



# **Illinois Labor Relations Board**

**2017  
ANNUAL REPORT**

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# Illinois Labor Relations Board

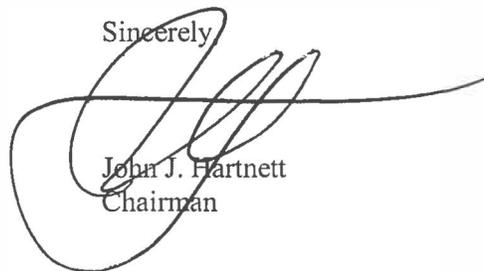
*To the Governor of the State of Illinois, the President of the Illinois Senate, the Speaker of the Illinois House, and the Members of the Illinois General Assembly:*

This is the 33rd annual report of the Illinois Labor Relations Board (ILRB) giving an overview of decisions rendered, statistics of case activity, relevant court decisions, our budget and staffing for the period of July 1, 2016 through June 30, 2017.

The ILRB has offices in Springfield and Chicago. The ILRB consists of two panels with five members on the State Panel and three members on the Local Panel. 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.illinois.gov/ilrb](http://www.illinois.gov/ilrb).

The Illinois Labor Relations Board is grateful to Governor Bruce Rauner, Mayor Rahm Emanuel, and Cook County Board President Toni Preckwinkle for giving us the responsibility to help maintain a positive relationship between public employers and their employees.

Sincerely



John J. Hartnett  
Chairman

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## **Jurisdiction of the Board**

The Illinois Public Labor Relations Act (Act), 5 ILCS 315 (2014), enacted by Public Act 83-1012, effective July 1, 1984, and last amended effective July 27, 2015, governs labor relations between most public employers in Illinois and their employees, along with the labor organizations that represent these 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 resolves or, if necessary, adjudicates labor disputes.

The State Panel has jurisdiction over public, non-educational employers and employees throughout the State of Illinois. Its jurisdiction includes state government, county governments, municipal governments covering populations not in excess of two million persons, and 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 (2014), the Act provides comprehensive statutory regulation of public sector collective bargaining in Illinois. It has many similarities to the National Labor Relations Act, which regulates collective bargaining matters in the private sector, and to the laws of other states that 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 investigation and, where necessary, hearing;
2. Processing petitions seeking the certification or decertification of collective bargaining representatives of public employees, often 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.

## **Amendments to the Board's General Procedures**

The Board revised Section 1200 General Procedures of its administrative rules. Among other things, the Board eliminated filing by facsimile and implemented procedures for electronic filing. A copy of the red-lined version of Section 1200 can be found at:

<https://www.illinois.gov/ilrb/Documents/1200AmendedRedLine.pdf>

## Funding of the Board

The Illinois Labor Relations Board typically receives its funding through the General Revenue Fund (GRF). In FY 2017 the Board received funding for Personal Services expenses for Regular Positions and Social Security/Medicare by court order. In FY 2017, as part of a stopgap budget the ILRB received partial funding for FY 2017 and prior year costs from the Budget Stabilization Fund (BSF). Funds from the BSF were for use towards ordinary and contingent expenses only. Some of the BSF funds were used to pay some of the ILRB's FY 2017 and prior year ordinary and contingent expenses. Those expenditures are reflected in the Actual Expenditures figures in the table below. Because the ILRB actually had a lump sum rather than line item budget for FY 2017, the line item figures represent a reflection of expenditures for those lines. Figures on each line, including the total, were rounded to the nearest dollar. These figures do not include the ILRB's unpaid liability for FY 2017 and prior year bills.

| FY 2017<br>Actual Expenditures |                  |
|--------------------------------|------------------|
| Regular Positions              | 864,677          |
| Social Security/Medicare       | 63,957           |
| Contractual Services           | 58,193           |
| Travel                         | 14,535           |
| Commodities                    | 4,068            |
| Printing                       | 2,794            |
| Equipment                      | 0                |
| Electronic Data Processing     | 14,292           |
| Telecommunication              | 5,224            |
| Agency Ops/Lump Sum            | 893              |
| <b>Total</b>                   | <b>1,028,633</b> |

## **Illinois Labor Relations Board Members**

### STATE PANEL

John J. Hartnett (Chairman)  
Springfield

Michael G. Coli  
Crystal Lake

John R. Samolis  
Lake Zurich

Keith A. Snyder  
Lincoln

Kathryn Zeledon Nelson  
Willow Springs

### LOCAL PANEL

Robert M. Gierut (Chairman)  
Darien

Charles E. Anderson  
Chicago

Angela C. Thomas  
Chicago

## **Illinois Labor Relations Board Staff**

EXECUTIVE DIRECTOR  
Kimberly Stevens

GENERAL COUNSEL  
Helen J. Kim

PERSONNEL OFFICER  
Carla Stone

ASSOCIATE GENERAL COUNSEL  
Anna Hamburg-Gal

CHIEF FISCAL OFFICER  
Aaron Itulya

ADMINISTRATIVE LAW JUDGES  
Kenyatta Beverly  
Matthew Nagy  
Deena Sanceda

INVESTIGATORS  
Olivia Campbell  
Aaron Itulya  
Yumnah Tayyab

INVESTIGATOR/MEDIATOR  
Michael Provines

INFORMATION TECHNOLOGY  
Jodi M. Marr

CASE MANAGER  
Lori Novak

## Functions of the Board

### Case Processing

The Board has two primary programs, Petition Management (Representation Cases) and Unfair Labor Practice Charges. The following briefly describes the types of cases processed by the Board under each program and the procedures used to process them. All references to the Board are applicable to either the State or Local Panel.

#### **Petition Management (Representation Cases)**

Petition management (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 to represent the same group of employees, 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 employees, a group of employees, or labor organizations seeking certification of an exclusive collective bargaining representative for certain positions.

Labor organizations seeking certification as the exclusive bargaining representatives of employees may seek certification by filing a petition seeking an election or a Majority Interest Petition. Where a Majority Interest Petition is filed, the Board determines whether the labor organization has presented evidence that a non-coerced majority of employees in an appropriate unit signed valid cards or petitions indicating they want that labor organization to represent them for the purpose of collective bargaining. The Board can then certify the labor organization as the exclusive representative without an election.

In an Election Petition, a labor organization presents evidence that over 30 percent of the employees seek an election to determine whether a majority desires representation by the petitioning labor organization. The Board then conducts an election to determine the employees' desires regarding representation.

- *Employer's Representation Petitions (RM)* are filed by employers 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 it as the unit's exclusive representative.
- *Decertification Petitions (RD)* are filed by employees seeking an election by which they can indicate their desire to no longer be represented by the existing exclusive collective bargaining representative.
- *Unit Clarification Petitions (UC)* are filed by exclusive collective bargaining representatives or employers 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 exclusive collective bargaining representatives or employers seeking to amend a certification because of a change in name or structure.
- Declaration of Disinterest Petitions (DD) are filed by exclusive collective bargaining representatives to declare their 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 to determine the adequacy of the showing of interest - based on employee authorization cards, petitions, or election results - and the appropriateness of the proposed bargaining unit.

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

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, or when the employer and/or employees are not covered by the Act.

