played a significant role in determining whether the subordinates receive merit increases. Specifically, they had discretion, based on their personal observations of their subordinates' poor performance, to recommend against pay or step increases because of a subordinate's poor performance.

In Village of Richton Park and Illinois Fraternal Order of Police, 26 PERI ¶151 (IL LRB-SP 2011)(Case No. S-RC-10-055), appeal pending, No. 1-11-0289 (Ill. App. Ct., 1st Dist.), the Board found sergeants were not

supervisors within the meaning of the Act because they lacked authority to effectively recommend discipline with independent judgment. The ability to issue counseling did not count, though they were documented, where the evidence failed to show the sergeants could decide to issue a counseling based on their own independent judgment.

In City of Washington and Policeman's Benevolent Labor Comm., 27 PERI ¶3 (IL LRB-SP 2011)(Case No. S-UC-09-242), the Board found an existing bargaining unit of sergeants and patrol officers should be clarified to exclude the sergeants as they are supervisory employees. The State Panel found that although there are only three circumstances under which a Petitioner can file a unit clarification petition, this type of petition may also be appropriate when the Petitioner is seeking to exclude individuals from a unit on the basis that they are statutorily exempt from collective bargaining under the Act. Lastly, the State Panel rejected the ALJ's finding that allowing subordinates to leave work early with pay is the authority to reward or that the authority to promote occurs when petitioned-for employees decide whether or not to retain a probationary employee since that employee retains the same rank.

In AFSCME and State of Illinois, Dep't of Cent. Mgmt. Serv., 27 PERI ¶10 (IL LRB-SP 2011)(Case No. S-RC-09-036), appeal pending, No. 4-11-0209 (Ill. App. Ct., 4th Dist.), the Board found the Employer failed to show that three employees in the job title of Senior Public Service Administrator Option 8(h) were supervisors within the meaning of the Act where there was no indication they performed any of the indicia of supervisory status. The Board rejected the assertion that the employees evaluated their subordinates where the evidence did not indicate the evaluations had any impact on terms and conditions of employment. The Employer's assertion that poor evaluations might lead to discipline was not supported with any evidence of such discipline having occurred.

In AFSCME, Council 31 and State of Illinois, Dep't of Cent. Mgmt. Serv. (Dep't of Commerce and Econ. Opportunity), 27 PERI ¶56 (IL LRB-SP 2011) (Case No. S-RC-10-238), the Board adopted the ALJ's findings of fact and his conclusion that Foreign Service Economic Development Executive IIs employed by the State of Illinois, Department of Central Management Services in offices located in various foreign countries are not supervisors within the meaning of the Act. However, contrary to the ALJ, it found that FSEDE IIs are managerial employees within the meaning of Section 3(j) of the Act. Specifically, the State Panel found that FSEDE IIs perform executive and management functions relating to their unique locations, and are also responsible for directing the effectuation of management policies and practices in their targeted countries. Accordingly, the Board dismissed the petition.

In Village of Roselle and Metropolitan Alliance of Police, Roselle Sergeants Chapter #259, 27 PERI ¶59 (IL LRB-SP 2011)(Case No. S-RC-10-023), the Board adopted the ALJ's finding that all full-time, sworn peace officers in the rank of sergeant employed by the Village of Roselle were supervisors within the meaning of Section 3(r) Act where they could discipline with independent judgment in ways that affected terms and conditions of employment, and adjusted grievances, though infrequently.

In AFSCME, Council 31 and County of Cook, 27 PERI ¶58 (IL LRB-LP 2011)(Case No. L-RC-10-027), the ALJ recommended that Nurse Managers and Tour Supervisors employed by the County of Cook at its Oak Forest Hospital be found to be public employees and not supervisors within the meaning of the Act, and that they be included in a historical bargaining unit represented by American Federation of State, County and Municipal Employees, Council 31. In support of its exceptions, County of Cook relied primarily on testimony in an earlier representation case concerning a petition for a larger unit that included the positions at issue. The Local Panel rejected County of Cook's exceptions and adopted the ALJ's recommendation. Local Panel Board Member Anderson dissented and would have instead held that these employees are not public employees but supervisors within the meaning of 3(r) of the Act and consequently would have dismissed the petition.

In Illinois Fraternal Order of Police Labor Council and City of Springfield, 27 PERI ¶69 (IL LRB-SP 2011)(Case No. S-RC-09-184), appeal pending, No. 1-11-1691 (Ill. App. Ct., 1st Dist.), the Board accepted the ALJ's recommendation and found that sergeants employed in the City of Springfield Police Department are supervisors and lieutenants confidential employees within the meaning of Sections 3(r) and 3(c) of the Act. It found enough had changed in the police department over the preceding 10 years to warrant re-examination of the issues rather than apply an earlier ALJ decision on one topic and an earlier party concession on the other. The sergeants were supervisors because they could direct, discipline and adjust grievances while exercising independent judgment. The lieutenants were not managerial because they did not broadly affect department goals, however they

were confidential because they participated in meetings at which negotiation strategies were discussed and because they had access to information regarding negotiation strategies.

In Illinois Fraternal Order of Police Labor Council and City of Carbondale, 27 PERI ¶68 (IL LRB-SP 2011)(Case No. S-RC-11-034), appeal pending, No. 1-11-1692 (Ill. App. Ct., 1st Dist.), the Board dismissed a majority interest representation petition, finding that all but one of the petitioned-for sergeants were supervisors, and a bargaining unit of the one remaining sergeant would not be appropriate for the purposes of collective bargaining under the Act. Most of the sergeants were found to have the authority to effectively recommend discipline and direct by making substantive corrections to their subordinate's reports.

In Chicago Joint Board, RWDSU, UFCW Local 200 and County of Cook, Health and Hospital System Board, 27 PERI ¶70 (IL LRB-LP 2011)(Case No. L-RC-10-037), the Board accepted the ALJ's recommendation to find employees in the title of Administrative Assistant V employed by the County of Cook Health and Hospital System Board are not supervisors within the meaning of Section 3(r) of the Act. The Board rejected the Employer's contention that these employees could direct and discipline with independent judgment.

In AFCSME, Council 31 and State of Illinois, Dep't of Cent. Mgmt. Serv. (Dep't of Human Serv.), 27 PERI ¶71 (IL LRB-SP 2011)(Case No. S-RC-10-176), the Board held that the two employees in question were supervisors within the meaning of 3(r) of the Act. Both employees were directors of the social work departments at two mental health centers. They oversaw 20 to 40 subordinates and reported to the medical director and hospital administrator at their respective health centers. The employees engaged in principal work substantially different from that of their subordinates, the first requirement for supervisory status. The Board found the first employee gave direct instructions to her subordinates, was consulted by her subordinates on difficult cases, and used independent judgment in the handling of those cases. Although she often consults with her superior on a variety of issues, there was no evidence to suggest her supervisor had ever countermanded her decisions. The Board also found she spent more time on supervisory tasks than on any one non-supervisory task, meeting the preponderance of the time standard. Although the record was significantly less detailed for the second employee, she held the same position as the first employee, just at a different facility. Because both employees held the same position, the Board held it was reasonable to conclude the second employee was also a supervisor under the Act.

Illinois Fraternal Order of Police Labor Council and County of Winnebago and Sheriff of Winnebago County, 28 PERI ¶19 (IL LRB-SP 2011)(Case No. S-RC-09-123), involved a majority interest representation petition to represent deputy sheriffs in the rank of sergeant. Based on an apparent concession in the existing collective bargaining unit, the ALJ recommended the Employer's motion for summary judgment be granted, the petition be dismissed, and the employees found to be supervisors within the meaning of Section 3(r) of the Act. There was language in the collective bargaining agreement between the parties stating that officers in the rank of sergeant and above were supervisors. The language in question had been a part of the agreement for 25 years. Under those circumstances, the Board questioned whether either party in fact viewed the contractual language as a true stipulation as to the sergeants' status, so it remanded the case for hearing on the issues of whether the Union, by means of the contract, had conceded that the sergeants were supervisors, and whether the evidence overall suggests the sergeants were supervisors under the meaning of the Act.

In Int'l Union of Operating Eng'rs, Local 150 and State of Illinois, Dep't of Cent. Mgmt. Serv. (Dep't of Transp.), 28 PERI ¶20 (IL LRB-SP 2011)(Case No. S-RC-10-194), appeal pending, No. 4-11-0825 (Ill. App. Ct., 4th Dist.), the Board found a group of employees were not supervisors within the meaning of Section 3(r) of the Act. The employees did not perform any of the tasks listed in Section 3(r), and thus also failed to meet the preponderance of time requirement. As a secondary matter, the Employer had attempted to raise additional arguments in its post hearing brief, but both parties had stipulated prior to the hearing that the sole issue was whether the employees in question were supervisors, and the Board held they were bound to that stipulation and could not raise new issues.

In AFSCME, Council 31 and Illinois Dep't of Cent. Mgmt. Serv., 28 PERI ¶ 75 (IL LRB-SP, Oct. 24, 2011)(Case No. S-UC-09-182), the Board adopted the ALJ's recommendation that one employee in the title of Public Service Administrator, Option 6 should be added to the bargaining unit and that other Option 6 positions should not. Most broadly, the Board rejected the Employer's argument that State of Illinois employees are not subject to the statutory element for supervisory status requiring the employee to spend a preponderance of her employment time engaged in supervision, as this argument is directly contradicted by appellate court precedent and

the 20 years' of court and Board precedent that followed. The Board also rejected the Employer's argument that the first employee was a supervisor simply because Petitioner had not demonstrated that some other employee supervised her subordinates. And the Board also rejected the Employer's argument that the ALJ erroneously analyzed the preponderance of time element where the ALJ had applied the most applicable appellate court precedent on that topic.

See also AFSCME, Council 31 and State of Illinois, Dep't of Cent. Mgmt. Serv. (Dep't of Human Serv.), 28 PERI ¶16 (IL LRB-SP 2011)(Case No. S-RC-10-162) discussed above concerning confidential employees; State of Illinois, Dep't of Cent. Mgmt. Serv. and AFSCME, Council 31, 26 PERI ¶155 (IL LRB-SP)(Case No. S-RC-09-180), appeal pending, No. 4-11-0638 (Ill. App. Ct., 4th Dist.), discussed above concerning managerial employees; and AFSCME, Council 31 and City of Chicago, 26 PERI ¶114 (IL LRB-LP 2010) (Case Nos. L-RC-09-018 and L-UC-09-008), discussed above concerning confidential employees.

III. Employer Unfair Labor Practices

A. Section 10(a)(1) restraint, interference and coercion

In Ill. State Toll Hwy. Auth. v. Ill. Labor Relations Bd., 405 Ill. App. 3d 1022 (2d Dist. 2010), vacating SEIU, Local 73 and Illinois State Toll Highway Auth., 25 PERI ¶76 (IL LRB-SP 2009)(Case No. S-CA-07-155), the court ruled with respect to rights established under NLRB v. Weingarten, Inc., 420 U.S. 251 (1975), an employee has a right to know the subject matter prior to an investigatory interview, but that an employee can waive that right by not specifically asking.

In Pace Suburban Bus Div. of the Reg'l Transp. Auth., Nw. Div. v. Ill. Labor Relations Bd., 406 Ill. App. 3d 484 (1st Dist. 2010), the court affirmed the Board's decision that Pace had committed an unfair labor practice. The Board found that Pace had violated the Act by firing a bus driver in retaliation for previously filing a successful grievance against it. Pace argued several theories on appeal. First, Pace argued the bus driver failed to prove that her termination was because of anti-union animus. However, the court held employees can establish a violation of 10(a)(1) by showing they engaged in protected activity, the Employer knew the nature of their activities, and the Employer took adverse employment action against them for engaging in those activities. Therefore, the employee is not required to specifically prove the Employer's anti-union animus.

Second, Pace argued the driver did not prove a causal connection between the employee's protected activity and the adverse employment action. Specifically, Pace argued the Board's determination that Pace had "shifting explanations" for the driver's termination was insufficient to establish an improper motive. The court disagreed. The bus driver had presented evidence she suffered disparate treatment during the investigation of incidents she allegedly committed, as well as in the discipline she received. The court found that the Board's conclusion that Pace had an improper motive was not against the manifest weight of the evidence.

Finally, Pace argued the Board improperly considered evidence outside the six month statute of limitations period. The bus driver's claim related back to an earlier grievance which was outside of the statute of limitations. Furthermore, Pace stated in its termination letter to the driver she was being let go due to her entire work history. Pace also used several incidents outside the limitations period to support the argument it had legitimate reasons for terminating the driver's employment. The court stated Pace could not use evidence outside the six month period to support its claim and then deny the driver the same evidence. Because of the nature of the bus driver's claim, the Board did not improperly consider evidence outside the six month period.

In City of Ottawa v. Ill. Labor Relations Bd., 2011 IL App (3rd) 090365 (non-precedential order), the City appealed the Board's decision in Policemen's Benevolent Labor Committee and City of Ottawa, 25 PERI ¶43 (IL LRB-SP 2009) that it had violated Section 10(a)(1) of the Act when it denied an employee's request for Union representation and subsequently terminated him. The Board ordered that the employee be reinstated with back pay and that the City stop interviewing employees in a manner which violated their Weingarten rights. The Court agreed with the Board's finding that the City had violated the employee's Weingarten rights. The employee had asked for Union representation, but was talked out of it by the City's representative. The Court stated that talking an employee out of representation did not constitute the employee's knowing and voluntary waiver of his rights. However, the Court found the Board had abused its discretion by awarding make-whole relief to the employee. The Court stated that nothing in the record supported the conclusion that the employee had been terminated for

asserting his right to Union representation. Therefore, the Board's order that he be reinstated was an abuse of its discretion. The Court remanded the case to the Board to amend its decision, which it did in Policemen's Benevolent Labor Comm. and City of Ottawa, 28 PERI ¶15 (IL LRB-SP June 17, 2011) (Case No. S-CA-04-193), appeal pending, No. 3-11-0625 (Ill. App. Ct., 3d Dist.), which itself has been appealed, this time by the union.

In Teamsters, Local 700 and Chief Judge of the Circuit Court of Cook County, 27 PERI ¶63 (IL LRB-SP 2011)(Case No. S-CA-10-281), the ALJ recommended that the State Panel found that Chief Judge of the Circuit Court of Cook County failed to timely answer the Complaint, and had therefore admitted the material allegations of fact and law. Accordingly, he recommended that the Board find that the Respondent violated Section 10(a)(1) of the Act by taking adverse action against certain employees because they had engaged in union and/or protected concerted activity, and also violated Section 10(a)(4) and (1) of the Act in that it refused to bargain in good faith by denying requests for performance evaluations and disciplinary records of these employees. The Board upheld the ALJ's recommendation for the reasons set forth by the ALJ.

In Beverly Joseph and Leslie Mitchner and County of Cook, 27 PERI ¶57 (IL LRB-LP 2011)(Case Nos. L-CA-09-046 and L-CA-09-099), appeal pending, No. 1-11-1514 (Ill. App. Ct., 1st Dist.), the ALJ found the County of Cook violated Section 10(a)(2) and (1) of the Act by discharging Beverly Joseph for her refusal to sign a background check authorization form. (Leslie Mitchner's termination charge concerning this matter was untimely and was dismissed.) The ALJ further determined the County violated Section 10(a)(2) and (1) of the Act by refusing to reinstate the employment of Joseph and of Mitchner. The Board adopted the ALJ's findings of fact but rejected his analysis and legal conclusion that Joseph's discharge violated the Act. Contrary to the ALJ, the Local Panel found that Joseph's refusal was not activity protected by the Act and dismissed this element of the complaint. However, the Local Panel recognized that the Charging Parties' grievance filing did constitute protected activity and accordingly found that the Respondent violated Section 10(a)(2) and (1) of the Act by refusing to reinstate Joseph and Mitchner.

Local Panel Board Member Anderson concurred in his colleagues' determination that the County did not violate the Act by terminating Mitchner and Joseph because they refused to sign the background authorization forms, but dissented from the determination that the County violated the Act by refusing to reinstate them. Member Anderson found the strength of certain evidence insufficient to bear the Charging Parties' burden of demonstrating that County of Cook's motive in refusing to reinstate Mitchner and Joseph was union animus, and would have dismissed the complaint in its entirety.