### **Election Petitions**

When an election petition is filed, and Board agent determines that the petition is consistent with the Act and its Rules, the agent will prepare a stipulation for consent election to be signed by the petitioner, the employer, the labor organization seeking to represent the employees, any incumbent, and any timely intervener. Upon approval of the Executive Director, a Board agent will hold the election.

If the investigation of the petition discloses the existence of a question concerning representation, the matter is assigned to an administrative law judge who may set it for hearing. Unlike unfair labor practice hearings, representation hearings are non-adversarial in nature. Parties may file appeals from the Executive Director's dismissal or file exceptions to an administrative law judge's recommended decision and order. The Board hears and rules on all appeals and exceptions.

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 as the exclusive representative or certifies that the election resulted in no representation. Subsequent elections cannot be conducted in the bargaining unit for one year following an election that results in a Board certification.

### **Majority Interest Petitions**

When a majority interest petition is filed, it is investigated to ensure that the labor organization has provided evidence that a non-coerced majority of the employees in an appropriate unit want to be represented by it 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 as defined by the Act), the Board will nevertheless certify the labor organization as the exclusive representative for the unit if the contested positions are not sufficient to affect the labor organization's 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 the majority interest petition proposes 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 a combined unit. If the professional and nonprofessional employees decline to 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, an administrative law judge will determine whether there is clear and convincing evidence of fraud or coercion. This recommendation can be reviewed by the Board. 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.

### **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 a charge with the Board 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; and
- 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 dismissal or file exceptions to an administrative law judge's recommended decision and order. The Board hears and rules on all appeals and exceptions. Parties aggrieved by Board decisions and orders may obtain judicial review in the Illinois Appellate Court. Parties may also seek to enforce a Board order in the Illinois Appellate Court.

In FY2014, the Board designated one of its investigators to function as its in-house mediator. This move allows the Board to provide mediation services to parties who have pending claims before the Board.

## **Other Issues Before the Board**

In addition to cases that fall within the Board's two major programs, other issues also come before the Board. Below is an overview of various other ways the Board facilitates effective bargaining relationships between public employers and their employees.

### **Mediation/Arbitration Cases**

The Board maintains a roster of qualified mediators and arbitrators. Upon request, the Board provides a list of mediators or arbitrators (MA) to parties who have reached an impasse in collective bargaining. 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 use interest arbitration on agreement of the parties or in certain instances in negotiating a first contract. The parties may request the Board's roster for other services as well, such as fact-finding, grievance arbitration, and grievance mediation, which are provided at the request of one or both parties.

### **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.

### **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. Such requests must be made jointly, unless it involves a protective services employee unit where a request for interest arbitration has been made.

### **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 it is sufficient to warrant a hearing before an administrative law judge of the ILRB. In these cases, the Executive Director may either issue a non-appealable dismissal 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.

### **Rulemaking**

The Board is authorized to promulgate rules and regulations governing its activity. 5 ILCS 315/5(i), (j) & (k) (2012). A vote of five of the eight Board members is necessary to enact or amend rules.

The Board has adopted regulations governing its internal structures (2 Ill. Adm. Code 2500), access to its records (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), procedures for police decertification cases (80 Ill. Adm. Code 1240), and procedures for implementing the gubernatorial designations for exclusion (80 Ill. Admin. Code 1300). The Board's rules are available at its offices or on its website at <http://www.illinois.gov/ilrb>.

### **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.

### **Law Library/Contract Repository**

Specialized public sector labor relations law libraries are maintained in the Board's Chicago and Springfield offices. The libraries contain the Illinois Public Employee Reporter and are open to the public. The Board also serves as the repository of public sector collective bargaining agreements for employees under the Board's jurisdiction.

## Board and Court Decisions

### I. Representation Issues

8/15/16

#### 2nd District Opinion

#### Threats and Coercion in obtaining Majority Support

#### Propriety of a 2-2 State Panel Vote

In *Clerk of the Circuit Court of Lake County v. the Illinois Labor Relations Board, State Panel, et al., and the American Federation of State, County and Municipal Employees, Council 31*, 2016 IL App (2nd) 150849, 33 PERI ¶ 31, (Case No. S-RC-15-049, 32 PERI ¶ 28), the appellate court affirmed the State Panel's 2-2 vote which allowed the ALJ's RDO to stand as a non-precedential order certifying the proposed unit and rejecting the Employer's argument that a hearing was required on its contention that the Union obtained its showing of interest by the use of fraud or coercion. On appeal, the Court affirmed not only the Board's process that, in the event of a 2-2 vote, the ALJ's decision stands as non-precedential decision, but also the ALJ's finding that, when alleging fraud and coercion with respect to a majority interest petition, an employer's response to the petition must include clear and convincing evidence of the alleged fraud and coercion. Based on this finding, the court rejected the employer's contention that it was entitled to a hearing on the alleged fraud and coercion before the Board made a determination as to the underlying petition.

8/24/16

#### ILRB SP

#### Unit Appropriateness

In *Metropolitan Alliance of Police, DuPage County Forest Rangers, Chapter 714 and Forest Preserve District of DuPage County*, 33 PERI ¶ 35 (IL LRB-SP 2016) (Case No. S-RC-15-006), the Board certified the petitioned-for bargaining unit of Rangers and Senior Rangers, finding that a presumption that the unit was inappropriately narrow did not apply, because the Rangers and Senior Rangers did not perform sufficiently similar duties to those performed by nineteen other positions that the Employer argued should be included in the unit. The Board further held that the ALJ did not error in finding that petitioned-for unit of Rangers and Senior Rangers was appropriate because the positions within the unit shared a community of interest as identified in Section 9(b) of the Act.

8/25/16

#### 1st District Opinion

#### Supervisory Exclusion

In *Chicago Joint Board, 200 v. Ill. Labor Relations Bd., Cook Cnty. Health and Hospital System*, 2016 IL App (1st) 152770-U, 33 PERI ¶ 36 (ILRB Case No. L-RC-14-018, 32 PERI ¶ 55), the appellate court affirmed the Board's order dismissing the representation petition because the petitioned-for Pharmacy Supervisors were supervisors within the meaning of Section 3(r). The parties stipulated that the principal work of the Pharmacy supervisors was substantially different from that of their subordinates, and the ALJ and the Board determined, among other things, that while the Pharmacy Supervisors did not have authority to hire or unilaterally impose discipline, they did have the authority to effectively recommend discipline, as evinced by their broad authority to select a non-disciplinary approach to employee misconduct. Further, the Pharmacy Supervisors directed their subordinates with independent judgment when they reviewed their subordinates' work to assess its quality and make effective recommendations concerning subordinates' evaluations, and that they spent the preponderance of their work time engaged in supervisory functions because their most important task was to ensure the quality of their subordinates' work through supervisory direction and discipline.

**9/2/16**

**ILRB SP**

**Hearings on Vacant Positions**

In *State of Illinois, Department of Central Management Services and AFSCME Council 31*, 33 PERI ¶ 55 (IL LRB-SP 2016) (Case Nos. S-UC-16-032, S-UC-16-033, and S-UC-16-034), the ALJ recommended dismissal of three petitions seeking to exclude Public Service Administrator positions from the bargaining unit, concluding that a hearing on the positions' duties is inappropriate, because the positions were vacant. The Board reversed the ALJ's dismissal and remanded the case for hearing. The Board acknowledged that it has previously and historically declined to hold hearings on vacant positions as a matter of policy, but found that the evidence presented during investigation, which clearly and specifically defined the duties that prospective employees will be expected to perform, raised a question of fact as to whether the positions' anticipated duties would support a statutory exclusion. The Board also recognized that this modification in policy with respect to vacant positions necessarily requires a shift toward relying on position descriptions as evidence of a position's duties.

**10/3/16**

**ILRB SP**

**Supervisory Exclusion**

In *American Federation of State, County and Municipal Employees, Council 31 and Chief Judge of the Circuit Court of Cook County*, 33 PERI ¶ 60 (IL LRB-SP 2016) (Case Nos. S-RC-15-032 and S-RC-15-012), Petitioner Union filed two separate petitions seeking to represent two job titles, Assistant Team Leader (ATL) and Supervisor in Charge (SIC), employed by the Respondent Employer at its Juvenile Temporary Detention Center (JTDC). The Employer objected to both petitions, contending that the petitioned-for job titles were supervisory as defined under Section 3(r) of the Act. The ALJ found that ATLs and SICs are supervisors within the meaning of the Act because they discipline, direct, and adjust grievances with independent judgement, and they spend a preponderance of their work time engaged in such supervisory functions. The ALJ's decision was affirmed by the Board for the reasons set forth in that decision.

**4/11/17**

**ILRB SP**

**Unit Clarification/Majority Interest Petition; Managerial Exclusion**

In *American Federation of State, County and Municipal Employees, Council 31 and State of Illinois, Department of Central Management Services*, 33 PERI ¶ 110 (IL LRB-SP 2017) (Case Nos. S-RC-15-044 and S-UC-15-052), the Union filed a unit clarification petition to include one Executive I position in a bargaining unit. Additionally, the Union filed a majority interest petition seeking to represent the position. The Employer opposed the unit clarification petition, asserting that there had not been a substantial change in the Executive I's duties and functions. The Employer opposed the majority interest petition, contending that a 2006 agreement to exclude barred the petition. The Employer also asserted that the Executive I position should be excluded from the bargaining unit pursuant to the Act's exemption for managerial employees. The ALJ found the unit clarification petition to be appropriate because a substantial change in the Executive I's duties occurred in 2006 when a new Bureau Chief altered the duties such that the incumbent no longer possessed the authority and discretion that rendered the position excluded under the prior Bureau Chief. Although the ALJ found that the petition was appropriate, she determined that it was untimely because the Union filed the petition nearly a decade after the event triggering the changed duties.

Regarding the Union's majority interest petition, the ALJ found the 2006 agreement did not bar the petition, explaining that neither a general exclusionary clause or an express waive could operate as an indefinite waiver of the Union's organizational rights to add the position to the unit. The ALJ also determined the at-issue Executive I was not a managerial employee, concluding the Executive I acts in the limited role of an advisor, merely provides administrative support, does not have the authority to approve the budget, is not engaged in executive and management functions, and does not exercise authority and discretion which

broadly affects the Employer's goals. Accordingly, the ALJ granted the Union's majority interest petition. The Board affirmed the ALJ's decision.

**4/11/17**

**ILRB SP**

**Unit Clarification/Majority Interest Petition; Certification Bar; Managerial and Supervisory Exclusion**

In *American Federation of State, County and Municipal Employees, Council 31 and State of Illinois, Department of Central Management Services*, 33 PERI ¶ 111 (IL LRB-SP 2017) (Case Nos. S-RC-15-066 and S-UC-15-123), the Union filed a majority interest representation petition (Representation Petition) to include one PSA, Option 3 in a bargaining unit. The Employer opposed the petition, asserting that the PSA, Option 3 is a managerial, supervisory, and/or confidential employee. The Employer also argued that the petition was barred by res judicata because the PSA, Option 3 position was previously excluded from the bargaining unit after the Employer filed a unilateral unit clarification petition asserting that the position was managerial, and the Union did not oppose the petition. The Employer argued that if the petition was not barred, then the case should be heard as a unit clarification petition. Thereafter, the Union filed the instant unit clarification petition. The ALJ found that the prior unit clarification certification was proper as it is the Board's consistent and regular practice to issue such certifications when a unilaterally filed petition is unopposed. However, the ALJ did not find that the Representation Petition was barred by res judicata because the facts and issues in the prior case and current case are different.

The ALJ also found that of the two petitions filed by the Union in the instant case, the unit clarification petition was the appropriate choice, stating that the Representation Petition was barred by the Board's certification bar rules. Although the ALJ found that the instant unit clarification petition was appropriate, the ALJ determined that the evidence did not demonstrate a substantial change in the duties and functions of the PSA, Option 3. The ALJ also found that the PSA, Option 3 was not a managerial or supervisory employee.

The Board agreed with the ALJ's conclusion that the prior unit clarification petition was properly certified; rejected the ALJ's conclusion that the instant Representation Petition was barred by the certification bar and instead found the petition to be proper; and affirmed the ALJ's finding that the PSA, Option 3 is supervisory and managerial.

**05/26/17**

**1st District Opinion**

**Revocation of Certification**

In *AFSCME Council 31 v. Ill. Labor Relations Bd., Sheriff of Cook Cnty., and MAP Chapter 438*, 2017 IL App (1st) 160960 and 162034 (consol. for decision), 33 PERI 119, (ILRB Case No. L-UC-15-003, bifurcated proceedings), 32 PERI ¶ 158 and 33 PERI ¶ 18, AFSCME filed a unit clarification petition (UC) seeking to include 8 employees in the Cook County Sheriff's Electronic Monitoring Unit. MAP tried to intervene alleging that it currently represented the employees at issue. The Executive Director issued a certification (no objections to the UC had been filed) and then revoked it when MAP informed Board agents that it already represented the job title AFSCME was seeking. The case was bifurcated with the issue of whether the ED had authority to revoke the certification going to the Board while a hearing on whether the UC should be dismissed for failure to comply with the Board's rules on the filing of UCs. AFSCME filed two separate appeals. Appellate Court Case No. 1-16-0960 involves a review of the Board's order affirming the Executive Director's revocation order and Appellate Case No. 1-16-2034 involves the Board's order dismissing the unit clarification petition filed by AFSCME. In the first appeal, the court reversed on grounds that the Executive Director exceeded her authority in revoking the certification of AFSCME as the exclusive representative. In the appeal of the Board's dismissal of the UC, the court held that because it

found that the Executive Director lacked authority to revoke AFSCME's certification, the Board's dismissal was void.

**06/05/17**

**1st District Rue 23 Order**

**Supervisory Exclusion**

In *AFSCME Council 31 v. Illinois Labor Relations Board and City of Chicago, Dep't of Bldgs*, 2017 IL App (1st) 160835-U, 33 PERI ¶ 125, (ILRB Case No. L-RC-15-008), 32 PERI ¶ 155, the court affirmed the Board's decision determining that the Assistant Chief Engineer of Sewers in the City of Chicago's Department of Buildings was excluded from collective bargaining pursuant because he was a supervisor under the Act.