B. Section 10(a)(2) discrimination

In Metropolitan Alliance of Police, Chapter 31 and County of DuPage and DuPage County Sherriff, 26 PERI ¶ 98 (IL LRB-SP 2010)(Case No. S-CA-07-175), the Board adopted the ALJ's findings of fact and conclusion that Respondent did not violate Section 10(a)(2) and (1) of the Act. Charging Party failed to demonstrate that Respondent was aware of the union activity of a deputy sheriff, or that Respondent's decision to transfer that deputy sheriff was motivated by such activity.

In Policemen's Benevolent and Protective Association Labor Committee and City of Bloomington, 26 PERI ¶ 99 (IL LRB-SP, Aug. 27, 2010)(Case No. S-CA-04-120)(Member Kimbrough dissenting), the Board granted Charging Party's motion for Attorney's Fees and Costs, which was filed after issuance of the ALJ's Recommended Decision and Order finding Respondent violated Sections 10(a)(2) and (1) by denying a lieutenant a promotion because of his union activity and Sections 10(a)(4) and (1) by refusing to bargain. The ALJ's non-precedential RDO, became final and binding on the parties when neither party filed exceptions and the Board declined to take it up on its own motion. Charging Party's motion for Attorney's Fees and Costs was based on Respondent's denials in response to the complaint which were found to be untrue and made without reasonable cause, as well as on Respondent's factual assertions offered at hearing which were found to be untrue and made without reasonable cause. In analyzing the motion under Section 1220.90(e) of the Board's Rules and Regulations, the Board reiterated that its test for determining whether a party has made factual assertions which were untrue and made without reasonable cause is an objective one – of reasonableness under the circumstances. The Board declined to impose sanctions based on Respondent's denials to the complaint, but did impose sanctions based on the factual assertions made at hearing because Respondent had full opportunity to understand its case at that point in time and “could be properly criticized for presenting never-before-offered false alternative reasons for its conduct toward [the lieutenant].”

In Homero Bautista and AFSCME, Council 31 and Homero Bautista and State of Illinois, Dep't of Cent. Mgmt. Serv. (Envtl. Prot. Agency) 27 PERI ¶29 (IL LRB-SP 2011)(Case Nos. S-CB-10-079 and S-CA-10-307), the Board affirmed the Executive Director's dismissal of two related charges, one because the Charging Party did not allege that his Employer's actions were in retaliation for rights protected by the Act, and the other because there was no evidence his union's decision not to pursue a grievance was motivated by vindictiveness, discrimination or enmity.

In Int'l Union of Operating Engineers, Local 150 and Town of Cicero, 27 PERI ¶5 (IL LRB-SP 2011)(Case No. S-CA-06-307), the Board found the Town of Cicero did not violate Sections 10(a)(1) and (2) when it discharged two employees of its Public Works Department, noting that the Union had not proved by a preponderance of evidence that the Respondent discharged the employees based on union animus.

In Marvin Perez and State of Illinois, Dep't of Cent. Mgmt. Serv., 27 PERI ¶28 (IL LRB-SP 2011)(Case No. S-CA-10-208), the Board sustained the Executive Director's Dismissal of an unfair labor practice charge alleging that the State of Illinois violated the Act by terminating the Charging Party in retaliation for union activity and by offering him an unfavorable settlement of a subsequent grievance. The Board agreed with the Executive Director's dismissal of the portion of the charge alleging that the Charging Party received an unfavorable offer to resolve his discharge grievance. The comparison of an offer made to another employee was insufficient where that employee was not similarly situated to the Charging Party. The Board dismissed as untimely the portion of the charge alleging discharge in retaliation for union activity.

In Beverly Joseph and Leslie Mitchner and County of Cook, 27 PERI ¶57 (IL LRB-LP 2011)(Case Nos. L-CA-09-046 and L-CA-09-099), appeal pending, No. 1-11-1514 (Ill. App. Ct., 1st Dist.), the ALJ found the County of Cook violated Section 10(a)(2) and (1) of the Act by discharging Beverly Joseph for her refusal to sign a background check authorization form. (Leslie Mitchner's termination charge concerning this matter was untimely and was dismissed.) The ALJ further determined the County violated Section 10(a)(2) and (1) of the Act by refusing to reinstate the employment of Joseph and of Mitchner. The Board adopted the ALJ's findings of fact but rejected his analysis and legal conclusion that Joseph's discharge violated the Act. Contrary to the ALJ, the Local Panel found that Joseph's refusal was not activity protected by the Act and dismissed this element of the complaint. However, the Local Panel recognized that the Charging Parties' grievance filing did constitute protected activity and accordingly found that the Respondent violated Section 10(a)(2) and (1) of the Act by refusing to reinstate Joseph and Mitchner.

Local Panel Board Member Anderson concurred in his colleagues' determination that the County did not violate the Act by terminating Mitchner and Joseph because they refused to sign the background authorization forms, but dissented from the determination that the County violated the Act by refusing to reinstate them. Member Anderson found the strength of certain evidence insufficient to bear the Charging Parties' burden of demonstrating that County of Cook's motive in refusing to reinstate Mitchner and Joseph was union animus, and would have dismissed the complaint in its entirety.

The Board upheld the Executive Director's dismissal of a charge in Donald Blair and State of Illinois, Dep't of Cent. Mgmt. Serv. (Dep't of Human Serv.), 27 PERI ¶ 53 (IL LRB-SP 2011) (Case No. S-CA-10-156), because the Charging Party failed to respond to the Board agent's two requests for information in support of the charge.

C. Section 10(a)(4) refusal to bargain

In Metropolitan Alliance of Police, Chapter No. 261 and County of Cook and Sheriff of Cook County, 26 PERI ¶13 (IL LRB-SP 2010)(Case No. L-CA-08-015), the Board rejected part of the county employers' exceptions to an ALJ's recommended decision. It agreed with the ALJ's conclusion that the employer violated several IPLRA provisions by repudiating a tentative agreement on a successor contract. The ALJ noted that the parties executed documents setting forth their proposals. The Local Panel found that the evidence supported the ALJ's conclusion that the parties' objective conduct demonstrated that they had a "meeting of the minds" regarding the radio dispatcher's holiday pay provision. However, the Local Panel also granted the county employers' exception to the ALJ's recommended remedy. The Local Panel directed the county employers to properly and expeditiously present the parties' tentative agreement to the county board for ratification and implementation. It also issued cease and desist and make-whole orders.

In Oak Lawn Professional Fire Fighters Associations, Local 3405, International Association of Fire Fighters, and Village of Oak Lawn, 26 PERI ¶ 118 (IL LRB-SP, Oct. 29, 2010)(Case No. S-CA-09-007), the Board affirmed the ALJ's recommended decision that an employer violated Sections 10(a)(4) and (1) of the Act by refusing to bargain with a unit of fire fighters over minimum manning. That minimum manning was a mandatory subject of bargaining was, according to the ALJ, clear from the plain language of Section 14(i) of the Act which, in its first paragraph concerning police officers, precludes an arbitration award from addressing manning, but in its second paragraph concerning fire fighters does not contain this same prohibition. The Board also affirmed the ALJ's refusal to issue sanctions against the Employer. The Board's decision primarily addresses exceptions filed by the prevailing charging party regarding the refusal to issue sanctions and aspects of the ALJ's analysis on the merits, and in response to the cross-exceptions filed by the respondent regarding the duty to bargain over manning simply adopts the ALJ's rationale.

In Fraternal Order of Police, Lodge 7 and City of Chicago, 26 PERI ¶ 115 (IL LRB-LP 2010)(Case No. L-CA-09-009), appeal pending, No. 1-10-__ (Ill. App. Ct., 1st Dist.), the Local Panel of the Board rejected an ALJ's recommended finding that the City violated Sections 10(a)(4) and 10(a)(1) by refusing to bargain with the Charging Party over a mandatory subject of bargaining and the effects of its decision concerning that subject. At the second step of the Central City analysis, the Board found that training new employees is a matter of inherent managerial authority, without specifically finding that it was a matter of Employer's organizational structure. At the third step, the Board rejected the City's contention that bargaining would have been of no benefit to the decision-making process, but under the facts of this case found that the burdens imposed on the Employer's authority outweighed such benefit. Lastly, the Board found that whether the Employer had bargained over the effects of its decision had never been in contention and therefore should not have been addressed by the ALJ.

In Policeman's Benevolent Labor Comm. and City of Madison, 27 PERI ¶8 (IL LRB-SP 2011)(Case No. S-CA-10-256), the Board upheld the Executive Director's dismissal where the Union alleged that the Employer engaged in unfair labor practices within the meaning of Sections 10(a)(4) and (1) by repudiating a minimum manning clause in the parties' collective bargaining agreement. The Board found the charging party improperly sought to remedy a breach of the collective bargaining agreement through the Board's processes.

In PACE South Suburban Bus Service and Amalgamated Transit Union, Local 1028 (Delores Atterbery), 26 PERI ¶123 (IL LRB-SP 2010) (Case Nos. S-CA-10-129 and S-CB-10-031), the Board upheld the Executive Director's dismissal of unfair labor practice charges brought against the Employer and the Union. The Charging Parties alleged that the Employer and Union violated the Act by negotiating and agreeing to a collective bargaining agreement that denied non-roll up bonuses and retroactive pay to employees who had retired or left PACE's employment, prior to certain dates. The Executive Director dismissed the charge against the Employer because although the Charging Parties were able to demonstrate adverse action, they did not allege, nor did the facts indicate, that the complained of act was committed against them because of, or in retaliation for, the exercise of rights protected under the Act.

PACE separately requested sanctions against the Charging Parties. The Executive Director found that PACE failed to request sanctions through a motion, as required by the Rules. The Executive Director found that even if PACE had timely filed such a motion, it would likely have lacked merit because there was no evidence that the Charging Parties lacked good faith in bringing the charge.

In Metropolitan Alliance Police, Western Springs Sergeants Chapter 456 and Village of Western Springs, 27 PERI ¶4 (IL LRB-SP 2011)(Case No. S-CA-10-219), the Board upheld the Executive Director's dismissal of an unfair labor practice charge filed by MAP alleging that the Village of Western Springs engaged in unfair labor practices by making a unilateral change when it hired a part-time Accreditation Manager to perform duties historically performed by an Administrative Sergeant. The employer gave notice of its intentions months before implementation, and the union waived its rights by failing to request bargaining.

In Metropolitan Alliance of Police, Chapter. No. 357 and Village of Niles, 27 PERI ¶9 (IL LRB-SP 2011)(Case No. S-CA-10-323), the Board upheld the Executive Director's dismissal of a charge alleging violations of Sections 10(a)(1) and (4) when, at an interest arbitration hearing, the Village Manager stated that the Employer might have to lay off personnel in response to an adverse arbitration award. The Executive Director found that under the facts of the case, no reasonable employee would have interpreted this statement as a threat of reprisal or force.

In Teamsters, Local 700 and Chief Judge of the Circuit Court of Cook County, 27 PERI ¶63 (IL LRB-SP 2011)(Case No. S-CA-10-281), the State Panel found that Chief Judge of the Circuit Court of Cook County failed to timely answer the Complaint, and had therefore admitted the material allegations of fact and law. Accordingly, the Board found that the Respondent violated Sections 10(a)(1) of the Act by taking adverse action against certain employees because they had engaged in union and/or protected concerted activity, and also violated Section 10(a)(4) and (1) of the Act in that it refused to bargain in good faith by denying requests for performance evaluations and disciplinary records of these employees.

In Fraternal Order of Police, Lodge 7 and City of Chicago, 26 PERI ¶115 (IL LRB-LP 2010)(Case No. L-CA-09-009), appeal pending, No. 1-10-3215 (Ill. App. Ct., 1st Dist.), the Board rejected the ALJ's finding that the City violated the Act by refusing to bargain over a decision to reduce the number of Field Training Officer (FTO) Districts. The Board applied the Central City test to reach this decision. First, the Board determined that the reduction in number of Field Training Officer (FTO) Districts concerned wages, hours, terms and conditions of employment. Second, the Board found that the means of improving the quality of training for probationary employees was a matter of inherent managerial authority. For this reason, the Board also noted that it was not necessary to decide whether the decision was a change to the department's organizational structure. The Board concluded by balancing the benefits of bargaining on the burdens imposed on the Employer's authority: Though there were benefits to discussing the FTO program with the Union, such as obtaining suggestions regarding improvements, the burden on managerial authority to determine how best to train its new hires outweighed that benefit. Consequently, the Board held that the City's refusal to bargain over its reduction of FTOs did not violate the Act. The Board also rejected the ALJ's finding that the Employer failed to bargain in good faith over the effects of this decision. Since the effects bargaining allegation was never properly alleged as a violation, the Board held it was improper for the ALJ to decide that issue.

In SEIU, Local 73 and Village of Carpentersville, _ PERI ¶_ (IL LRB-SP March 25, 2011)(Case No. S-CA-11-027), the Board, State Panel, upheld the Executive Director's Partial Dismissal of an unfair labor practice charge filed by the Union against the Employer alleging that it had violated Sections 10(a)(4) and (1) of the Act by misrepresenting its finances, engaging in direct dealing, and engaging in regressive bargaining. The Executive Director issued a Complaint with respect to the allegation of direct dealing, but dismissed the allegations of misrepresentation and regressive bargaining as moot because the parties had already ceased the mid-term bargaining during which the alleged violations occurred.

In Teamsters, Local 714 and County of Cook and Sheriff of Cook County, 27 PERI ¶51 (IL LRB-LP 2011) (Case No. L-CA-09-092), the Board upheld the dismissal of a charge where the Charging Party had alleged that the Employer unilaterally changed the bidding process but failed to respond to the Board agent's repeated requests for information supporting the charge.

In SEIU, Local 73 and Cook County Recorder of Deeds, 28 PERI ¶14 (IL LRB-LP 2011)(Case No. L-CA-11-027), SEIU alleged the Recorder of Deeds violated the Act by refusing to execute an agreement to an earlier unfair labor practice and repudiated that same unexecuted agreement. The Executive Director held there were no issues of law or fact meriting a hearing because "an unexecuted settlement agreement is categorically non-binding." However, the Board disagreed. Using Illinois contract law, the Board determined settlement agreements do not have to be executed to be binding as long as there was offer, acceptance and a meeting of the minds. Here, the Board found there was sufficient evidence to infer the parties intended to be bound by the agreement. Since there was a question concerning the parties' intent, the Board held the matter needed to be resolved at hearing. Therefore, the Board reversed the Executive Director's dismissal and directed that a complaint be issued.

In SEIU, Local 73 and County of McHenry and McHenry County Coroner, 28 PERI ¶17 (IL LRB-SP 2011)(Case No. S-CA-10-127), the Executive Director had dismissed the Union's charge which alleged the County had violated Sections 10(a)(4) and (1) of the Act by failing to bargain in good faith. The Board found there were issues of law or fact regarding the County's good faith efforts in bargaining. The Board reversed the Executive Director's dismissal and ordered that issue a complaint.

In Illinois Fraternal Order of Police Labor Council and County of St. Clair and Sheriff of St. Clair County, 28 PERI ¶18 (IL LRB-SP 2011)(Case No. S-CA-10-228), appeal pending, No. 5-11-0317 (Ill. App. Ct., 5th Dist.), the Board held the County had failed to bargain in good faith when it changed wages, hours and conditions of employment during the pendency of an interest arbitration. The Board found that the County had "changed the

status quo by transferring bargaining unit work out of the unit even though no bargaining unit members lost work or hours of employment.” Among its exceptions, the County argued that it had no duty to bargain absent a demand from the Union. However, the Board stated that the County was required to get the Union’s approval for a change during interest arbitration. The County also argued that the ALJ incorrectly determined that the benefits of bargaining over the issue outweighed the burden on the County, because the Union never presented a counterproposal. To determine if an issue is a mandatory subject of bargaining, the Board analyzes whether an issue is “amenable to bargaining,” and if the other party was capable of making a counterproposal. See Village of Bensenville, 19 PERI ¶119 (IL LRB-SP 2003). Since the bargaining issue in question was an economic concern, the Board found the issue was “amenable to bargaining” and that the Union *could* have presented a counterproposal. *Id.* Therefore, the Board held the benefits of bargaining over the issue outweighed any burden on the County.