**06/13/17**

**ILRB SP**

**Unit Clarification; Confidential Exclusion**

In *State of Illinois, Department of Central Management Services (Department of Corrections and Metropolitan Alliance of Police, Chapter 294*, 33 PERI ¶ 121 (IL LRB-SP 2017) (Case No. S-UC-16-050), the Board accepted, with modification, the ALJ's recommended order finding the Employer's unit clarification petition to remove the titles of Internal Security Investigator (ISI) I and II from the bargaining unit represented by the Union to be procedurally appropriate and granting the petition. The Board accepted the ALJ's recommendation rejecting the Union's arguments that the petition was inappropriate because it sought to exclude an entire bargaining unit of 19 employees rather than a small number of positions. Relying on *Department of Central Management Services (Department of Corrections) v. Illinois Labor Relations Board, (DOC)*, 364 Ill. App. 3d 1028 (4th Dist. 2006), the Board accepted the ALJ's determination that the petition, filed eight years after the positions were included in the bargaining unit, was timely, holding that the State can file a unit clarification petition at any time to remove a confidential employee from a bargaining unit. The Board and the ALJ rejected that the Union's attempt to distinguish the case from DOC on the basis that it sought to eliminate the entire bargaining unit rather than to remove some included job titles, noting that the Union cited no precedent identifying such a distinction. The Board also affirmed the ALJ's recommendation that the ISIs I and II are confidential employees within the meaning of section 3(c) of the Act under the authorized access test because, in the regular course of their duties, they have authorized access to confidential collective-bargaining related emails. The Board additionally found the positions to confidential based on the employees' role in the Employer's disciplinary process. It held that employee duties that result in work product on which the Employer's decision to discipline, or its grievance arbitration litigation strategy, is based, create a risk of divided employee loyalty between management and the union, and therefore should be considered in the confidential employee analysis. The Union sought direct administrative review by the appellate court of the Board's order and on June 13, 2017, the Board denied the Union's motion to stay its decision pending that review.

**6/13/17**

**ILRB SP**

**Unit Appropriateness**

In *International Brotherhood of Teamsters, Local 700 and Illinois State Toll Highway Authority*, 34 PERI ¶ 41 (IL LRB-SP 2017), the Union petitioned to represent employees of the ISTHA in the title of Intelligent Transportation Systems Field Technicians in a stand-alone bargaining unit. The ALJ found that the Employer did not identify any job positions that are not already represented by another union and which the petition should also have sought to include in the bargaining unit, and therefore the presumption of inappropriateness did not apply. The ALJ also found that the Employer conceded that the petitioned-for employees share a community of interest. The ALJ determined that no hearing was necessary. She found that the bargaining unit was appropriate and recommended certification of the unit. The Board rejected the ALJ's findings and recommendation. The Board found that the Employer identified positions that were not

already included in a bargaining unit and which the petition did not seek to represent, raising an issue of fact requiring a hearing over whether the presumption of inappropriateness applies, the petition seeks only a portion of employees who perform similar duties under a centralized personnel system, and the appropriateness of the bargaining unit under the Section 9(b) factors. The Board remanded the matter to the ALJ for hearing.

**06/27/17**

#### **4th District Opinion**

##### **Section 3 Exclusions for Office of Secretary of State**

In *SEIU v. Ill. Labor Relations Bd. and State of Ill., Secretary of State*, Fourth District Appellate Court Case Nos. 4-16-0347 and 4-16-0372 (consol. for decision), 34 PERI ¶ 5, (Case Nos. S-UC-12-034 & S-UC-14-006, 32 PERI ¶ 182) the court affirmed the Board's decision finding that the Executive I positions and the Drivers Facility Managers at the Secretary of State should be excluded from the bargaining unit. The Board had found that the Executive I positions were excluded as a matter of law and that the Drivers Facility Managers met the test for exclusion set forth the 2013 amendments to the Act. Regarding the Executive I positions, the court held that the Board did not err in its interpretation of the portion of Section (3) of the Act excluding the Executive I positions at the Secretary of State's office from the Act's definition of "public employee." Notably, the court declined to interpret the language of the "policy making exception" in Section 3(n) to require the use of the functional test established by the Seventh Circuit in *Nekolny v. Painter*, 653 F.2d 1164, 1169 (7<sup>th</sup> Cir. 1981) as urged by the Union. Modification upon denial of rehearing issue on 7/31/17.

## **II. Employer Unfair Labor Practices**

**7/29/16**

**ILRB SP**

##### **Motion to Expedite Board's Ruling**

In *State of Illinois, Department of Central Management Services and American Federation of State, County and Municipal Employees, Council 31*, 33 PERI ¶ 46 (IL LRB-SP 2016) (Case Nos. S-CA-16-087 and S-CB-16-017), the State Panel rejected the Employer's request to expedite the decision and order in the consolidated case involving the question of whether the State of Illinois and AFSCME were at a legitimate impasse in their negotiations for a successor agreement. The Employer proposed having the Board decide the case directly from the record, without the assistance of a recommendation by the ALJ. The State Panel held that the approach suggested by the Employer would not necessarily expedite its consideration of the matter, as the Illinois Administrative Procedures Act requires the equivalent of an RDO unless the Board actually heard the testimony or a majority of the Board reviewed the record in whole. Further, the Board found that even a variance from the Board's rules would not allow the Board to run afoul of the APA's mandate. The Board further directed the parties to comply with all timeframes for filing post-hearing briefs and that no extensions in time would be granted.

**8/10/16**

**ILRB SP**

##### **Failure to Bargain; Status Quo; Discriminatory Motive**

In *North Riverside Fire Fighters, Local 2714 and Village of North Riverside*, 33 PERI ¶ 33 (IL LRB-SP 2016) (Case No. S-CA-15-032), the Board held that that the ALJ properly denied the Union's request to amend the complaint to include an allegation the Employer violated the Act by bargaining to impasse on its proposal to subcontract its firefighting services to a private company; that the Employer violated Sections 10(a)(4) and (1) of the Act by altering the status quo during the pendency of interest arbitration when it issued termination notices to firefighters; that the Employer independently interfered, restrained, and coerced employees in violation of Section 10(a)(1) of the Act when it issued the termination notices; and

that the Employer did not engage in surface bargaining when it rejected the Union's counter proposals regarding the privatization. Board Member Snyder dissented with the majority's holdings that the Employer altered the status quo during the pendency of interest arbitration and that it restrained and coerced employees when it issued the termination notices. Member Snyder found that the Employer did not violate the Act when it issued the termination letters, because the issuance of termination notices did not change the status quo nor constitute an adverse action where the Employer did not actually terminate the firefighters. Member Snyder also found that the Employer did not act with a discriminatory motive, but rather was motivated by its legitimate business reason of extreme financial hardship when it issued the termination notices.

**9/15/16**

**ILRB LP**

**Dismissal after Deferral to Arbitration**

In *Fraternal Order of Police, Lodge No. 7 and City of Chicago (Department of Police)*, 33 PERI ¶ 56 (IL LRB-LP 2016) (Case No. L-CA-15-066), the Board affirmed the Executive Director's dismissal of a previously deferred charge. The dismissal was related to the Lodge's failure to respond to the Board's correspondence investigating the status of the deferred charge. On appeal, the Lodge provided evidence that it had, in fact, responded to the Board's letter and through that response, the Lodge sought to withdraw the charge given that the arbitration award and the City's compliance resolved the issues. Therefore, the Board affirmed the dismissal, but modified the basis for the dismissal to reflect that the arbitration award and City's compliance, rather than a failure to respond to the Board.

**9/30/16**

**ILRB SP**

**Executive Director Dismissal - Retaliation, Appointment of Counsel**

In *Charles Jones and State of Illinois, Department of Central Management Services (Children and Family Services)*, 33 PERI ¶ 58 (IL LRB-SP 2016) (Case No. S-CA-15-149), the Board affirmed the Executive Director's dismissal of the Charging Party's claim against the Employer, finding the charge failed to present issues for hearing. Jones claimed that his Employer assaulted him, improperly suspended him, altered information on his computer in order to support claims that he did not adequately perform his duties, refused to allow him to use benefit time, and failed to properly investigate a claim that he allegedly had threatened a supervisor. Although Jones had engaged in protected activity by previously filing claims against the Employer, and the Employer took adverse action against Jones by imposing suspensions against him before his final discharge, the Executive Director determined that Jones had not raised a question of law or fact for hearing. Namely, he failed to produce any evidence of a causal connection between his protected activity and the adverse actions taken against him by the Employer.

Following the dismissal, the Charging Party filed a Request for Appointment of Counsel. First looking to the technical requirements, the Board noted that the Charging Party failed to submit the requisite affidavit attesting to his inability to pay or otherwise provide for representation. Even if the Charging Party could satisfy the means test, the Board found that the request lacked merit, as the assistance of counsel could not remedy the substantive deficiencies of the Charging Party's claims. Based upon the merit requirement, the Board inferred a recognition of financial costs associated with the appointment of counsel, which includes some measure of a cost/benefit analysis.

**10/3/16**

**ILRB SP**

**Failure to Bargain; Status Quo During Interest Arbitration;**

In *Service Employees International Union, Local 73 and Village of Dixmoor*, 33 PERI ¶ 49 (IL LRB-SP 2016) (Case No. L-RC-14-063), the Board affirmed the ALJ's conclusion that the Employer's failure to maintain the status quo through interest arbitration violated Section 10(a)(4) and (1) of the Act. The Board held that the Employer violated Section 10(a)(4) and (1) of the Act when it unilaterally closed its Fire Department, subcontracted bargaining unit work, and unilaterally laid off bargaining unit employees. The Board noted that it was bound by the plain language of Section 14(1) of the Act, which specifically provides that the parties cannot unilaterally alter existing wages, hours, and other conditions of employment during the pendency of interest arbitration. The Board nonetheless recognized that Section 14(1) does not account for the fiscal realities where public employers cannot afford to maintain the status quo during interest arbitration. The Board also specifically rejected the ALJ's suggestion that the significance of the financial crisis was diminished because it had evolved over time due to the Employer's mismanagement or neglect. The Board rejected the suggestion that financial matters are *categorically* amenable to bargaining.

**10/3/16**

**ILRB SP**

**Unfair Labor Practice - Employer's Knowledge of protected concerted activity**

In *American Federation of State, County and Municipal Employees, Council 31 and Will County Circuit Clerk*, 33 PERI ¶50 (IL LRB-SP 2016) (Case No. S-CA-14-123), the Board rejected the ALJ's recommendation and instead held that the Respondent, Will County Circuit Clerk did not violate Sections 10(a)(2) and (1) of the Act when it terminated a probationary employee. The Board agreed with the ALJ's conclusion that the probationary employee had engaged in protected and concerted activity by participating in the strike with other bargaining unit members by not attending work and by chanting on the picket line, and that on at least one occasion the employee led the other members in chanting on the picket line. The Board also agreed that shortly after the probationary employee returned from the one-week strike, the employer terminated the probationary employee. However, the Board disagreed with the ALJ's conclusion that the employee's participation in the strike and picketing was in any part a motivating factor in the employer's decision to terminate the employee. Instead, the Board credited the testimony of the employer's agent that she decided to terminate the employee prior to the strike and that while she was aware that the employee was participating in the strike, she was unaware that the probationary employee had taken such an active and enhanced role on the picket line.

**10/28/16**

**ILRB LP**

**Untimely Answer; Default Judgment**

In *Michael J. Conroy and City of Chicago (Fire Department)*, 33 PERI ¶ 51 (IL LRB-LP 2016) (Case No. L-CA-16-020), Charging Party filed an unfair labor practice charge alleging that the Respondent Employer discriminated against him for initiating or filing OSHA complaints and raising safety concerns at the workplace as well as for filing an unfair labor practice charge with the Board. The Board's Executive Director issued a complaint on the charge. Per the Board's Rules and Regulations, service of the complaint on the Employer was presumed to have been effectuated on Friday, June 3, 2016, making its answer to the complaint due by June 20, 2016. As of June 28, the Employer had not filed its answer. The ALJ issued an Order to Show Cause as to why default judgment should not issue against the Employer for its failure to file an answer, and the Employer filed a response. Therein, counsel for the Employer admitted that she inadvertently put the wrong deadline for filing the answer on her calendar. The ALJ subsequently issued default judgement against the Employer. The ALJ noted that the Board's rules explicitly provide that a party who does not file a timely answer is deemed to have admitted the allegations contained within the complaint and will cause the proceedings before the Board to terminate with a default judgment being entered against the party failing to file the answer. This rule, the ALJ pointed out, has been strictly observed

and construed by the Board and courts. The Board's rules do permit an ALJ to grant a respondent leave to file a late answer, but only in situations involving extraordinary circumstances. The ALJ noted that the Board and courts have long held that inattention or negligence, as was the case here, does not rise to the level of an extraordinary circumstance. The Board affirmed the ALJ's default judgement.

**11/16/16**

**ILRB LP**

**Unilateral Change – camera footage to support discipline**

In *Painters Council, Local 14 and Chicago Transit Authority*, 33 PERI ¶ 61 (IL LRB-LP 2016) (Case No. L-CA-14-035), the Board held that the Chicago Transit Authority ("CTA") violated Sections 10(a)(4) and (1) of the Act when it used footage from rail platform cameras to support its decision to discipline three employees in a bargaining unit represented by Painters Council, Local 14 because the employees did not know that the platform cameras could capture their conduct while they were not standing on the CTA platform, e.g., while they were on the public sidewalk next to the station, in a CTA van parked on the street, and in the parking lot adjacent to the station. The Board also held that the CTA's use of use of handheld surveillance cameras to support its disciplinary decision did not violate the Act because it did not constitute a substantial change to the method of investigation the CTA relied upon in making disciplinary decisions, where the record demonstrated that the CTA had historically investigated workers by observing them on the job and that the handheld cameras merely recorded what an investigator could observe with the naked eye. Finally, the Board modified the remedy recommended by the ALJ, and held that instead of allowing the CTA to make its disciplinary decision without considering the platform camera footage, it ordered the CTA to rescind the discipline imposed upon the three employees.