IV. Union Unfair Labor Practices

In Chicago Joint Board, Local 200, Retail, Wholesale, and Department Store Union v. Ill. Labor Relations Bd., 2011 IL App. (3d) 101,497, the court affirmed the Board’s decision that a union had committed an unfair labor practice. In the original charge, the Charging Parties alleged the union had not properly divided funds from an arbitration award. Initially, the court found the charge had been timely filed. Although the consent order for the arbitration award had been issued on September 16, 2005, the evidence indicated the Charging Parties did not know or have reason to know of an unfair labor issue until January 2006. The union argued the Charging Parties had notice based on its requests for tax forms in order to determine how the award would be divided. However, the court stated that because these requests were made prior to the consent order, it did not constitute notice. Second, the court affirmed the decision of the Board that the union committed an unfair labor practice by committing intentional misconduct in representing an employee. The union argued its representative was unaware of the Charging Parties’ actions which would have “engendered his animosity.” The court found the Board correctly applied the “small plant” doctrine to an office of 12 people in determining that the Union’s agent was aware of certain information. Finally, the court found the Union had failed to support its claim that the Charging Parties lacked standing to bring the charge and dismissed the argument.

In a non-precedential decision in Michael Lyman v. Ill. Labor Relations Bd., 27 PERI ¶54 (Ill. App. Ct., 1st Dist., 2011), the court affirmed the Board’s decision to dismiss the charge against the Union for failing to process a grievance through intentional misconduct. Although the Charging Party alleged his grievance had not been arbitrated because he was suspected of engaging in payroll fraud, the court stated the employee had failed to prove “that any misconduct occurred because of and in retaliation for some past activity by the employee or because of the employee’s status or animosity between the employee and the Union’s representatives.”

In Michelle Gardner and Amalgamated Transit Union, Local 308, 26 PERI ¶33 (IL LRB-LP 2010)(Case No. L-CB-09-064), the Local Panel sustained the Executive Director’s dismissal of an unfair labor practice charge brought against a union. The charging party alleged that her union violated Section 10(b)(1) of the Act by allowing her employer to transfer her to a different worksite. Because of a personal dispute, the employer had transferred both the charging party and her co-worker, and the union filed grievances on behalf of both. The Board found a lack of evidence that any adverse conduct the union took toward the charging party was intentional or motivated by illegal bias.

In Adam Gold, et al., Charging Parties and Service Employees International Union, Local 73, Respondent, 26 PERI ¶35 (2010)(Case No. L-CB-09-013), the Local Panel sustained the Executive Director’s dismissal of an unfair labor practice charge filed by a group of public employees employed by the City of Chicago in its Department of Aviation as Security/Police Officers and represented by the Service Employees International Union. The group of employees alleged that SEIU violated the Act by intentional misconduct when it stated that Aviation Police Officers were not peace officers. The employees alleged that SEIU took this position to further its own interest rather than that of the members. SEIU maintained that it took this position because the Board has held that the Aviation Police Officers are not peace officers. The Executive Director dismissed the charge because SEIU’s conduct was not intentional and because there was no evidence that SEIU took action because of, or in retaliation for the Charging Parties’ past actions, or out of animosity. In upholding the dismissal, the Board indicated that SEIU had taken the stance it took deliberately, but could not conclude that SEIU’s position regarding the Aviation Police Officers peace officer status was taken in retaliation or out of animosity.

SEIU separately requested sanctions against the labor organization Illinois Council of Police, or ICOP, for its alleged involvement in initiating the unfair labor practice charge which SEIU argued amounted to frivolous litigation. The Executive Director found that, while Charging Party's position was without merit, it could not be characterized as unreasonable, nor was there any evidence that the Charging Party lacked good faith in pursuing its allegation. The Board agreed with the Executive Director's determinations, but also found that it could not issue sanctions against a non-party.

In Village of Willow Springs and Teamsters, Local 700, 27 PERI ¶66 (IL LRB-SP 2011)(Case No. S-CB-11-031), the Executive Director dismissed the unfair labor practice charge filed by Village of Willow Springs, which alleged that the Int'l Brotherhood of Teamsters, Local 700 engaged in unfair labor practices within the meaning of Section 10(b) of the Act by coordinating a work stoppage during contract negotiations. However, the Village of Willow Springs did not respond to the Board investigator's request for a position statement the Executive Director found necessary to determine whether there was an issue of fact or law warranting a hearing. The Executive Director dismissed the charge for that reason, and the State Panel upheld the Executive Director's dismissal.

In PACE South Suburban Bus Service and Amalgamated Transit Union, Local 1028 (Delores Atterbery), 26 PERI ¶123 (IL LRB-SP 2010) (Case Nos. S-CA-10-129 and S-CB-10-031), the Board upheld the Executive Director's dismissal of unfair labor practice charges brought against the Employer and the Union. The Charging Parties alleged that the Employer and Union violated the Act by negotiating and agreeing to a collective bargaining agreement that denied non-roll up bonuses and retroactive pay to employees who had retired or left PACE's employment prior to certain dates. The Executive Director dismissed the charge against the Union because there was no evidence that the Union intentionally took any action either designed to retaliate against the Charging Parties or due to their status. He noted that exclusive representatives have a broad range of discretion in negotiations, and a Union's failure to take all the steps it might have taken to achieve the results desired by a particular employee or group of employees does not violate the Act unless there is unlawful motive. He noted that agreeing to a collective bargaining agreement under which the employees failed to qualify for bonus and retroactive wage payments, did not appear to be motivated by anything other than an honest desire by the Employer and the Union to forge a collective bargaining agreement acceptable to both sides.

In Homero Bautista and AFSCME, Council 31 and Homero Bautista and State of Illinois, Dep't of Cent. Mgmt. Serv. (Envtl. Prot. Agency) 27 PERI ¶29 (IL LRB-SP 2011)(Case Nos. S-CB-10-079 and S-CA-10-307), the Board affirmed the Executive Director's dismissal of two related charges, one because the Charging Party did not allege that his Employer's actions were in retaliation for rights protected by the Act, and the other because there was no evidence his union's decision not to pursue a grievance was motivated by vindictiveness, discrimination or enmity.

In Linda S. Brooks and AFSCME, Council 31, 27 PERI ¶12 (IL LRB-SP 2011)(Case No. S-CB-10-035), the Board, State Panel, upheld the Executive Director's Dismissal of an unfair labor practice charge alleging that a union had violated Section 10(b)(1) of the Act by failing to keep Charging Party informed of the status of a grievance and by failing to bargain in good faith on her behalf where there was no indication of intentional retaliation.

The Board upheld the Executive Director's dismissal of a charge in Billy McCaskill and AFSCME, Council 31, 27 PERI ¶47 (IL LRB-SP 2011) (Case No. S-CB-09-005), where the Charging Party alleged that the Union failed to keep him informed of the status of his grievance and failed to advance the grievance to arbitration, but provided no evidence of intentional misconduct.

In David W. Jarvis and United Bhd. of Carpenters and Joiners of America, Local Union 792 and Chicago Reg'l Council of Carpenters, 27 PERI ¶48 (IL LRB-SP 2011) (Case Nos. S-CB-10-043 and S-CB-10-045), the Board upheld the Executive Director's dismissal of a charge alleging that the Respondent had violated 10(b)(1) by intentionally failing to pursue a grievance contesting the Charging Party's termination. The overall evidence of potential bias against the Charging Party was insufficient to warrant issuance of a complaint.

The Board upheld the Executive Director's dismissal of a charge in Kearon F. Sharp and SEIU, Local 73, 27 PERI ¶49 (IL LRB-SP 2011) (Case No. S-CB-10-067), where the charge alleged that the Respondent had

declined to advance the Charging Party's grievance to arbitration but the Charging Party produced no evidence indicating that the decision was retaliatory.

In *Jeanette Mallette and AFSCME, Council 31*, 27 PERI ¶62 (IL LRB-LP 2011)(Case No. L-CB-11-001), the Executive Director dismissed an unfair labor practice charge which alleged that the union engaged in unfair labor practices within the meaning of Section 10(b) of the Act by failing to assist the Charging Party in having her reassignment to a different work location rescinded. The Local Panel upheld the Executive Director's dismissal where the Charging Party failed to indicate she had ever asked for her union's assistance in the matter.

In *Nicholas Brais and Illinois Fraternal Order of Police Labor Council*, 28 PERI ¶11 (IL LRB-SP 2011)(Case No. S-CB-11-021), the Board upheld the Executive Director's dismissal where the Charging Party failed to respond to requests for specific information made by the Board agent.

V. Procedural Issues

A. Default and waiver

In a non-precedential decision issued in *River Valley Mass Transit Dist. v. Ill. Labor Relations Bd.*, No. 3-10-442, 27 PERI ¶61 (Ill. App. Ct., 3d Dist., May 23, 2011) the court affirmed the Board's finding of default in *Christine Johnson and First Transit/River Valley Metro*, 26 PERI ¶38 (IL LRB-SP May 4, 2010)(Case No. S-CA-09-037), *aff'd*, 27 PERI ¶61 (Ill. App. Ct., 3d Dist., 2011).

In *Teamsters, Local 26 and Village of Mahomet*, 26 PERI ¶150 (IL LRB-SP 2011)(Case No. S-UC-10-252), the State Panel upheld the Executive Director's decision and order directing that the unit be certified to include part-time employee classifications in the Village of Mahomet. The Panel concluded that serving the petition on the Employer, instead of its counsel, is proper service, and the Employer's failure to respond out of inadvertence constituted a waiver of its objections.

In *Policemen's Benevolent Labor Comm. and City of Ottawa*, 27 PERI ¶6 (IL LRB-SP 2011)(Case No. S-CA-09-217), the State Panel adopted ALJ's determination that Respondent's failure to timely answer the Complaint constituted an admission of the material allegations of fact and law in the Complaint. The Complaint alleged that the City of Ottawa violated Sections 10(a)(4) and (1) by refusing to bargain in good faith with the Policemen's Benevolent Labor Committee in that their agents failed to recommend that their City Council adopt a tentative agreement reached during an interest arbitration and that it either failed to disclose restrictions placed on its legal representative's authority to bargain on its behalf, or retroactively repudiated that authority. The Panel added that any potential conflict between the remedy provided in the RDO and an interest arbitration award that may issue may be addressed during potential Board compliance proceedings.

In *Teamsters, Local 700 and City of Markham*, 27 PERI ¶7 (IL LRB-SP 2011)(Case No. S-CA-09-233), the State Panel adopted the ALJ's finding that Respondent failed to timely answer the Complaint and therefore admitted the material allegations of fact and law. A motion by the Charging Party for the award of costs and attorney's fees as sanctions was denied.

The LRB, State Panel upheld the Executive Director's dismissal of an unfair practice charge. Charging party alleged that the municipal employer violated Section 10(a)(4) and, derivatively,(1) of the PLRA by unilaterally hiring a part-time accreditation manager to perform duties historically performed by an administrative sergeant. The Executive Director explained that the employer gave notice of its hiring decision to charging party months before the planned implementation date. Therefore, charging party's failure to demand negotiations before the accreditation manager's start date amounted to a waiver by inaction, the Executive Director determined. The same reasoning applied to any claim regarding the scheduled elimination of the administrative sergeant position, the Executive Director concluded. *MAP, Western Springs Sergeants Chapter 456 v. Western Springs, Village of*, 27 PERI 4.

VI. Right to Interest Arbitration

In *AFSCME, Council 31 and County of Warren and Warren County Sheriff*, 27 PERI ¶37 (IL LRB-SP 2011) (Case No. S-CA-11-008), the Board reversed an Executive Director's dismissal and found that security officers have a right to interest arbitration under Section 14 of the Act, even where those employees comprise a

minority of a mixed bargaining unit with non-public safety employees. Unlike City of Rockford, 14 PERI ¶ 2030 (IL SLRB 1998), which addressed the applicability of Section 14 where the mixed bargaining unit is composed of a majority public safety employees, only the security officers in this instance have the right to interest arbitration.

Public Act 96-0598 amends the Illinois Public Labor Relations Act to provide for binding interest arbitration for units of employers employing less than 35 employees if the parties are negotiating a first contract. In Teamsters Local 700 and City of Marengo, 27 PERI ¶36 (IL LRB-SP 2011) (Case No. S-CA-11-045), appeal pending, No. 2-11-0439 (Ill. App. Ct., 2d Dist.), and SEIU, Local 73 and County of McHenry and McHenry County Coroner, 27 PERI ¶34 (IL LRB-SP 2011) (Case No. S-CA-11-017), appeal pending, No. 2-11-0438 (Ill. App. Ct., 2d Dist.), the Board found that amendment applies where the unit was certified before the January 1, 2011, effective date of the amendment, but the negotiations have not yet resulted in an agreement. In a related case, SEIU, Local 73 and County of McHenry and McHenry County Coroner, 27 PERI ¶35 (IL LRB-SP 2011) (Case No. S-CA-10-153), the Board reversed the Executive Director's dismissal of an unfair labor practice charge resulting from an Employer's refusal to submit to interest arbitration pursuant to Section 14 of the Act. The Board found that the issue in the charge, whether deputy coroners were peace officers within the meaning of the Act, required a hearing for resolution. However, the Board ordered the matter held in abeyance pending the interest arbitration ordered in S-CA-11-017.

Although the Illinois Labor Relations Board had not been made a party to the proceedings, in Police Benevolent Labor Committee v. County of Kane, No. 10 CH 2587 (16th Judicial Circuit, County of Kane), appeal pending, No. 2-11-0993 (Ill. App. Ct., 2d Dist.), a circuit court directed the Board to process a request for interest arbitration on the basis that the parties' most recent collective bargaining agreement contained a "no strike commitment" and that Section 2 of the Illinois Public Labor Relations Act provides that "[i]t is the public policy of the State of Illinois that where the right of employees to strike is prohibited by law, it is necessary to afford an alternate, expeditious, equitable and effective procedure of the resolution of labor disputes subject to approval procedures mandated by this Act." An appeal is pending.

VII. Sanctions

In City of Bloomington v. Ill. Labor Relations Bd., 2011 IL App. (4th) 100,778, the court affirmed the Board's decision in Policemen's Benevolent and Protective Ass'n Labor Comm. and City of Bloomington, 26 PERI ¶99 (IL LRB-SP 2010)(Case No. S-CA-04-120), where the Board granted the Charging Party's motion for attorney's fees and costs. The motion had been filed after issuance of the ALJ's Recommended Decision and Order finding Respondent violated Sections 10(a)(2) and (1) by denying a lieutenant a promotion because of his union activity and Sections 10(a)(4) and (1) by refusing to bargain. (The ALJ's non-precedential RDO had become final and binding on the parties when neither party filed exceptions and the Board declined to take the case up on its own motion.) The Charging Party's motion for attorney's fees and costs was based on Respondent's denials in response to the complaint which were found to be untrue and made without reasonable cause, as well as on Respondent's factual assertions offered at hearing which were found to be untrue and made without reasonable cause. In analyzing the motion under Section 1220.90(e) of the Board's Rules and Regulations, the Board reiterated that its test for determining whether a party has made factual assertions which were untrue and made without reasonable cause is an objective one – of reasonableness under the circumstances. The Board declined to impose sanctions based on Respondent's denials in answer to the complaint, but, with Member Kimbrough dissenting, did impose sanctions based on the factual assertions made at hearing because Respondent had full opportunity to understand its case at that point in time and "could be properly criticized for presenting never-before-offered false alternative reasons for its conduct toward [the lieutenant]." The court found the Board had not abused its discretion in this matter.

In Teamsters, Local 700 and City of Markham, 27 PERI ¶7 (IL LRB-SP 2011)(Case No. S-CA-09-233), the State Panel adopted the ALJ's finding that Respondent failed to timely answer the Complaint and therefore admitted the material allegations of fact and law. A motion by the Charging Party for the award of costs and attorney's fees as sanctions was denied.

INTEREST ARBITRATION AWARDS

Following is a list of Interest Arbitration Awards. For each award, the arbitrator is noted in parenthesis after the case name. The issues and whose proposal was adopted follows.

CITY OF BELLEVILLE / ILLINOIS FOP LABOR COUNCIL

S-MA-08-157 (8/26/2010 - Goldstein) #450

1. Wages (Employer's offer)
2. Retroactivity (Union's offer)
3. Police Residency

CITY OF BLOOMINGTON / IAFF LOCAL 349

S-MA-08-242 (3/21/2011 - Goldberg) #483

1. Wages (Union's final offer)
2. Health Insurance (City's final offer)

VILLAGE OF BOLINGBROOK / METROPOLITAN ALLIANCE OF POLICE, CHAPTER #3

FMCS (1/31/2011 - Newman) #477

1. Grievance Procedure (Union's final offer)
2. Arbitral Review of Discipline (Union's position)

COUNTY OF CARROLL AND SHERIFF OF CARROLL COUNTY / ILLINOIS FOP LABOR COUNCIL

S-MA-10-041, S-MA-10-042 (6/22/2011 - Perkovich) #494

1. Tentative agreements (adopted)
2. Wages (Union's final offer)
3. Vacations (Union's final offer)
4. Work day/overtime (Union's final offer)
5. Compensatory time (Union's final offer)
6. Voluntary overtime distribution (Union's final offer)
7. Article 22 (Union's final offer)

COUNTY OF COLES / ILLINOIS FOP LABOR COUNCIL

S-MA-10-044 (10/7/2010 - Briggs) #459

Consent Award

1. Personnel Files
2. Discipline and Discharge
3. Definition of a Grievance
4. Wage Schedule
5. Residency
6. Term of Agreement
7. Hours of Work and Overtime
8. Resolution of Impasse

CITY OF COLONA / ILLINOIS FOP LABOR COUNCIL

S-MA-10-289 (5/26/2011 - McAlpin) #490

1. Wages (Union's offer)
2. Sick Time Bonus (Union's proposal)
3. Vacation (Union's proposal)

COUNTY OF COOK AND SHERIFF OF COOK COUNTY / AFSCME COUNCIL 31

L-MA-09-003, 004, 005 and 006 (9/29/2010 - Benn) #457

1. Wages (Union's proposal adopted)
2. Health Care (Union's proposal adopted)
3. Uniform Allowance (Employer's proposal adopted)
4. Scheduling and Removal of arbitration provisions (Union's proposal adopted)
5. Affidavits in Disciplinary Investigations (Employer's proposal adopted)
6. Acting Up Pay for Correctional Lieutenants (Employer's proposal adopted)
7. De- and Re-Deputization (Employer's proposal adopted)
8. Timelines for Investigations (Employer's proposal adopted)
9. Implementation of Discipline (Employer's proposal adopted)
10. Rank Differential for Correctional Lieutenants (Employer's proposal adopted)
11. Prevention of receipt of insurance opt-out payments (Union's proposal adopted)
12. Benefit time and FMLA (Union's proposal adopted)
13. Overtime pyramiding (Union's proposal adopted)
14. Residency (Union's proposal adopted)
15. Zipper clause (Union's proposal adopted)
16. Mandatory retirement for all employees at age 65 (Union's proposal adopted)
17. Requirement for annual fitness and agility test (Union's proposal adopted)
18. Bidding restrictions (Union's proposal adopted)
19. Time limits for arbitration demands (Union's proposal adopted)
20. Deputy disability pay (Employer's proposal adopted)
21. Step compression for Police Sergeants (Employer's proposal adopted)
22. Rank differential between Police Officers and Sergeants ((Employer's proposal adopted)
23. "Me too" provision (Employer's proposal adopted)

CITY OF DANVILLE / POLICEMEN'S BENEVOLENT LABOR COMMITTEE

S-MA-07-220 (8/24/2010 - Meyers) #451

1. Group Insurance (Union's proposal)
2. Wages (Employer's proposal)
3. Term of Agreement (Employer's proposal)

CITY OF DANVILLE / POLICEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION, UNIT #11

S-MA-09-238 (12/13/2010 - Hill) #482

1. Wages (Employer's final offer)
2. Insurance Benefits (Union's final offer)
3. Insurance Contribution (Employer's final offer)
4. Management Rights (Employer's final offer)
5. Residency (Employer's final offer)

COUNTY OF DEWITT AND DEWITT COUNTY SHERIFF / ILLINOIS FOP LABOR COUNCIL

S-MA-09-093 (11/30/2010 - Reynolds) #468

1. Health Insurance (Employer's final offer)
2. Holidays (Union's final offer)

**COUNTY OF DUPAGE AND DUPAGE COUNTY SHERIFF / MAP DUPAGE COUNTY SHERIFF'S
POLICE CHAPTER NO. 126**

S-MA-07-104 (6/15/2011 - Finkin) #504

1. Wages
2. Medical Insurance
3. Life Insurance
4. Term of Contract

CITY OF EAST ST. LOUIS and ILLINOIS FOP LABOR COUNCIL

S-MA-09-085 (9/4/2010 - Reynolds) #455

1. Wages (Union's final offer)

VILLAGE OF ELMWOOD PARK / ELMWOOD PARK FIREFIGHTERS ASSOCIATION

S-MA-10-192 (7/24/2010 - Hill) #448

1. Accumulated Sick Time Cap
2. Stipend for Physical Fitness Test (*status quo*)

CITY OF GALENA / ILLINOIS FOP LABOR COUNCIL

S-MA-09-164 (7/12/2010 - Callaway) #445

1. Grievance Handling
2. Call Back Pay (Union's proposal)
3. Sick Leave/Requested Unrestricted Personal Days (Employer's proposal)
4. Retention/Expungement of Discipline (Union's proposal as modified)
5. Wages/Duration (Union's proposal)
6. Employee Health Insurance Contribution (Employer's proposal)

CITY OF HIGHLAND PARK / HIGHLAND PARK FIRE FIGHTERS ASSOCIATION, LOCAL 822, IAFF

S-MA-10-282 (7/16/2010 - Benn) #444

1. Duration
2. Salaries
3. Sick Leave/RHS Plan
4. Promotions
5. Step Placements
6. Insurance
7. Longevity
8. No Layoff
9. Insurance Premium Under/Over Payments
10. Retroactive Payments

**COUNTY OF KANE AND SHERIFF OF KANE COUNTY / POLICEMEN'S BENEVOLENT LABOR
COMMITTEE**

S-MA-09-127 (7/16/2010 - Fletcher) #434

1. Wages
2. Holiday Pay (Union's proposal)
3. Health Insurance Benefits for Retirees
4. Drug and Alcohol Testing Policy (Employer's proposal)
5. Conversion of Holidays into Pay (Employer's proposal)

KANKAKEE COUNTY EMERGENCY TELEPHONE SYSTEM BOARD / ILLINOIS FOP LABOR COUNCIL

S-MA-09-041 (2/14/2011 - Perkovich) #475

1. Wages (Union's final offer)
2. Compensatory Time (Union's final offer)
3. Holiday Pay (Union's final offer)
4. Health Insurance (Union's final offer)

CITY OF LAKE FOREST / LAKE FOREST PROFESSIONAL FIREFIGHTERS LOCAL 1898

S-MA-10-358 (3/7/2011 - Benn) #478

1. Acting up Pay (*status quo*)
2. Pensions (*status quo*)
3. Fire and Police Commission (*status quo*)
4. Application of Rules (*status quo*)
5. Liability Coverage (*status quo*)
6. No Subcontracting (*status quo*)
7. Disciplinary Investigation (*status quo*)
8. Fair Representation (*status quo*)
9. Union Responsibility (*status quo*)
10. Ratification and Amendment (*status quo*)
11. Americans with Disabilities Act (*status quo*)
12. Employee Fitness

VILLAGE OF LAKE IN THE HILLS / METROPOLITAN ALLIANCE OF POLICE, CHAPTER #90

S-MA-09-269 (10/8/2010 - Nathan) # 460

1. Wages (Union's proposal)

VILLAGE OF LISLE / METROPOLITAN ALLIANCE OF POLICE, CHAPTER 87

S-MA-09-200 (6/6/2011 - Kenis) #493

1. Contract Duration (Union's final offer)
2. Wages (Union's final offer)
3. Compensatory Time (Union's final offer)

CITY OF MARION / ILLINOIS FOP LABOR COUNCIL

S-MA-09-175 (7/7/2010 - McAlpin) #443

1. Wages (Employer's offer)

CITY OF MARKHAM / TEAMSTERS LOCAL 700

S-MA-09-270 (4/5/2011 - Benn) #484

1. Police Officers - Non-Longevity Steps (stipulated)
2. Sergeants - Base Rate
3. Longevity

VILLAGE OF MARYVILLE / ILLINOIS FOP LABOR COUNCIL

S-MA-10-228 (3/7/2011 - Hill) #481

1. Discipline and Discharge (Arbitrator's language)
2. Hiring Agreements (Employer's Final Offer)
3. Detective's Uniform Allowance (Union's final offer)
4. Compensatory Time Accrual (Union's final offer)
5. Wages (Union's final offer)

COUNTY OF MCLEAN AND MCLEAN COUNTY SHERIFF / ILLINOIS FOP LABOR COUNCIL

S-MA-10-088 (4/15/2011 - Feuille) #486

1. Wages
2. Vacations
3. Secondary Employment
4. Grievance and Arbitration

CITY OF MENDOTA / ILLINOIS FOP LABOR COUNCIL

S-MA-09-177 (9/9/2010 - Yaffe) #454

1. Duration (Employer's proposal)
2. Wages (Employer's proposal)
3. Longevity (Union's proposal)

VILLAGE OF MIDLOTHIAN / TEAMSTERS LOCAL 700

S-MA-10-148 (10/20/2010 - Benn) #462

1. Base Wages (Employer's offer)
2. Normal Work Week and Work Day (Employer's offer)
3. Discipline (Employer's offer)
4. Vacation Eligibility (Employer's offer)

VILLAGE OF MINOOKA / METROPOLITAN ALLIANCE OF POLICE CHAPTER #348

S-MA-09-133 (10/16/2010 - Alexander) #461

1. Shift Schedules (*status quo*)
2. Specialty Pay - Detective (*status quo*)
3. Specialty Pay - Officer in Charge (*status quo*)
4. Field Training Officer (Union's proposal)
5. Compulsory Time (Union's proposal)
6. Overtime Assignments (*status quo*)
7. Vacation (*status quo*)
8. Holidays (*status quo*)
9. Sick Leave (amended)
10. Sick Leave Accrual (*status quo*)
11. Personal Time (*status quo*)
12. Discipline (Employer's proposal)
13. Insurance (Employer's proposal)
14. Protective vests (Union's proposal)
15. Cellular Phones (*status quo*)
16. Loss of Seniority (*status quo*)
17. Zipper clause (*status quo*)
18. Wage Schedule (Union's proposal)

CITY OF MORRIS / METROPOLITAN ALLIANCE OF POLICE, MORRIS POLICE CHAPTER #63

S-MA-10-180 (10/26/2010 - Cohen) #467

1. Wages (Union's Proposal)
- 2.

VILLAGE OF MORTON GROVE / ILLINOIS FOP LABOR COUNCIL

S-MA-09-015 (1/27/2011- McAllister) #474

1. Wages (Union's final offer)
2. Health Insurance (Union's final offer)

VILLAGE OF NILES / METROPOLITAN ALLIANCE OF POLICE, NILES CHAPTER #357

S-MA-08-219 (8/24/2010 - Nathan) #453

1. Wages (Employer's offer)
2. Step Plan - 2009 (Union's offer)
3. Wage Increase Retroactivity (Employer's proposal)
4. Specialty Pay (Employer's proposal)
5. Personal Days (Employer's proposal)
6. Pay Back (Union's proposal)

VILLAGE OF OAKBROOK / ILLINOIS FOP LABOR COUNCIL

S-MA-09-017 (4/6/2011 - McAlpin) #485

1. Disciplinary Issues (Union's offer)

PALOS FIRE PROTECTION DISTRICT / PALOS PROFESSIONAL FIRE FIGHTERS ASSOCIATION

S-MA-11-007 (5/9/2011 - Feuille) #488

1. Term of Agreement (Union's offer)
2. Wages (Union's offer)
3. Longevity Pay (Union's offer)
4. Voluntary Call Back (Employer's offer)
5. Comp Time (Union's offer)
6. Medical Insurance (Union's offer)

CITY OF PARIS / POLICEMEN'S BENEVOLENT LABOR COMMITTEE

S-MA-09-241 (10/6/2010 - Betts) #458

1. Wages (Union's offer)
2. Vacation (Employer's offer)
3. Sick Days (Union's offer)
4. Tentative agreements incorporated into award

COUNTY OF ROCK ISLAND AND SHERIFF OF ROCK ISLAND COUNTY / ILLINOIS FOP LABOR COUNCIL

S-MA-09-052 (2/11/2011 - Perkovich) #476

1. Wages (Union's final offer)
2. Vacation Accrual Union's final offer)

CITY OF ROCKFORD / CITY FIRE FIGHTERS LOCAL 413, IAFF

S-MA-11-039 (06/27/2011 - Perkovich)

1. Wages (Union's final offer)

RTA, PACE FOX VALLEY SUBDIVISION / AMALGAMATED TRANSIT UNION LOCAL 1028

Award and Supplemental (1/27/2011 - Michelstetter) #479

COUNTY OF ST. CLAIR / ILLINOIS FOP LABOR COUNCIL

S-MA-09-082 & S-MA-09-083 (11/18/2010 - Wojcik) #464

1. Wages (Union's proposal)
2. Vacation Accrual (Employer's proposal)
3. Shift Bidding (Employer's proposal)
4. Drug Testing (Employer's proposal)
5. Discipline and Discharge (Employer's proposal)
6. Sick Leave (Union's proposal)
7. Probationary Period (Union's proposal)
8. Compensatory Time (Union's proposal)
9. Damage to Employer's Property (Union's proposal)

**VILLAGE OF SCHAUMBURG / METROPOLITAN ALLIANCE OF POLICE, SCHAUMBURG
COMMAND OFFICERS CHAPTER #219**

(4/28/2011 - Krinsky) #487

1. Term of Agreement (Union's final offer)
2. Salaries (Union's final offer)
3. Furlough (Union's final offer)
4. Court Time (Union's final offer)
5. Sick Time Reimbursement (Union's final offer)
6. Sick Leave Incentive (Union's final offer)

VILLAGE OF SKOKIE / ILLINOIS FOP LABOR COUNCIL

S-MA-08-139 (8/24/2010 - Briggs) #456

1. Salaries (Employer's final offer)
2. Longevity Pay (Employer's final offer)
3. Sick Leave (Employer's final offer)
4. Emergency Leave (Union's final offer)
5. Holidays (Employer's final offer)
6. Health Insurance (Union's final offer)
7. Quartermaster System (Union's final offer)
8. Retiree Separation Benefits (Union's final offer)
9. Pay Date (Union's final offer)
10. Drug Testing (remanded for further bargaining)
11. Grievance Definition (Arbitrator has no authority to decide issue)
12. Entire Agreement (Arbitration has no authority to decide issue)