**12/13/16**

**ILRB SP**

**Refusal to Bargain; Impasse; Surface Bargaining; Failure to Provide Information; Direct Dealing; Surface Bargaining**

In *State of Illinois, Department of Central Management Services and American Federation of State, County and Municipal Employees, Council 31*, 33 PERI ¶ 67 (IL LRB-SP 2016), the State Panel ruled on two consolidated cases, Case No. S-CB-16-017 and Case No. S-CA-16-087. In Case No. S-CA-16-087, the American Federation of State, County, and Municipal Employees, Council 31 ("Union") alleged that the State of Illinois, Department of Central Management Services ("State") violated Sections 10(a)(4) and (1) of the Act when it failed to provide the Union with necessary information to bargain over proposals, engaged in direct dealing, refused to bargain over mandatory subjects of bargaining, included permissive subjects in its last, best, and final offer, included illegal subjects of bargaining in its last, best, and final offer, engaged in surface bargaining, and refused to meet with the Union to bargain after January 8, 2016, instead declaring impasse. The Board affirmed the ALJ's conclusion that the State violated Sections 10(a)(4) and (1) of the Act by failing and refusing to provide the Union with certain information it requested from the State before the State's declaration of impasse. It rejected the State's claims on exception that the Union made the requests in bad faith and that the State's refusal to provide the information did not interfere with the Union's role as collective bargaining representative. Although some of the information requested pertained to health insurance, the Board expressly declined to address the State's exceptions to the ALJ's finding that health insurance was a mandatory subject of bargaining. The Board allowed the ALJ's determination on that issue to stand as a non-precedential disposition of the Board.

A majority of the Board affirmed the ALJ's finding that the State violated the Act by failing and refusing to provide the Union with certain information it requested from the State after the State's declaration of impasse. The majority emphasized that the State had a continuing obligation to provide the Union with information that is relevant and necessary to the Union's role as collective bargaining representative, even after the declaration of impasse. Two dissenting Board members stated that they would find that the State

had no obligation to provide the Union with the requested information after the parties had reached impasse. They also reasoned that the Union's requests were not made in good faith.

The Board likewise affirmed the ALJ's dismissal of the allegations that the State engaged in direct dealing or otherwise made statements that violated the Act, imposed waivers of the Union statutory rights during bargaining, made illegal proposals in bargaining, engaged in surface bargaining, refused to bargain over the Union's Parking and Records and Forms proposals, unlawfully failed to explain its proposals, and refused to meet with the Union for bargaining after January 8, 2016, while the Board was determining the question of impasse.

However, the Board reversed the ALJ's finding that the parties were not at overall impasse on January 8, 2016, and it likewise rejected the ALJ's remedy of partial implementation. While the ALJ found that the parties had reached impasse on some package proposals but not others and permitted the State to implement those proposals on which the parties had reached impasse, the Board applied the approach that the ALJ had proffered as an alternative to her primary finding. Accordingly, the Board rejected the ALJ's package-by-package analysis of the question of impasse and adopted the National Labor Relations Board's single critical issue impasse test. To that end, the Board held that the parties reached a good faith bargaining impasse on the single critical issue of subcontracting. It further reasoned that the parties' disagreement on the issue of subcontracting led to a breakdown in negotiations.

The Board acknowledged that the State had committed an unfair labor practice by refusing to provide the Union certain requested information, but it found that this unfair labor practice did not preclude a finding that the parties had reached impasse where the information requested did not relate to subcontracting. Similarly, the Board acknowledged that the State had included some permissive subjects in its last, best, and final offer, but it reasoned that this too did not preclude a finding of impasse where the permissive aspects of the proposal did not cause the impasse.

Finally, the Board found that the Union's post-January 8, 2016 statements did not break the impasse because the Union merely stated that it was working on new proposals and offered only vague, non-specific statements that the Union was willing to move from its position.

**02/01/17**

### **1st District Opinion**

#### **Mandatory Subject of Bargaining—Secondary Employment**

In *Cnty. of Cook and Sheriff of Cook Cnty., v. Ill. Labor Relations Bd., and Teamsters, Local 700 and Ill. Fraternal Order of Police*, 2016 IL App (1st) 153015, ILRB Case No. L-CA-14-016, 32 PERI ¶ 70, the court affirmed the Board's decision finding that the Sheriff committed an unfair labor practice when he unilaterally changed the policy and procedures related to secondary employment without giving the Union notice and an opportunity to bargain. The Sheriff had issued a new general order setting forth the Sheriff's secondary employment policy which differed from the policy included in a prior general order. The new general order included conditions under which secondary employment may be denied or revoked, and imposed an annual reporting requirement on all unit member employees, not just those that intended to pursue secondary employment. The Union demanded to bargain the change and its effects but the Sheriff did not respond to the bargaining demands. The Board found that the new secondary employment policy was a mandatory subject of bargaining and the Sheriff committed an unfair labor practice when he unilaterally changed this policy and failed to bargain the change and its effects with the Union. The Sheriff petitioned for leave to appeal to the Illinois Supreme Court which was denied.

**03/15/17**

**1st District Rule 23 Order**

**Board's Exclusive Jurisdiction Over Act and Collective Bargaining**

In *Village of North Riverside v. Ill. Labor Relations Bd., and North Riverside Firefighters and Lieutenants Union Local 2714, IAFF*, 2017 IL App (1st) 152900, ILRB Case No. S-CA-15-032, 33 PERI ¶ 33, the Village filed an interlocutory appeal of a Circuit Court of Cook County's order dismissing the Village's action for declaratory judgment. The Village filed an action in the Circuit Court of Cook County asking the circuit court to declare, among other things, that "nothing in the CBA, the Illinois Public Labor Relations Act, or any other law prevents the Village from outsourcing its fire protection service based on a good faith legislative determination of economic necessity." The First District affirmed the dismissal noting that the Act gives the Board exclusive jurisdiction over disputes related to collective bargaining and the Act. This case is related to Appellate Court Case No. 1-16-2251 which appealed the Board's decision in Case No. S-CA-15-032. See case summary for S-CA-15-032 on p.14.

**03/31/17**

**1st District Opinion filed December 5, 2017; Modified Upon Denial of Rehearing March 31, 2017**

**Permissive Subject; Interest Arbitration; Submission of Status Quo Language as Waiver of Statutory Rights**

In *Skokie Firefighters Union, Local 3033 v. Ill. Labor Relations Bd., and Village of Skokie*, 2017 IL App (1st) 152478, ILRB Case No. S-CA-14-053, 32 PERI ¶ 50, the Union appealed the Board's decision affirming the ALJ's dismissal of an unfair labor practice charge that alleged the Village refused to bargain in good faith when it submitted a permissive bargaining proposal to an interest arbitrator. The charge was dismissed in view of the Board's decision in *City of Wheaton*, 31 PERI ¶ 131. The appellate court reversed the Board's decision and remanded to the Board to vacate the dismissal and to find that Village committed an unfair labor practice. The court found that the submission of *status quo* language concerning the examination process for lieutenants had the effect of waiving statutory rights under the Fire Department Promotions Act. The Village filed a petition for rehearing asking the court to remand the matter to the Board for hearing. The court denied the petition for rehearing noting that a hearing was not required as the Village in its motion to dismiss before the Board admitted that there were no issues of fact or law for hearing.