VILLAGE OF SOUTH ELGIN / METROPOLITAN ALLIANCE OF POLICE, CHAPTER 204

S-MA-09-204 (11/1/2010 - McAlpin) #465

1. Wages (Employer's offer)
2. Discipline (Union's proposal)

VILLAGE OF STICKNEY / ILLINOIS FOP LABOR COUNCIL

S-MA-09-187 (05/17/2011) #492

1. Wages (Union's final offer)
2. Insurance (Union's final offer)

UNIVERSITY OF ILLINOIS URBANA-CHAMPAIGN / ILLINOIS FOP LABOR COUNCIL

S-MA-10-076 (12/1/2010 - McAlpin) # 469

1. Wages (Union's offer)

UNIVERSITY OF ILLINOIS URBANA-CHAMPAIGN / ILLINOIS FOP LABOR COUNCIL

S-MA-10-075 (12/13/2010 - Perkovich) #470

1. Wages (Employer's offer)

COUNTY OF WABASH / SHERIFF OF WABASH COUNTY / ILLINOIS FOP LABOR COUNCIL

S-MA-09-020 (7/200/2010 - Feuille) #447

1. Voluntary Overtime / Turn Sheet (Employer's final offer)
2. Contract Duration (Union's final offer)
3. Wages

**VILLAGE OF WESTCHESTER / METROPOLITAN ALLIANCE OF POLICE, WESTCHESTER
SERGEANTS CHAPTER #504**

S-MA-10-035 (1/13/2011 - Nathan) #473

1. Fire and Police Commission (Village)
2. Insurance (Union)
3. Sick Leave (Union)
4. Personal Day off (Union)
5. Normal Work Week/Work Day (see award)
6. Compensatory Time (Village)
7. Layoff (Village)
8. Wages (Union)

VILLAGE OF WESTERN SPRINGS / METROPOLITAN ALLIANCE OF POLICE CHAPTER #456

S-MA-09-019 (7/28/2010 - Meyers) #449

1. Normal Workday (Employer's proposal)
2. Outside Employment (Employer's proposal)
3. Roll Call Preparation Time (Employer's proposal)
4. Emergency/Bereavement Leave (Union's proposal)
5. Personal Days (Union's proposal)
6. Salaries (Employer's proposal)
7. Step Increments (Employer's proposal)
8. Specialty Stipends (Employer's proposal)
9. Longevity (Employer's proposal)
10. Insurance (Union's proposal)
11. Dental Insurance (Employer's proposal)

Non-Economic Issues

1. Definition of "Grievance" (Union's proposal as modified by arbitrator)
2. Election of Grievance Arbitration for Discipline (Union's proposal)
3. Distribution of Overtime (Employer's proposal)
4. Shift Preference (Employer's proposal)
5. Non-Employment Elsewhere (Employer's proposal)
6. Discipline (Union's proposal)
7. Board of Fire and Police Commissioners (Union's proposal as modified by Arbitrator)
8. Paycheck Availability (Employer's proposal)
9. Physical Fitness Requirements (Employer's proposal)

VILLAGE OF WESTERN SPRINGS / METROPOLITAN ALLIANCE OF POLICE CHAPTER #360

(1/15/2011 - Fletcher) #472

1. Wages (Reopener) - Union's final proposal

COUNTY OF WILL AND SHERIFF OF WILL COUNTY / ILLINOIS FOP LABOR COUNCIL

S-MA-10-078 (3/22/2011 - Clauss) #505

1. Wages
2. Alternate Shift Schedule

**COUNTY OF WILL AND SHERIFF OF WILL COUNTY / METROPOLITAN ALLIANCE OF POLICE,
WILL COUNTY COMMAND CHAPTER #123**

S-MA-10-002 (5/16/2011 - Kravit)

1. Medical Suspension
2. General Employee Rights
3. Employee choice of Representation
4. Normal Work Week
5. Posting of Vacancies
6. Overtime for Sergeants and Lieutenants
7. Retention of Rank while in Exempt Position

8. Application of Seniority
9. Reductions in Force
10. Transfers
11. Assignments to Requesting Agencies
12. Temporary Assignments
13. Emergency Assignments
14. Work Schedule Posting
15. Temporary Assignment Pay - Field Training
16. Holiday Pay Status
17. Wages and Longevity
18. Term and Effect
19. Contesting Discipline

COUNTY OF WINNEBAGO/WINNEBAGO COUNTY SHERIFF / ILLINOIS FOP LABOR COUNCIL

S-MA-10-008 (11/18/2010 - Yaffe) #466

1. Wages
2. Retirement Health Savings Account
3. Insurance Cost
4. Discipline
5. Right to Contest
6. Sheriff's Merit Commission

CITY OF WOODSTOCK / ILLINOIS FOP LABOR COUNCIL

S-MA-10-136 (524, 2011 - McAlpin) #491

1. Wages (Employer's proposal)
2. Health Insurance (Union's proposal)
3. Discipline (Union's proposal)

CASELOAD STATISTICS

	<u>STATE</u>	<u>LOCAL</u>	<u>TOTAL</u>
Unfair Labor Practice Charges			
CA	217	66	283
CB	<u>44</u>	<u>21</u>	<u>65</u>
TOTAL	261	87	348
Representation Cases			
AC	29	11	40
RC	121	25	146
RM	0	0	0
RD	11	1	12
UC	108	4	112
VR	5	1	6
DD	<u>19</u>	<u>0</u>	<u>19</u>
TOTAL	293	42	335
Grievance Arbitration Cases	12	0	12
Mediation/Arbitration Cases	<u>389</u>	<u>12</u>	<u>401</u>
TOTAL	401	12	413
Declaratory Rulings	7	0	7
Strike Investigations	0	0	0
TOTAL CASELOAD	962	141	1,103

REPRESENTATION CASES CERTIFIED

	<u>STATE</u>	<u>LOCAL</u>	<u>TOTAL</u>
Representation Cases Certified	110	30	140
Cases Certified (Election)	19	5	24
Number of Units Certified	18	5	
Labor Organization Prevailed	16	5	21
“No Representation” Prevailed	<u>2</u>	<u>0</u>	2
Majority Interest Cases Certified	92	24	116
Number of Units Certified	94	24	118
Voluntarily Recognized Representatives	6	1	7
Revocation of Prior Certifications	25	0	25

DISPOSITION OF CASES ACTIVE IN FY 2011

	State	Local	Total
I BOARD DECISIONS			
(A) With exceptions filed			
AC	0	1	1
CA	27	6	33
CB	11	2	13
RC	30	4	34
UC	<u>5</u>	<u>1</u>	<u>6</u>
TOTAL	72	15	87
(B) With no exceptions filed			
CA	12	3	15
CB	5	0	5
MA	2	0	2
RC	5	4	9
UC	<u>3</u>	<u>0</u>	<u>3</u>
TOTAL	27	7	34
(C) Strike Investigations	0	0	0
(D) Declaratory Ruling	1	0	1
II EXECUTIVE DIRECTOR DISMISSALS			
(Not appealed to the Board)			
CA	49	31	80
CB	27	25	52
RC	0	1	1
RD	<u>1</u>	<u>0</u>	<u>1</u>
TOTAL	77	57	134
III CERTIFIED			
AC	26	14	40
DD	18	0	18
RC	110	30	140
RD	3	0	3
UC	94	3	97
VR	6	1	7
REVOCATION OF PRIOR CERTIFICATIONS	<u>10</u>	<u>0</u>	<u>10</u>
TOTAL	267	48	315
IV WITHDRAWALS			
AC	1	0	1
CA	155	28	183
CB	18	4	22
RC	23	1	24
RD	9	1	10
UC	<u>12</u>	<u>2</u>	<u>14</u>
TOTAL	218	36	254

BARGAINING UNITS CERTIFIED

Case Number	Employer	Labor Organization	Date Certified	Prevailing Party	No. of Employees	Unit Type
S-RC-10-240 Majority Interest	County of Wayne (Highway Department)	Laborers International Union of North America, Local 1197	7/1/2010	Laborers'	4	Maintenance Operator; Foreman
S-RC-10-299 Majority Interest	Village of Round Lake Park (Police Department)	Metropolitan Alliance of Police, Round Lake Park Patrol Officers Chapter #225	7/1/2010	MAP	9	Full-time sworn police officers below the rank of Sergeant
S-RC-10-103	Northeastern Illinois University (Police Department)	Metropolitan Alliance of Police, Northeastern Illinois University Police Chapter #630	7/6/2010	MAP	16	All sworn peace officers in the rank of Patrol Officer
S-RC-10-111	City of Calumet City	International Union of Operating Engineers, Local 150; and American Federation of Professionals Union	7/6/2010	IUOE	46	Employees of the Street and Alley, Water, Sewer/Maintenance Department, Department of Inspection Services, Animal Control Officer
S-RC-10-009 Majority Interest	City of Waukegan (Police Department)	International Brotherhood of Teamsters, Local #700	7/6/2010	IBT	7	All full-time sworn personnel in the rank of Lieutenant
S-RC-10-117 Majority Interest	Chief Judge of the 18 th Judicial Circuit	American Federation of State, County and Municipal Employees, Council 31	7/6/2010	AFSCME	5	Include in S-RC-98-029 Juvenile Justice Clinician
S-RC-10-135 Majority Interest	City of Yorkville	International Union of Operating Engineers, Local 150	7/12/2010	IUOE	16	Public Works employees; Department of Parks employees
L-RC-10-024	County of Cook and Cook County Sheriff	Service Employees International Union Local 73, CTW, CLC	7/12/2010	SEIU	7	Include in existing unit Computer Operator III
S-RC-10-027 Majority Interest	Village of Willowbrook	Illinois Fraternal Order of Police Labor Council	7/14/2010	FOP	5	Sworn police officers in the ranks of Commander or Sergeant
S-RC-10-198 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	7/16/2010	AFSCME	1	Include in RC-62 Public Service Administrator, Option 8F (Executive Chief Pilot) Transportation

S-RC-10-147 Majority Interest	Beach Park Fire Protection District	Beach Park Professional Firefighters, IAFF Local 4806	7/19/2010	IAFF	6	Full-time sworn personnel in the title or rank of Firefighter/Paramedic
S-RC-10-137 Majority Interest	North Park Fire Protection District	Service Employees International Union, Local 73	7/19/2010	SEIU	55	Full-time or part-time personnel in the rank or title of Firefighter
L-RC-10-021	County of Cook	Service Employees International Union, Local 73	7/20/2010	SEIU	16	Controller's Office Bookkeeping Machine Operator IV; Administrative Assistant III, IV, V; Administrative Analyst I, II
S-RC-10-246 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	7/27/2010	AFSCME	1	Include in RC-62 Regional Manager (Capital Development Board)
S-RC-11-001 Majority Interest	Northwest Homer Fire Protection District	Northwest Home Professional Firefighters , IAFF	7/27/2010	IAFF	7	Full-time sworn personnel in the title or rank of Firefighter-Paramedic
S-RC-11-002 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	7/27/2010	AFSCME	2	Include in RC-63 Public Service Administrator, Option 8A (Public Health)
S-RD-10-015	City of Momence	Christina L. Demack and Laborers International Union of North America, Local 751	7/29/2010	No Rep		Laborer, Laboratory Technician, Clerical
S-RC-10-121	City of LaSalle	Illinois Fraternal Order of Police Labor Council	7/29/2010	FOP	7	Sworn peace officers in the ranks of Sergeant and Lieutenant
S-RC-10-139 Majority Interest	City of Highland Park	International Union of Operating Engineers, Local 150	7/29/2010	IUOE	49	Maintenance Worker; Water Plant Operator; Water Plant Mechanic; Fleet Mechanic; Maintenance Aide; Public Safety Mechanic
L-RC-10-034	Cook County Board of Commissions and Cook County Bureau of Health	American Federation of State, County and Municipal Employees, Council 31	7/30/2010	AFSCME	5	Include in existing L-UC-08-011 Dietary Technician (Fantus Clinic); Medical Social Worker II & Substance Abuse Counselor II (Providence Hospital)

L-RC-10-035	Cook County Board of Commissions and Cook County Bureau of Health	American Federation of State, County and Municipal Employees, Council 31	7/30/2010	AFSCME	1	Include in existing L-UC-08-011 Storekeeper V
L-RC-10-032 Majority Interest	County of Cook and Cook County Clerk	Service Employees International Union Local 73, CTW, CTC	8/2/2010	SEIU	9	Accrete into existing L-AC-01-009 Administrative Assistant IV
S-RC-10-146 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	8/3/2010	AFSCME	28	Include in RC-10 Public Service Administrator, Option 8L (DCFS)
S-RC-10-114 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	8/12/2010	AFSCME	19	Include in RC-063 Manager (ICC)
S-RC-11-010 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	8/13/2010	AFSCME	1	Include in RC-63 Electrical Engineer IV (ICC)
S-RC-10-052 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	8/13/2010	AFSCME	4	Include in RC-10 Public Service Administrator, Option 8L (CMS)
S-RC-10-158 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	8/13/2010	AFSCME	2	Include in RC-10 Public Service Administrator, Option 8L (Guardian & Advocacy Commission)
S-RC-10-160 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	8/13/2010	AFSCME	1	Include in RC-10 Public Service Administrator, Option 8L 37015-25-25-200-00-02 (DOR)
L-RC-08-022 Majority Interest	County of Cook and Sheriff of Cook County	Metropolitan Alliance of Police, Cook County Telecommunications Supervisors, Chapter #507	8/13/2010	MAP	6	All Telecommunication Supervisors
L-RC-10-031 Majority Interest	County of Cook and Sheriff of Cook County	Service Employees International Union, Local 73, CRW/CLC	8/13/2010	SEIU	12	To be accreted into L-AC-01-011 Personnel Analyst (Department of Corrections)

S-RC-11-022 Majority Interest	City of Peru	Metropolitan Alliance of Police, Peru Police Dispatch Chapter #642	8/26/2010	MAP	6	Telecommunicator
L-RC-10-026 Majority Interest	County of Cook	American Federation of State, County and Municipal Employees, Council 31	8/26/2010	AFSCME	30	Include in existing L-UC-08-011 Clerical and technical employees
L-RC-10-028 Majority Interest	County of Cook	American Federation of State, County and Municipal Employees, Council 31	8/26/2010	AFSCME	13	Include in existing L-UC-08-011 Public Health Educator; Sanitarian IV; Epidemiologist IV
L-RC-10-029 Majority Interest	County of Cook	American Federation of State, County and Municipal Employees, Council 31	8/26/2010	AFSCME	23	Include in existing L-UC-08-011 Health Systems Analysts I, II, III, V
L-RC-10-030 Majority Interest	County of Cook	American Federation of State, County and Municipal Employees, Council 31	8/26/2010	AFSCME	2	Include in existing L-UC-08-011 Janitor II
S-RC-11-007	DuPage Water Commission	International Union of Operating Engineers, Local 150, AFL-CIO	8/30/2010	IUOE	6	Field Maintenance Technician Field Maintenance Coordinator Meter Technician
S-RC-10-141 Majority Interest	City of Highwood (Police Department)	Teamsters, Local Union 700	9/15/2010	IBT	2	Lieutenants
L-RC-11-002 Majority Interest	Chicago Transit Authority	Amalgamated Transit Union, Local 241 AFL-CIO, CLC-IUC and ISFL	9/17/2010	ATU	13	To be added to existing unit Customer Service Representative
L-RC-08-036 Majority Interest	County of Cook (Cook County Health and Hospital Systems)	Service Employees International Union, Local 73	9/22/2010	SEIU	3	Include in existing L-AC-10-004unit Bio Medication Technician
L-RC-09-031 Majority Interest	County of Cook (Cook County Health and Hospital Systems)	American Federation of State, County and Municipal Employees, Council 31	9/22/2010	AFSCME	5	Include in existing L-UC-08-011 unit Business Manager I
S-RC-11-048 Majority Interest	County of Pike (Ambulance Department)	International Union of Operating Engineers, Local 965	9/30/2010	IUOE	11	Paramedic; Emergency Medical Technician
S-RC-11-040 Majority Interest	Village of Rochester	Policemen's Benevolent Labor Committee	9/30/2010	PBLC	7	Police Officer Corporal Sergeant

S-RC-11-026 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	9/30/2010	AFSCME	1	Include in RC-62 Art in Architecture Coordinator (CDB)
S-RC-11-046 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	9/30/2010	AFSCME	1	Include in RC-62 Public Information Officer (ICC)
S-RC-10-136 Majority Interest	State of Illinois, Department of Central Management Services	Illinois State Employees Association, Laborers International Union, Local 2002	9/29/2010	ISEA/ Laborers	10	Certain Public Service Administrator, Option 7 (ISP)
S-RC-11-003	Village of Manhattan	International Association of Machinists and Aerospace Workers, District Lodge 111, Local Lodge 124	9/30/2010	IAMAW	5	Public Works Clerk; Developmental Assistant Accountant; Finance Clerk; Administrative Clerk; Building and Development Clerk
S-RC-10-234 Majority Interest	Town of Normal (Public Works Department)	Laborers International Union of North America, Local 362	10/7/2010	LIUNA	41	Public Works Street Mechanic; Public Works Equipment Maintenance; Public Works Sewer Maintenance; Public Works Waste Removal
L-RC-09-018 L-UC-09-008 Majority Interest	City of Chicago	American Federation of State, County and Municipal Employees, Council 31	10/13/2010	AFSCME		Include in existing "Unit I" Staff Assistant
S-RC-10-138 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	10/15/2010	AFSCME	8	Include in RC-62 Public Service Administrator, Option 8C (CMS, PCB, DPH)
S-RC-11-013 Majority Interest	Village of Hazel Crest	International Brotherhood of Teamsters, Local Union #700	10/20/2010	IBT	13	Fiscal Clerk I, II, Records Clerk, Receptionist, Building Inspector, Secretary, Community Service Officer, Code Enforcement Officer
S-RC-11-032 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	10/21/2010	AFSCME	1	Include in RC-62 Executive V (ICC)

S-RC-11-068 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	10/22/2010	AFSCME	3	Include in RC-62 General Service Administrator I (ICC)
S-RC-11-064 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	10/22/2010	AFSCME	2	Include in RC-63 Librarian II
S-RC-11-080 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	10/22/2010	AFSCME	2	Include in RC-63 Electrical Engineer II
S-RC-11-028 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	10/25/2010	AFSCME	1	Include in RC-63 Senior Policy Analyst (ICC)
S-RC-11-072 Majority Interest	County of Madison	American Federation of State, County and Municipal Employees, Council 31	10/28/2010	AFSCME	4	Include in existing S-UC-10-234 LIHEAP Verifier and Outreach Technician
S-RC-11-024 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	10/28/2010	AFSCME	1	Include in RC-62 Human Resources Coordinator (ICC)
S-RC-11-011	City of South Beloit	Illinois Council of Police	11/4/2010	ICOP	7	Laborers and Operators in the Streets, Waste Water and public Property Departments
S-RC-11-038 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	11/15/2010	AFSCME	2	Include in RC-10 Public Service Administrator, Option 8L (DHFS)
S-RC-11-025 Majority Interest	Village of Robbins (Fire Department)	Service Employees International Union, Local 73	11/16/2010	SEIU	19	All full-time, part- time & paid-on-call in the ranks of Captain, Lieutenant, Engineer, Firefighter, Auxiliary

S-RC-10-028 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	11/16/2010	AFSCME	2	Include in RC-63 Public Service Administrator, Option 7 (Criminal Justice Information Authority)
S-RC-09-063 Majority Interest	Village of Carol Stream	Metropolitan Alliance of Police, Carol Stream Sergeants Chapter #537	11/16/2010	MAP	9	Peace officers in the rank of Sergeant
S-RC-11-084 Majority Interest	Chief Judge of the 11 th Judicial Circuit (Ford County Probation Department)	Illinois Fraternal Order of Police Labor Council	11/16/2010	FOP	4	Ford County Probation Department Probation Officer
S-RC-10-250 Majority Interest	State of Illinois, Department of Central Management Services	General Teamsters/ Professional & Technical Employees Local Union No. 916	11/16/2010	IBT	1	Include in professional- technical unit Technical Advisor IV
L-RC-10-022 Majority Interest	County of Cook	Service Employees International Union, Local 73, CTW/CLC	11/17/2010	SEIU	3	Include in L-AC-06-001 Specifications Engineer III
L-RC-11-004 Majority Interest	County of Cook (Cermak Health Services)	Service Employees International Union, Local 20	11/19/2010	SEIU	5	Include in L-RC-07-012 All Ph.D and Psy.D Psychologists
L-RC-11-005 Majority Interest	County of Cook (Oak Forest Hospital)	American Federation of State, County and Municipal Employees, Council 31	11/19/2010	AFSCME	2	Include in L-UC-08-011 Administrative Assistant II (Quality Dept); Telephone Operator III Supervisor
S-RC-10-210 Majority Interest	Illinois Secretary of State (Securities and Accounting Revenue Departments)	Illinois Federation of Public Employees, Local 4408, AFT/AFL- CIO	11/23/2010	IFPE	5	Include in S-UC-(S)-95-076 Executive I & II
S-RC-10-248 Majority Interest	State of Illinois, Department of Central Management Services	General Teamsters/ Professional & Technical Employees Local Union No. 916	11/23/2010	IBT	14	Technical Advisor V
S-RC-11-008 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	11/23/2010	AFSCME	3	Include in RC-62 Supervisor (ICC)

S-RC-11-029 Majority Interest	Village of Brookfield (Fire Department)	Brookfield Firefighters Union, IAFF	11/23/2010	IAFF	21	Firefighters below the rank of Captain including Firefighter/EMT. Firefighter/Paramedic Lieutenant
S-RC-11-044 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	11/23/2010	AFSCME	4	Include in RC-10 Technical Advisor II (ICC)
S-RC-11-027 Majority Interest	City of Rolling Meadows	Rolling Meadows Police Association	11/23/2010	Police Assn	9	Include in existing S-RC-277 Unit Sergeant
S-RC-11-031 Majority Interest	DeKalb Sanitary District	International Union of Operating Engineers, Local 150	11/30/2010	IUOE	14	Wastewater Operator; Wastewater Operator Trainee; Lab Technician; Collection System Foreman; Laboratory Supervisor
S-RC-09-038 S-RC-09-060	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31; and Laborers International Union/Illinois State Employees Association, Local 2002	12/2/2010	AFSCME	22	Include in RC-63 Senior Public Service Administrator, Option 8E (DNR)
S-RC-09-144 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	12/3/2010	AFSCME	6	Include in RC-10 Technical Advisor III (ICC)
S-RC-11-021 Majority Interest	City of Highland Park	Illinois Council of Police	12/7/2010	ICOP	40	Police Officer
S-RC-10-212 Majority Interest	Illinois Secretary of State	Illinois Federation of Public Employees, Local 4051, AFT/AFL-CIO	12/10/2010	IFPE	127	Archival Program Administrator; Data Input Supervisor; Data Systems Administrator; Data Systems Manager; Personnel Associate; Personnel Specialist; Warehouse Manager; Building Manager; Micrographic Manager; Executive

						III; Executive IV; Executive V; Managerial Assistant I; Managerial Assistant II
S-RC-11-033 Majority Interest	County of DuPage (Department of Public Works)	International Union of Operating Engineers, Local 150	12/14/2010	IUOE	27	Wastewater Maintenance Worker; Wastewater Maintenance Crew Leader; Auto Mechanic; Heavy Equipment Mechanic; Laborer; Meter Reader/Installer; Equipment Operator
S-RC-11-037 Majority Interest	Village of Lansing (Police Department)	Teamsters Local Union 700	12/14/2010	IBT	6	CRT Operator
S-RC-11-090 Majority Interest	Randolph County Care Center	American Federation of State, County and Municipal Employees, Council 31	12/17/2010	AFSCME	6	Non-professional healthcare unit
S-RC-11-039 Majority Interest	City of Woodstock	International Union of Operating Engineers, Local 150	12/17/2010	IUOE	32	City wide public works unit
S-RC-10-143 Majority Interest	City of Park Ridge	Illinois FOP Labor Council	12/17/2010	FOP	5	Sworn officers in the rank of Sergeant
S-RC-11-041 Majority Interest	Village of LaGrange	Illinois FOP Labor Council	12/17/2010	FOP	6	Telecommunicator
S-RC-09-176 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	12/17/2010	AFSCME	1	Include in RC-10 Public Service Administrator, Option 8L
S-RC-11-054	Village of Cahokia	Illinois Fraternal Order of Police Labor Council	12/22/2010	FOP	9	Telecommunicator; Community Service Aide, Police Mechanic, Records Clerk, Police Secretary/Clerk, P- SAP Coordinator, LEADS Coordinator, Receptionist
S-RC-11-066 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	12/22/2010	AFSCME	1	Include in RC-62 Human Rights Mediator (DHR)

S-RC-11-063	County of Lake and Sheriff of Lake County	International Brotherhood of Teamsters, Local No. 700 and Illinois FOP Labor Council	1/3/2011	IBT	181	Corrections Officer, Corrections Officer/Maintenance, Resident Field Coordinator
S-RC-11-043 Majority Interest	Village of Ladd	International Brotherhood of Electrical Workers, Local 51	1/3/2011	IBEW	4	General Superintendent; Assistant Superintendent; General Utilityman
S-RC-11-018 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	1/6/2011	AFSCME	8	Include in RC-42 Military Maintenance Engineer (Military Affairs)
S-RC-11-058	County of Bureau and Sheriff of Bureau County	Policemen's Benevolent Labor Committee and Illinois FOP Labor Council	1/11/2011	PBLC	37	Deputy Patrol Sergeant, Investigator, Lieutenant, Radio Dispatcher, Jailer
S-RC-11-096	City of Lawrenceville	American Federation of State, County and Municipal Employees, Council 31	1/12/2011	AFSCME	20	City wide unit
S-RC-11-045 Majority Interest	Village of Mundelein (Fire Department)	Mundelein Fire Officer's Association	1/19/2011	Fire Officers	6	Persons in the rank of Lieutenant
S-RC-10-055 Majority Interest	Village of Richton Park	Illinois Fraternal Order of Police Labor Council	1/20/2011	FOP	4	Sergeant
S-RC-09-013 Majority Interest	State of Illinois Attorney General	American Federation of Teachers Local 4408 and General Teamsters Professional and Technical Local 916	1/20/2011	AFT/IBT	3	Include in S-RC-08-070 Legal Secretary Welfare Litigation Bureau
S-RC-10-007	Chief Judge of the Circuit Court of Cook County	American Federation of State, County and Municipal Employees, Council 31	1/21/2011	AFSCME	9	Supervisor of Juvenile Temporary Detention Center Caseworkers
S-RC-09-188 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	1/25/2011	AFSCME	6	Include in RC-62 Senior Public Service Administrator, Option 7 (Revenue and Gaming Board)

S-RC-11-012 Majority Interest	State of Illinois, Department of Central Management Services	General Teamsters/ Professional & Technical Employees Local Union No. 916	1/31/2011	IBT	4	Add to existing Professional- technical unit Technical Manager III
S-RC-11-047 Majority Interest	South Elgin Fire Protection District	South Elgin Professional Firefighters, IAFF Local 4833	1/31/2011	IAFF	27	Firefighter, Firefighter/Paramedic Lieutenant, Lieutenant/ Paramedic
S-RC-09-036 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	2/3/2011	AFSCME	3	Include in RC-63 Senior Public Service Administrator, Option 8H
L-RC-11-010	City of Chicago	American Federation of State, County and Municipal Employees, Council 31	2/3/2011	AFSCME	1	Include in existing Unit 4 unit Database Analyst
L-RC-11-008 Majority Interest	County of Cook (Cook County Health and Hospital System)	American Federation of State, County and Municipal Employees, Council 31	2/15/2011	AFSCME	1	Include in existing L-UC-08-011 Grant Analyst
S-RC-11-036	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	2/17/2011	AFSCME	1	Include in existing RC-62 Military Property Custodian II (Military Affairs)
S-RC-11-049 Majority Interest	Chief Judge of the 12 th Judicial Circuit (Will County Probation Department)	Illinois Fraternal Order of Police Labor Council	2/16/2011	FOP	8	Probation Supervisor (Will County Probation Department)
S-RC-11-053 Majority Interest	Village of Willow Springs	Illinois Council of Police	2/16/2011	ICOP	4	Sergeant
S-RC-11-070 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	2/25/2011	AFSCME	1	Include in RC-62 Military Program Supervisor (Military Affairs)
S-RC-11-056 Majority Interest	City of Benld	United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (USW)	2/25/2011	USW	3	Patrolman Sergeant
S-RC-11-055 Majority Interest	Village of Crete	Illinois Fraternal Order of Police Labor Council	2/25/2011	FOP	5	Sergeant

S-RC-11-104 Majority Interest	City of Sullivan	Illinois Fraternal Order of Police Labor Council	2/25/2011	FOP	6	Patrol Officer
L-RC-10-023 Majority Interest	City of Chicago	American Federation of State, County and Municipal Employees, Council 31	2/25/2011	AFSCME		Include in Bargaining Unit #3 Regional Communicable Disease Control Investigator (Public Health)
S-RC-11-112 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	3/10/2011	AFSCME	1	Include in RC-62 Compliance Specialist (ICC)
S-RC-11-114 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	3/10/2011	AFSCME	3	Include in RC-62 Transportation Investigator I, Transportation Investigator II (ICC)
S-RC-11-061 Majority Interest	Village of Rockton	Illinois Fraternal Order of Police Labor Council	3/18/2011	FOP	10	Patrolman School Resource Officer
S-RC-11-092 Unit A Majority Interest	State's Attorney of Bond County	Laborers International Union of North America, Local 622	3/29/2011	Laborers	2	Legal Secretary; Secretary/ Receptionist
S-RC-11-092 Unit B Majority Interest	Circuit Clerk of Bond County	Laborers International Union of North America, Local 622	3/29/2011	Laborers	5	Deputy Clerk; Chief Deputy Clerk
S-RC-11-092 Unit C Majority Interest	County of Bond and Supervisor of Assessments, Clerk and Treasurer of Bond County	Laborers International Union of North America, Local 622	3/29/2011	Laborers	8	Deputy Clerk; Chief Deputy Clerk; Deputy Recorder; Chief Deputy Recorder; Deputy Supervisor of Assessments; Chief Deputy Supervisor of Assessments; Deputy Treasurer; Chief Deputy Treasurer
S-RC-11-069	Illinois State Toll Highway Authority	American Federation of State, County and Municipal Employees, Council 31	3/29/2011	AFSCME	1	Include in S-UC-(s)-07-051 Oasis Project Manager
S-RC-10-122 Majority Interest	State of Illinois, Department of Central Management Services	Illinois State Employees Association, Laborers International Union, Local 2002	3/29/2011	ISEA/ Laborers	3	Public Service Administrator, Opt. 8L (State Police) Nuclear Safety Staff Attorney I and II (Illinois Emergency Management

						Agency)
L-RC-11-016 Majority Interest	City of Chicago	American Federation of State, County and Municipal Employees, Council 31	04/04/2011	AFSCME	17	Include in AFSCME Unit No. 4 Finance Officer
S-RC-11-083	Village of Libertyville	Illinois Fraternal Order of Police Labor Council			7	Telecommunicator
S-RC-11-106 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	4/22/2011	AFSCME	1	Include in RC-42 Military Range Control/Maintenance Specialist
L-RC-11-013 Majority Interest	County of Cook	Service Employees International Union, Local 73	4/20/2011	SEIU	1	Include in existing L-RC-06-019 Administrative Assistant III
L-RC-11-007 Majority Interest	County of Cook, Health and Hospital Systems	Service Employees International Union, Local 73	4/25/2011	SEIU	1	Health Care Professional Unit
L-RC-11-015 Majority Interest	County of Cook	American Federation of State, County and Municipal Employees, Council 31	4/25/2011	AFSCME	3	Administrative Assistant V
S-RC-11-023 Majority Interest	Village of Bourbonnais	Illinois Fraternal Order of Police Labor Council	4/26/2011	FOP	4	Sergeants
S-RC-11-081 Majority Interest	County of DuPage (Department of Transportation)	International Union of Operating Engineers, Local 150	4/28/2011	IUOE	73	Operators, Maintenance, Mechanics, Laborers, Grounds Crew Maintenance
S-RC-11-087 Majority Interest	Village of Dwight (Public Works Department)	International Union of Operating Engineers, Local 399	5/5/2011	IUOE	6	Water Plant Operator, Sewer Plant Operator, Maintenance Worker
S-RC-11-116	City of Virden	Policemen's Benevolent Labor Committee	5/6/2011	PBLC	5	Police Officers Sergeants
L-RC-11-020 Majority Interest	City of Chicago	American Federation of State, County and Municipal Employees, Council 31	5/9/2011	AFSCME	1	Include in Unit 3 Domestic Violence Advocate
S-R-11-089 Majority Interest	Chief Judge of the Circuit Court of Cook County	Teamsters Local 714	5/12/2011	Teamsters	5	Include in existing S-RC-08-023 Grade 18 Interstate Compact Coordinator; Grade 18 Training Coordinator; Grade 18 Human Resource Assistant; Grade 17 Administrative Assistance; Grade 16 Time Keeper