**03/31/17**

**1st District Opinion Filed February 21, 2017; Modified Upon Denial of Rehearing**

**Mandatory Subject of Bargaining; Unilateral Change**

*Teamsters, Local 700 v. Ill. Labor Relations Bd., and Cnty of Cook and Sheriff of Cook Cnty.*, 2017 IL App (1st) 152993, ILRB Case No. L-CA-13-055, 32 PERI ¶ 69, the court reversed the Board's determination that the Sheriff's was not obligated to bargain over his new gang affiliation order but affirmed the Board's finding that the Sheriff lawfully issued a general order setting forth his social media policy. The Sheriff issued two general orders relating to rules of conduct relating to gang affiliation and social media. The gang affiliation order required disclosure of known gang affiliations or those gang affiliations that unit member employees "should have known" existed. The Union alleged Sheriff was obligated to bargain over the gang affiliation. The Board found the Sheriff had no obligation to bargain over the gang affiliation order because it was a non-mandatory subject of bargaining. The court reversed finding that the benefits of bargaining the gang affiliation order outweighed the burdens where the record lacked sufficient evidence as to the extent of the burden on the Sheriff to bargain.

The Sheriff's social media policy order included a provision stating that all rules of conduct in the Sheriff's Office apply to internet activity, including activity on social media sites. The Union alleged the Sheriff's social media general order had a chilling effect on member employees from engaging in protected activity. The court affirmed the Board's decision finding the Sheriff's conduct did not violate the Act. Applying the analysis in *Martin Luther Memorial Home, Inc.*, 343 N.L.R.B. 646 (2004) (*Lutheran Heritage*) the court

found that the social media order did not restrict protected activity. The Sheriff filed a petition for leave to appeal to the Illinois Supreme Court which was denied.

**4/11/17**

**ILRB SP**

**Repudiation**

In *International Association of Firefighters, Local 412, AFL-COI, CLC and City of Rockford*, 33 PERI ¶ 108 (IL LRB-SP 2017) (Case No. S-CA-15-030), the Board found that City of Rockford did not violate Sections 10(a)(4) and (1) of the Act when it refused to include language on medical certification in the parties' successor collective bargaining agreement. The employer announced a change in its sick leave policy involving medical certification. The union grieved the change, and the parties agreed that they would resolve the grievance during their negotiations of the successor collective bargaining agreement. The Board found that during the negotiations the parties agreed to the medical language itself, but that they did not reach a meeting of the minds as to whether the language would appear in the collective bargaining agreement or whether it would appear in the employer's sick leave policy. Since there was no meeting of the minds as to the essential terms of the agreement, the employer did not violate the agreement by refusing to include the medical certification language.

**06/08/17**

**ILRB LP**

**Duty to Bargain**

In *Amalgamated Transit Union, Local 241/Chicago Transit Authority*, 34 PERI ¶ 1 (IL LRB-LP 2017) (Case No. L-CA-15-008), the Board dismissed the charge filed by Union alleging that the Employer violated the Act when it unilaterally eliminated a certain number of "swing posts" opportunities. Applying the three-prong *Central City* analysis, the ALJ found that the Employer was obligated to bargain its decision to reduce swing post opportunities and thus, violated the Act when it was done without giving the Union an opportunity to bargain. Although the Board concurred with the ALJ's analysis with respect to the first two prongs of the *Central City* test, the Board held that the benefits of bargaining the change did not outweigh the burden on the employer's inherent managerial authority. Specifically, the Board noted that the decision to reduce swing post opportunities was made to ensure more employees were on the street responding to events, restoring service, and handling more passengers during periods of high congestion, thus fulfilling its primary governmental function to provide transit services in an efficient manner. The cost savings concerns, framed in this light, were ancillary at best to the employer's need to increase the efficiency of the service it is statutorily obligated to perform.

**6/13/17**

**ILRB SP**

**Untimely Appeal; Protected Activity; Failure to Respond to Request for Information**

In *Sharon White and State of Illinois, Department of Central Management Services (Human Services Madden Mental Health Center)*, 34 PERI ¶ 39 (IL LRB-SP 2017) (Case No. S-CA-16-137), the Board affirmed the Executive Director's dismissal of the Charging Party's claim against the Employer, finding the Charging Party failed to comply with the Board's rules. The Board struck the Charging Party's appeal on procedural grounds because the appeal was not properly served. However, the Board noted that even if the substance of the appeal was considered, the Executive Director's dismissal would be affirmed on the merits because there was no evidence that the Charging Party engaged in protected concerted activity and the Charging Party failed to respond to the Board investigator's request for information.

**6/13/17**

**ILRB SP**

**Untimely Appeal; Retaliation**

In *Shaquea K. Baker and Cook County Circuit Clerk*, 34 PERI ¶ 38 (IL LRB-SP 2017) (Case No. S-CA-16-128), the Board affirmed the Executive Director's dismissal of the Charging Party's claim against the Employer, finding the Charging Party failed to comply with the Board's rules. The Board struck the Charging Party's appeal on procedural grounds because the appeal was not served on all other parties. However, the Board noted that even if the substance of the appeal was considered, the Executive Director's dismissal would be affirmed on the merits because the Charging Party did not identify any flaws in the Executive Director's analysis or findings of fact. The Charging Party also failed to provide evidence of an unlawful motive during the investigation of the charge, therefore the Executive Director correctly determined there were no issues for hearing. Additionally, the Charging Party did not claim that the Employer retaliated against her due to her participation in the union until the filing of the appeal.

**III. Union Unfair Labor Practices**

**7/29/16**

**ILRB LP**

**Motion to Expedite Board's Ruling**

In *State of Illinois, Department of Central Management Services and American Federation of State, County and Municipal Employees, Council 31*, 33 PERI ¶ 46 (IL LRB-SP 2016) (Case Nos. S-CA-16-087 and S-CB-16-017), the State Panel rejected the Employer's request to expedite the decision and order in the consolidated case involving the question of whether the State of Illinois and AFSCME were at a legitimate impasse in their negotiations for a successor agreement. The Employer proposed having the Board decide the case directly from the record, without the assistance of a recommendation by the ALJ. The State Panel held that the approach suggested by the Employer would not necessarily expedite its consideration of the matter, as the Illinois Administrative Procedures Act requires the equivalent of an RDO unless the Board actually heard the testimony or a majority of the Board reviewed the record in whole. Further, the Board found that even a variance from the Board's rules would not allow the Board to run afoul of the APA's mandate. The Board further directed the parties to comply with all timeframes for filing post-hearing briefs and that no extensions in time would be granted.

**8/5/16**

**ILRB SP**

**Executive Director Dismissal – Mandatory Subject of Bargaining**

In *State of Illinois, Department of Central Management Services (State Police) and Troopers Lodge # 41, Fraternal Order of Police*, 33 PERI ¶ 30 (IL LRB-SP 2016) (Case No. S-CB-16-023), the Board reversed the Executive Director's dismissal. The Board held that the charge presented a case of first impression because the Board had never addressed the impact of 2004 Amendments to the Act on the State's obligation to bargain health insurance. The Employer alleged that the Union violated Section 10(a)(4) of the Act by demanding to bargain over the subject of employee health insurance, because the 2004 amendments the Act provide that the State's Health Insurance Plan is a non-mandatory bargaining subject. The Board remanded the matter for issuance of a complaint for hearing.