S-RC-11-057	Village of Northbrook	Metropolitan Alliance of Police, Chapter #375 and Northbrook Police Association	5/17/2011	Police Assn	60	Peace Officers; Civilian Communication Officers
S-RD-11-007	City of West Chicago	Lisa Eichinger and International Brotherhood of Teamsters, Local 673	5/24/2011	No Rep		
S-RC-11-065	Village of Berkeley	Illinois Council of Police	5/24/2011	ICOP	10	Patrol Officers
S-RC-11-059	SouthCom Combined Dispatch Center	Metropolitan Alliance of Police, SouthCom Dispatch Chapter #648	5/24/2011	MAP	16	Full time and regular part time 9-1-1 Dispatchers
S-RD-11-005	Mundelein Park and Recreation District	Rick Hanzel and International Brotherhood of Teamsters Local 700	5/24/2011	IBT	19	Mechanics Custodians Parks Service Officer Grounds Crew Seasonal part-time cooks and Kitchen Help
S-RC-11-067	Village of Westchester	Metropolitan Alliance of Police Chapter #651	5/31/2011	MAP	22	Patrol Officer
S-RC-11-126 Majority Interest	Lake of Egypt Water and Sewer District	International Brotherhood of Electrical Workers Local 702	5/31/2011	IBEW	13	Operation/Maintenance; Responsible Operation/Maintenance (Sewer); Secretary
L-RC-11-025 Majority Interest	City of Chicago	American Federation of State, County and Municipal Employees, Council 31	6/16/2011	AFSCME	1	Include in L-RC-11-020 Rapid Response Coordinator
L-RC-11-023 Majority Interest	City of Chicago	American Federation of State, County and Municipal Employees, Council 31	6/16/2011	AFSCME	1	Include in L-RC-09-018 and L-UC-09-008 Employee Compensation Technician III
L-RC-10-027 Majority Interest	County of Cook	American Federation of State, County and Municipal Employees, Council 31	6/27/2011	AFSCME		Include in L-UC-08-011 Nurse Supervisor I
L-RC-10-176 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	6/28/2011	AFCME	4	Add to existing RC-63 unit Public Service Administrator, Option 8S (DHS and DVA)

CERTIFICATION OF VOLUNTARILY RECOGNIZED REPRESENTATIVE

Case Number	Employer	Labor Organization	Date Certified	No. of Employees	Unit Type
S-VR-10-006	City of Johnston City (Water Department)	Laborers International Union of North America, Laborers' Local 773	7/19/2010	2	Full-time and permanent part- time Officer Clerical Workers
S-VR-10-008	City of Casey	International Brotherhood of Electrical Workers Local 702	8/11/2010	17	Public Works employees; Police Department secretary
S-VR-11-004	City of Ziegler	Laborers International Union of North America, Local 773	1/10/2011	5	Water and Street Department employees
L-VR-11-001	County of Cook	Service Employees International Union, Local 73	3/2/2011	3	Include in L-AC-06-001 Specifications Engineer II
S-VR-11-006	Perry County Circuit Clerk	Laborers International Union of North America, Local 773	3/22/2011	4	Deputy Circuit Clerk; Chief Deputy Circuit Clerk
S-VR-11-008	County of Franklin (Animal Control Department)	Laborers International Union of North America, Local 773	3/22/2011	2	All permanent and part-time employees
S-VR-11-010	County of Union (Ambulance Service)	International Association of Fire Fighters, Union County EMTs	6/27/2011		Intermediate EMT Basic EMT

REVOCATION OF PRIOR CERTIFICATION

Case Number	Employer	Labor Organization	Date Certified	No. of Employees	Unit Type
S-RC-09-038	State of Illinois, DCMS	American Federation of State, County and Municipal Employees, Council 31	7/13/2010	22	Senior Public Service Administrator, Option 8E
S-RC-09-060	State of Illinois, DCMS	Laborers' International Union/Illinois Employees Association, Local 2002			

S-DD-11-001	Village of Manhattan	International Union of Operating Engineers, Local 150	7/20/2010	7	S-RC-09-127 Public Works Clerk, Development Assistant, Accountant, Finance Clerk, Administrative Clerk, Building and Zoning Assistant and Utility Billing Clerk
S-RC-05-079	Village of South Elgin	Metropolitan Alliance of Police, South Elgin Sergeants Chapter #205	7/21/2010	5	Sworn officers in the rank of Sergeant
S-RC-09-123	County of Winnebago and Sheriff of Winnebago County	Illinois FOP Labor Council	9/8/2010	15	S-RC-09-123 Sergeants
S-DD-11-003	Village of Matteson	Teamsters Local 726	10/21/2010		S-UC-07-031 Inspectors, Clericals, Permit Technician, Account Clerk, Jr. Accountant, Community Affairs Coordinator
S-DD-11-005	Village of Brookfield	Service Employees International Union, Local 1	11/4/2010	20	S-RC-96-063 Firefighters below the rank of Captain
S-DD-11-002	Clerk of the Circuit Court of Perry County	American Federation of State, County and Municipal Employees, Council 31	11/5/2010	4	S-VR-96-010 Deputy Circuit Clerk; Chief Deputy Circuit Clerk
S-DD-11-004	City of Centreville	Illinois Council of Police	11/9/2010	14	S-RC-07-044 Sworn peace officers below the rank of Lieutenant
S-DD-11-006	Randolph County Care Center	Laborers International Union of North American, Local 773	11/16/2010	7	S-RC-05-136 PRN Licensed Practical Nurse
S-DD-11-009	City of Highland Park (Police Department)	International Brotherhood of Teamsters, Local 700	11/18/2010	44	S-AC-10-019 All full-time correctional officers in the rank of Sergeant
S-DD-11-008	City of Centreville	Illinois Council of Police	12/9/2010		Dispatcher

S-UC-09-009 S-UC-09-011	Stephenson County Circuit Court Clerk	International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW	12/17/2010		S-RC-87-081 Deputy Circuit Court Clerk; Chief Deputy Circuit Court Clerk
S-RC-08-130	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	2/16/2011	6	Public Service Administrator, Option 8L (DHFS)
S-RC-08-154	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	2/16/2011	1	Public Service Administrator, Option 8L (DHS)
S-UC-06-064	Village of Maryville	Illinois Fraternal Order of Police Labor Council	2/16/2011	9	Sergeant
S-DD-11-010	Village of Roxana	Laborers International Union of North America, Local 338	2/16/2011	5	Employees of the Sewer, Refuse and Street Department
S-DD-11-012	County of Union (Ambulance Service)	International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local #347	3/9/2011	9	S-RC-89-086 All Emergency Medical Technicians of Union County, commonly known as Union County Ambulance Service
S-DD-11-014	City of Effingham	Laborers International Union of North America	3/10/2011	1	S-RC-07-158 All full-time and regular Part-time clerical employees in the Water Department
S-DD-11-016	County of St. Clair and Sheriff of St. Clair County	Illinois Fraternal Order of Police Labor Council	3/14/2011	11	S-RC-09-163 All persons employed full time in the title of position of bailiff
S-DD-11-013	Village of Lakemoor	International Union of Operating Engineers, Local 150	3/22/2011	8	S-RC-10-005 City wide unit

S-DD-11-018	County of Calhoun and Sheriff of Calhoun County	United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (USW)	3/22/2011	7	S-RC-08-146 Chief Deputy; Major; Sergeant; Deputy; Deputy K-9; Dispatcher
S-DD-11-015	County of Stephenson (Stephenson County Nursing Center)	International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Local Union #2261	4/8/2011	100	S-UC-06-023 LPNs, CNAs, Non-Certified Nurses Assistants, Housekeepers, Ward Secretaries, Laundry Aides, Dining Room Attendants and Hydration Assistants, Activities, Social Services Central Supply, Maintenance and clerical staff
S-DD-11-015	County of Stephenson (Stephenson County Nursing Center)	International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Local Union #2261	4/11/2011		S-UC-(S)-95-025 Unit A Professional Unit Registered Nurses including Charge Nurse, MDS Care Plan Coordinator, Treatment Nurse and Medication Nurse
S-DD-11-020	City of Chester	Laborers International Union of North America, Local 459	5/5/2011	25	S-RC-07-084 Employees of the Sewer, Cemetery, Pool, Meter Reader, Water, Gas, Recreation, Street, and Maintenance Departments
S-RC-09-057	Village of Oak Brook	Metropolitan Alliance of Police, Oak Brook Police Sergeants Chapter No. 534	5/6/2011	7	Sergeants
S-DD-11-017	Chief Judge of the 12 th Judicial Circuit (Will County)	International Brotherhood of Teamsters Local 700	6/7/2011		Juvenile and Adult Probation Officers and Legal Secretaries in Will County

AMENDMENT OF CERTIFICATION

Case Number	Employer	Labor Organization	Date Certified	Amendment
L-AC-09-007	County of Cook	Licensed Practical Nurses Association of Illinois	7/29/2010	Change name of Employer to County of Cook
L-AC-10-001	Cook County	Service Employees International Union, Local 73, CTW, CLC	8/9/2010	Change union name from SEIU Local 20 to Service Employees International Union, Local 73, CTW, CLC
L-AC-10-002	Cook County	Service Employees International Union, Local 73, CTW, CLC	8/9/2010	Change union name from SEIU Local 20 to Service Employees International Union, Local 73, CTW, CLC
L-AC-10-003	Cook County	Service Employees International Union, Local 73, CTW, CLC	8/9/2010	Change union name from SEIU Local 20 to Service Employees International Union, Local 73, CTW, CLC
L-AC-10-004	Cook County	Service Employees International Union, Local 73, CTW, CLC	8/9/2010	Change union name from SEIU Local 20 to Service Employees International Union, Local 73, CTW, CLC
L-AC-10-005	Cook County	Service Employees International Union, Local 73, CTW, CLC	8/9/2010	Change union name from SEIU Local 20 to Service Employees International Union, Local 73, CTW, CLC
S-AC-11-002	Illinois Secretary of State	Service Employees International Union, Local 73, CTW, CLC	8/18/2010	Change union name from General Service Employees Union, Local 73 to Service Employees International Union, Local 73, CTW/CLC
S-AC-11-003	Village of Glendale Heights	International Brotherhood of Teamsters, Local 700	8/18/2010	Change union name from International Brotherhood of Teamsters, Local 726 to International Brotherhood of Teamsters, Local 700
S-AC-11-004	Illinois Secretary of State	Service Employees International Union, Local 73, CTW, CLC	8/18/2010	Change union name from General Service Employees Union, Local 73 to Service Employees International Union, Local 73, CTW/CLC

S-AC-11-005	Chief Judge of the 12 th Judicial Circuit (Will County – River Valley Detention Center)	International Brotherhood of Teamsters, Local 700	8/18/2010	Change union name from Teamsters, Local 714 to International Brotherhood of Teamsters, Local 700
S-AC-11-007	City of Evanston	International Brotherhood of Teamsters, Local 700	8/18/2010	Change union name from International Brotherhood of Teamsters, Local 714 to International Brotherhood of Teamsters, Local 700
S-AC-11-009	Chief Judge of the 12 th Judicial Circuit (Will County)	International Brotherhood of Teamsters, Local 700	8/18/2010	Change union name from Teamsters, Local Union 714 to International Brotherhood of Teamsters, Local 700
S-AC-11-011	Village of Evergreen Park	International Brotherhood of Teamsters, Local 700	9/13/2010	Change union name from Teamsters, Local Union 726 to International Brotherhood of Teamsters, Local 700
S-AC-11-013	Village of Glendale Heights	International Brotherhood of Teamsters, Local 700	9/13/2010	Change union name from Teamsters, Local Union 726 to International Brotherhood of Teamsters, Local 700
S-AC-11-015	Village of Bellwood	International Brotherhood of Teamsters, Local 700	9/13/2010	Change union name from Teamsters, Local Union 726 to International Brotherhood of Teamsters, Local 700
S-AC-11-017	County of Lake and Sheriff of Lake County	International Brotherhood of Teamsters, Local 700	9/28/2010	Change union name from Teamsters, Local Union 714 to International Brotherhood of Teamsters, Local 700
S-AC-11-019	County of Lake and Sheriff of Lake County	International Brotherhood of Teamsters, Local 700	9/28/2010	Change union name from Teamsters, Local Union 714 to International Brotherhood of Teamsters, Local 700
S-AC-11-021	County of Lake and Sheriff of Lake County	International Brotherhood of Teamsters, Local 700	9/28/2010	Change union name from Teamsters, Local Union 714 to International Brotherhood of Teamsters, Local 700
S-AC-11-023	Village of Summit	International Brotherhood of Teamsters, Local 700	10/26/2010	Change union name from Teamsters, Local Union 726 to International Brotherhood of Teamsters, Local 700
S-AC-11-025	E-COM Dispatch Center	International Brotherhood of Teamsters, Local 700	11/4/2010	Change union name from Teamsters, Local Union 726 to International Brotherhood of Teamsters, Local 700

L-AC-11-001	County of Cook and Sheriff of Cook County	International Brotherhood of Teamsters, Local 700	12/20/2010	Change union name from Teamsters, Local Union 714 to International Brotherhood of Teamsters, Local 700
L-AC-11-002	County of Cook and Sheriff of Cook County	International Brotherhood of Teamsters, Local 700	12/20/2010	Change union name from Teamsters, Local Union 714 to International Brotherhood of Teamsters, Local 700
L-AC-11-003	County of Cook and Sheriff of Cook County	International Brotherhood of Teamsters, Local 700	12/20/2010	Change union name from Teamsters, Local Union 714 to International Brotherhood of Teamsters, Local 700
S-AC-11-027	Village of Villa Park	International Brotherhood of Teamsters, Local 700	1/4/2011	Change union name from Teamsters, Local Union 714 to International Brotherhood of Teamsters, Local 700
S-AC-11-031	Village of Peotone (Police Department)	International Brotherhood of Teamsters, Local 700	1/11/2011	Change union name from Teamsters, Local Union 726 to International Brotherhood of Teamsters, Local 700
S-AC-11-001	Circuit Clerk of Lake County	International Brotherhood of Teamsters, Local 700	1/11/2011	Change union name from Teamsters, Local Union 714 to International Brotherhood of Teamsters, Local 700
S-AC-11-033	Village of Barrington	International Brotherhood of Teamsters, Local 700	2/8/2011	Change union name from Teamsters, Local Union 726 to International Brotherhood of Teamsters, Local 700
S-AC-11-039	City of Harvard	International Brotherhood of Teamsters, Local 700	2/8/2011	Change union name from Teamsters, Local Union 726 to International Brotherhood of Teamsters, Local 700
L-AC-11-005	City of Chicago	International Brotherhood of Teamsters, Local 700	2/15/2011	Change union name from International Brotherhood of Teamsters to International Brotherhood of Teamsters, Local 700
S-AC-11-035	Village of Hazel Crest	International Brotherhood of Teamsters, Local 700	2/25/2011	Change union name from Teamsters, Local Union 726 to International Brotherhood of Teamsters, Local 700
S-AC-11-037	City of Wood Dale	International Brotherhood of Teamsters, Local 700	2/25/2011	Change union name from Teamsters, Local Union 714 to International Brotherhood of Teamsters, Local 700

L-AC-10-011	Metropolitan Water Reclamation	International Brotherhood of Teamsters, Local 700	2/25/2011	Change union name from Teamsters, Local Union 726 to International Brotherhood of Teamsters, Local 700
S-AC-11-006	State of Illinois, Department of Central Management Services	International Brotherhood of Teamsters, Local 700	3/25/2011	Change union name from Teamsters, Local Union 726 to International Brotherhood of Teamsters, Local 700
S-AC-11-041	Chief Judge of the Circuit court of Cook County	International Brotherhood of Teamsters, Local 700	3/25/2011	Change union name from Teamsters, Local Union 714 to International Brotherhood of Teamsters, Local 700
L-AC-11-006	County of Cook (Oak Forest Hospital)	International Brotherhood of Teamsters, Local 700	4/20/2011	Change union name from Teamsters, Local Union 726 to International Brotherhood of Teamsters, Local 700
L-AC-11-007	Metropolitan Water Reclamation District of Greater Chicago	Service Employees International Union, Local 1	4/26/2011	Change union name from National Conference of Firemen and Oilers, Local No. 7 to Service Employees International Union, Local 1
S-AC-11-043	Village of Wheeling (Department of Public Works)	International Union of Operating Engineers, Local 150	5/12/2011	Change union name from Wheeling Department of Public Works Non-Supervisory Employees' Association To International Union of Operating Engineers, Local 150
S-AC-11-047	Chief Judge of the Circuit Court of Cook County	International Brotherhood of Teamsters, Local 700	06/08/2011	Change union name from Teamsters, Local Union 714 to International Brotherhood of Teamsters, Local 700
L-AC-11-009	County of Cook	Service Employees International Union, Local 73	5/31/2011	Amend existing certification to indicate that the sole employer of the employees is County of Cook
S-AC-11-045	PACE North Shore Division	Amalgamated Transit Union, Local 241	6/28/2011	Change union name from Amalgamated Transit Union, Local 1759 to Amalgamated Transit Union, Local 241

BOARD DECISIONS AND ORDERS ISSUED

Case Number	Parties	Date Issued
S-RC-10-052	American Federation of State, County and Municipal Employees, Council 31 & State of Illinois, Department of Central Management Services	8/9/2010
S-RC-10-114	American Federation of State, County and Municipal Employees, Council 31 & State of Illinois, Department of Central Management Services (Illinois Commerce Commission)	8/9/2010
S-CA-07-175	Metropolitan Alliance of Police, DuPage County Sheriff's Police Chapter #126 and County of DuPage and Sheriff of DuPage County	8/23/2010
S-CA-04-120	Policemen's Benevolent and Protective Association Labor Committee and City of Bloomington	8/27/2010
S-RC-10-234	Laborers International Union of North America, Local 362 and Town of Normal and David Olson, Keith Simpson, Craig Tackett and Jarod Windhorn	10/4/2010
L-CA-10-042	Service Employees International Union, Local 73 and City of Chicago (Office of Emergency Management and Communications)	10/4/2010
S-RC-10-138	American Federation of State, County and Municipal Employees, Council 31 & State of Illinois, Department of Central Management Services (Department of Central Management Services, Department of Public Health and Pollution Control Board)	10/12/2010
L-RC-09-018 L-UC-09-008	American Federation of State, County and Municipal Employees, Council 31 and City of Chicago	10/12/2010
L-CA-09-009	Fraternal Order of Police, Lodge 7 and City of Chicago (Police Department)	10/13/2010
S-RC-10-007	American Federation of State, County and Municipal Employees, Council 31 and Chief Judge of the Circuit Court of Cook County	10/15/2010
S-UC-10-014	American Federation of State, County and Municipal Employees, Council 31 and State of Illinois, DCMS	10/15/2010
S-CA-09-007	Oak Lawn Professional Fire Fighters Association, Local 3405, IAFF and Village of Oak Lawn	10/29/2010
S-RC-09-038 S-RC-09-060	American Federation of State, County and Municipal Employees, Council 31 & State of Illinois, Department of Central Management Services	11/30/2010

S-CA-10-129 and S-CB-10-031	Delores Atterberry, Earnest Mayfield, Steven Humphrey, Kenneth Leggs, Kenneth Cross and PACE South Suburban Bus Service; and Delores Atterberry, Earnest Mayfield, Steven Humphrey, Kenneth Leggs, Kenneth Cross and Amalgamated Transit Union, Local 1028	11/24/2010
S-RC-09-144	American Federation of State, County and Municipal Employees, Council 31 and State of Illinois, Department of Central Management Services	12/1/2010
S-RC-09-176	American Federation of State, County and Municipal Employees, Council 31 and State of Illinois, Department of Central Management Services	12/2/2010
S-RC-09-145	Village of Streamwood & Metropolitan Alliance of Police, Streamwood Sergeants Chapter #217	12/16/2010
S-CA-10-113	Hazel Crest Professional Firefighters, Local 4087, IAFF, and Village of Hazel Crest	12/29/2010
S-CA-09-055	Metropolitan Alliance of Police, Ford Heights Chapter #243 and Village of Ford Heights	12/29/2010
S-RC-10-055	Village of Richton Park (Police Department) and Illinois Fraternal Order of Police Labor Council	1/18/2011
S-UC-08-460	American Federation of State, County and Municipal Employees, Council 31 and State of Illinois, Department of Central Management Services	1/18/2011
S-RC-09-180	American Federation of State, County and Municipal Employees, Council 31 and State of Illinois, Department of Central Management Services (Environmental Protection Agency, Department of Public Health, Department of Human Services, Department of Commerce and Economic Activity)	1/21/2011
S-RC-09-188	American Federation of State, County and Municipal Employees, Council 31 and State of Illinois, Department of Central Management Services (Illinois Gaming Board and Illinois Department of Revenue	1/24/2011
S-UC-09-242	City of Washington and Policemen's Benevolent Labor Committee	01/25/2011
S-CA-10-219	Metropolitan Alliance of Police, Western Springs Sergeants Chapter 456 and Village of Western Springs	1/27/2011
S-UC-10-252	International Brotherhood of Teamsters, Local Union No. 26 and Village of Mahomet	1/27/2011
S-CA-06-307	International Union of Operating Engineers, Local 150 and Town of Cicero	1/28/2011
S-CA-09-217	Policemen's Benevolent Labor Committee and City of Ottawa	1/28/2011

S-RC-09-036	American Federation of State, County and Municipal Employees, Council 31 and State of Illinois, Department of Central Management Services (Department of Public Health)	1/28/2011
S-CA-09-233	Teamsters Local Union 700 and City of Markham	1/28/2011
S-CA-10-256	Policemen's Benevolent Labor Committee and City of Madison	1/28/2011
S-CA-10-323	Metropolitan Alliance of Police, Chapter No. 357 and Village of Niles	1/28/2011
S-CB-10-035	Linda S. Brooks and American Federation of State, County and Municipal Employees, Council 31	2/4/2011
S-RC-09-139	Illinois Fraternal Order of Police Labor Council and Village of Lake Zurich	3/18/2011
S-CA-10-208	Marvin Perez and State of Illinois, DCMS	3/25/2011
S-RC-09-202	American Federation of State, County and Municipal Employees, Council 31 and State of Illinois, DCMS (Illinois Commerce Commission)	3/25/2011
S-RC-10-122	American Federation of State, County and Municipal Employees, Council 31 and State of Illinois, DCMS	3/25/2011
S-CB-10-079	Homero Bautista and American Federation of State, County and Municipal Employees, Council 31; and	3/25/2011
S-CA-10-307	Homero Bautista and State of Illinois, DCMS (Environmental Protection Agency)	
S-CA-11-027	Service Employees International Union, Local 73 and Village of Carpentersville	3/25/2011
S-CA-11-045	International Brotherhood of Teamsters Local 700 and City of Marengo	4/18/2011
S-CA-11-008	American Federation of State, County and Municipal Employees, Council 31 and County of Warren and Warren County Sheriff	4/18/2011
S-CA-10-153	Service Employees International Union, Local 73 and County of McHenry and McHenry County Coroner	4/18/2011
S-CA-11-017	Service Employees International Union, Local 73 and County of McHenry and McHenry County Coroner	4/18/2011
S-CA-10-156	Donald Blair and State of Illinois, Department of Central Management Services (Department of Human Services)	4/22/2011
S-CA-10-046	Harlow R. Brown and State of Illinois, Department of Central Management Services (Department of Corrections)	4/22/2011
S-CB-10-043	David W. Jarvis and United Brotherhood of Carpenters and Joiners of America, Local Union 792 and Chicago Regional Council of Carpenters	4/22/2011
S-CB-10-045		

S-CB-10-067	Kearon F. Sharp and Service Employees International Union, Local 73	4/22/2011
S-CB-09-005	Billy McCaskill and American Federation of State, County and Municipal Employees, Council 31	4/22/2011
L-CA-09-092	Teamsters Local 714 and County of Cook and Sheriff of Cook County	4/22/2011
L-RC-10-025	Service Employees International Union, Local 73 and County of Cook and Sheriff of Cook County	4/25/2011
L-AC-11-004	County of Cook and Teamsters Local 700	4/25/2011
S-RC-10-238	American Federation of State, County and Municipal Employees, Council 31 and State of Illinois, Department of Central Management Services (Department of Commerce and Economic Opportunity)	5/3/2011
S-RC-10-023	Village of Roselle and Metropolitan Alliance of Police, Roselle Sergeants Chapter #259	5/3/2011
L-RC-10-027	American Federation of State, County and Municipal Employees, Council 31 and County of Cook	5/3/2011
L-CA-09-046 L-CA-09-099	Beverly Joseph and Leslie Mitchner and County of Cook	5/3/2011
S-CA-10-281	International Brotherhood of Teamsters Local 700 and Chief Judge of the Circuit Court of Cook County	5/19/2011
S-CA-11-058	Sherwin Baker and Peoria Housing Authority	5/19/2011
S-CB-11-006	Sherwin Baker and American Federation of State, County and Municipal Employees, Council 31	5/19/2011
S-CB-11-031	Village of Willow Springs and International Brotherhood of Teamsters, Local 700	5/19/2011
S-RC-09-184	Illinois Fraternal Order of Police Labor Council and City of Springfield	5/19/2011
S-RC-10-232	State of Illinois Attorney General (Public Aid Bureau) and General Teamsters/Professional & Technical Employees, Local Union No. 916	5/19/2011
S-RC-11-034	Illinois Fraternal Order of Police Labor Council and City of Carbondale	5/19/2011
L-CB-11-001	Jeanette Mallette and American Federation of State, County and Municipal Employees, Council 31	5/19/2011
L-RC-10-037	Chicago Joint board, RWDSU, UFCW Local 200 and County of Cook, Health and Hospital System Board	5/26/2011
S-RC-10-176	American Federation of State, County and Municipal Employees Council 31 and State of Illinois, DCMS (Department of Human	6/1/2011

	Services)	
S-RC-11-004	American Federation of State, County and Municipal Employees Council 31 and State of Illinois, DCMS (Department of Agriculture, et al.)	6/10/2011
S-RC-10-133	International Brotherhood of Teamsters, Local 700 and County of McHenry and McHenry County Health Department	06/13/2011
L-CB-10-022	Karyn Thomas and Service Employees International Union, Local 73	6/15/2011
S-UC-10-256	International Union of Operating Engineers, Local 965 and Pike County Housing Authority	6/15/2011
S-CA-09-250	John Michels and State of Illinois, DCMS (Department of Corrections)	6/15/2011
S-CB-09-038	John Michels and American Federation of State, County and Municipal Employees, Council 31	6/15/2011
S-CB-11-021	Nicholas Brais and Illinois Fraternal Order of Police Labor Council	6/15/2011
S-RC-09-180	American Federation of State, County and Municipal Employees, Council 31 and State of Illinois, DCMS (Environmental Protection Agency, Department of Public Health, Department of Human Services, Department of Commerce and Economic Activity)	6/15/2011
S-RC-10-162	American Federation of State, County and Municipal Employees, Council 31 and State of Illinois, DCMS (Department of Human Services)	6/17/2011
L-CA-11-027	Service Employees International Union, Local 73 and Cook County Recorder of Deeds	6/17/2011
S-CA-04-193 Supplemental	Policemen's Benevolent Labor Committee and City of Ottawa	6/17/2011
S-RC-09-123	Illinois Fraternal Order of Police Labor Council and County of Winnebago and Sheriff of Winnebago County	6/27/2011
S-RC-11-005	Laborers' International Union of North America, Local 751 and County of Kankakee and Coroner of Kankakee County	6/27/2011
S-RC-10-194	International Union of Operating Engineers, Local 150 and State of Illinois, Department of Central Management Services (Department of Transportation)	6/27/2011
S-CA-10-127	Service Employees International Union, Local 73 and County of McHenry and McHenry County Coroner	6/27/2011
S-CA-10-228	Illinois Fraternal Order of Police Labor Council and County of St. Clair and Sheriff of St. Clair County	6/27/2011

GENERAL COUNSEL ORDERS

Case Number	Parties	Date Issued
S-RC-10-198	State of Illinois, Department of Central Management Services and American Federation of State, County and Municipal Employees, Council 31	7/13/2010
L-CA-08-004	Service Employees International Union Local 73 and County of Cook	7/13/2010
L-CA-08-007	American Guild of Musical Artists & Chicago Park District (Grant Park Music Festival)	7/13/2010
L-RC-10-031	Service Employees International Union, Local 73 & County of Cook, Sheriff of Cook County	8/10/2010
L-RC-08-022	Metropolitan Alliance of Police Cook County Telecommunications Supervisors, Chapter #507 & County of Cook, Sheriff of Cook County	8/10/2010
S-CA-04-099	Jeffrey D. Cambora & State of Illinois, Department of Central Management Services	8/10/2010
S-CA-08-225 S-CA-08-247 S-CA-08-249	American Federation of Professionals & City of Calumet	8/10/2010
S-CA-06-089 S-CA-07-039 S-CA-07-113 S-CA-08-075 S-CA-08-077	American Federation of Professionals & Harvey Park District	8/10/2010
S-RC-10-158	State of Illinois, Department of Central Management Services and American Federation of State, County and Municipal Employees, Council 31	8/10/2010
S-RC-10-160	State of Illinois, Department of Central Management Services and American Federation of State, County and Municipal Employees, Council 31	8/10/2010
S-UC-08-460	State of Illinois, Department of Central Management Services & American Federation of State, County and Municipal Employees, Council 31	9/14/2010
S-RC-09-063	Metropolitan Alliance of Police and Village of Carol Stream	11/10/2010
L-RC-09-027	Fraternal Order of Police Labor Council and County of Cook, Sheriff of Cook County	11/10/2010
L-RC-10-023	American Federation of State, County and Municipal Employees,	2/9/2011

Counsel 31 and City of Chicago (Department of Public Health)

S-CB-06-053 S-CB-06-055 S-CB-07-005 S-CB-07-007 S-CB-08-031	Elitha Brown and American Federation of State, County and Municipal Employees, Council 31	2/8/2011
S-CA-07-209	Service Employees International Union, Local 73 and New Lenox Township Fire Protection District	2/8/2011
S-RC-09-139	Illinois FOP Labor Council and Village of Lake Zurich	03/18/2011
S-MA-09-244	City of Sterling and Policemen's Benevolent Labor Committee	5/11/2011
S-CA-11-045	International Brotherhood of Teamsters, Local 700 and City of Marengo	5/11/2011
S-CA-11-017	Service Employees International Union, Local 73 and County of McHenry	5/11/2011
S-UC-10-194 S-UC-10-196	United Automobile Workers, Local 974 and City of Mason	5/11/2011
S-MA-11-344	City of Woodstock and International Brotherhood of Operating Engineers, Local 150	5/12/2011
L-CA-09-044	Cook County (Juvenile Detention Center) and National Nurses Organizing Committee/California Nurses Association	5/13/2011

DECLARATORY RULING

Case Number	Parties	Date Issued
S-DR-11-001	Village of Streamwood and International Association of Fire Fighters, Local 3022	11/23/2010

CHICAGO OFFICE

160 North LaSalle Street
Suite S-400
Chicago, IL 60601
312-793-6400
FAX: 312-793-6989

SPRINGFIELD OFFICE

One Natural Resources Way
Springfield, IL 62702
217-785-3155
FAX: 217-785-4146

WEBSITE

www.state.il.us/ilrb

Printed by Authority of the State of Illinois
100 Copies
July 2012