**8/12/16**

**ILRB SP**

**Executive Director Dismissal - Duty of Fair Representation**

In *Beverly Jackson and American Federation of State, County and Municipal Employees, Council 31*, 33 PERI ¶ 34 (IL LRB-SP 2016) (Case No. S-CB-16-013), the Board affirmed the Executive Director's

dismissal of the unfair labor practice charge that alleged that the Union breached its duty of fair representation under the Act when it declined to proceed to arbitration regarding the Charging Party's termination. The Executive Director noted that in order to violate the Act the Union's conduct must rise to the level of intentional misconduct. Since there was no evidence that the Union's conduct was motivated by vindictiveness, discrimination, or enmity, there was insufficient evidence that the Union's refusal to arbitrate the Charging Party's termination constituted intentional misconduct.

**9/19/16**

**ILRB LP**

**Executive Director Dismissal - Duty of Fair Representation – Jurisdiction; Standing**

In *Darryl Spratt and Amalgamated Transit Union, Local 241*, 33 PERI ¶ 44 (IL LRB-LP 2016) (Case No. L-CB-16-047), the Board affirmed the Executive Director's dismissal of the Charging Party's unfair labor practice charge against the Union where the Charging Party asserted that the Union breached its duty of fair representation when the Union President did not live up to his promise to get the Charging Party reinstated to his former position as quid pro quo for Charging Party's helping him in his bid for Union President. The Board held that it lacked jurisdiction to hear the matter and that the Union had no duty to represent the Charging Party, because the Charging Party was not a public employee at the time the alleged violations occurred. Thus, the Charging Party lacked standing to bring a charge under the Act. The Board clarified that a former public employee has standing to bring a charge when that employee is terminated and timely files an unfair labor practice charge related to that termination. Here, the Charging Party lacked standing because while he is a former public employee, he filed the charge nine years after his termination, and the charge was unrelated to his termination.

**9/30/16**

**ILRB SP**

**Executive Director Dismissal - Retaliation, Duty of Fair Representation, Appointment of Counsel**

In *Charles Jones and American Federation of State, County and Municipal Employees, Council 31*, 33 PERI ¶ 59 (IL LRB-SP 2016) (Case No. S-CB-15-035), the Board affirmed the Executive Director's dismissal of the Charging Party's claim against his Union, finding the charge failed to present issues for hearing. Jones alleged that his discharge was based on allegations he made threats of violence against a DCFS supervisor. A Union Steward was the individual who reported the alleged threats that led the Employer to terminate Jones. The Union grieved Jones's discharge to Step 4, but ultimately declined to take the matter further based on the merits of the case. The Executive Director determined the Charging Party failed to establish a breach of the duty of fair representation under Section 10(b)(1) of the Act, because there was no evidence of intentional misconduct by the Union, or that the Union harbored bias or otherwise treated him in a discriminatory manner. Although a Union Steward reported the Charging Party for making threats, the Charging Party's claim under Section 10(b)(3) of the Act was dismissed because the absence of evidence of improper motivation. Further, the Executive Director noted that Union representatives, other than the reporting Union Steward, handled the termination grievance and were instrumental in the decision to not pursue the matter to arbitration.

Following the dismissal, the Charging Party filed a Request for Appointment of Counsel. First looking to the technical requirements, the Board noted that the Charging Party failed to submit the requisite affidavit attesting to his inability to pay or otherwise provide for representation. Even if the Charging Party could satisfy the means test, the Board found that the request lacked merit, as the assistance of counsel could not remedy the substantive deficiencies of the Charging Party's claims. Based upon the merit requirement, the Board inferred a recognition of financial costs associated with the appointment of counsel, which includes some measure of a cost/benefit analysis.

**11/29/16**

**ILRB LP**

**Executive Director Dismissal – Duty of Fair Representation**

In *Jason Monsour and Amalgamated Transit Union, Local 308*, 33 PERI ¶ 64 (IL LRB-LP 2016) (Case No. L-CB-16-010), Charging Party alleged that the Union breached its duty of fair representation by negligently failing to process his grievance over his discharge from employment, costing him more than two years of lost wages and benefits. The Executive Director found that there was no evidence that the Union acted in a retaliatory manner despite some evidence to support that there may have been acrimony between Charging Party and a Union official against whom he ran for office. Instead, the Union elected to prioritize other employees' grievances because it determined that they had more merit than Charging Party's. And, the Union ultimately successfully processed Charging Party's grievance. Citing unions' substantial discretion in deciding whether to pursue a grievance, the Executive Director dismissed the charge. The Board affirmed the dismissal following Charging Party's appeal. Regarding the Union's contention that the charge was untimely because it did not allege Union misconduct during the six months prior to the charge's filing date, the Board stated that the Executive Director, construing the facts in the light most favorable to Charging Party, assumed the charge was timely, and it noted that two grievance processing events occurred during the six-month limitation period.

**12/13/16**

**ILRB SP**

**Refusal to Bargain; Impasse; Surface Bargaining; Failure to Provide Information; Direct Dealing; Surface Bargaining**

In *State of Illinois, Department of Central Management Services and American Federation of State, County and Municipal Employees, Council 31*, 33 PERI ¶ 67 (IL LRB-SP 2016), the State Panel ruled on two consolidated cases, Case No. S-CB-16-017 and Case No. S-CA-16-087. In Case No. Case No. S-CB-16-017, the State alleged that the Union violated Sections 10(b)(4) and (1) of the Illinois Public Labor Relations Act (Act) by refusing to agree that the parties had reached impasse and initially refusing to submit the dispute concerning the question of impasse to the Illinois Labor Relations Board (Board), as required by the parties' Tolling Agreement. The Board affirmed the ALJ's dismissal reasoning that the Union did not repudiate the parties' tolling agreement by delaying its submission of the question of impasse to the Board by five weeks. It noted that it could not find repudiation where the parties' Tolling Agreement was ambiguous and where the State offered insufficient evidence that the Union's claim of ambiguity was made in bad faith.

**06/13/17**

**ILRB SP**

**Duty of Fair Representation**

In *Shaquea K. Baker/International Brotherhood of Teamsters, Local 700*, 34 PERI ¶ 40 (IL LRB-SP 2017) (Case No. S-CB-16-030), Charging Party filed an unfair labor practice charge against Respondent Union, alleging that it violated its duty of fair representation under the Act when it refused to advance her grievance to arbitration. The Board's Executive Director dismissed the charge on the grounds that the Charging Party did not provide any evidence regarding the Union's motive for refusing to take her grievance to arbitration, nor any evidence to support the Charging Party's assertion that the Union and Employer agreed that the Union would not arbitrate the grievance, or that the two worked together to the detriment of employees. The Executive Director also noted that the Union treated the Charging Party's grievance in a manner similar to another employee who was involved in the same altercation as the Charging Party. Charging Party filed exceptions to the dismissal, but did not provide proof that she served the Union with her exceptions as required by the Board's Rules and Regulations. The Board affirmed the dismissal on the grounds that the Charging Party's exceptions were procedurally deficient as they failed to comply with the Board's rules on service, but noted that, if it were to consider the substance of the appeal, it would nonetheless affirm the dismissal. It noted that unions have broad discretion in determining whether to arbitrate a grievance, and

the Charging Party's assertion that she should be granted a hearing in order to obtain evidence to prove her assertions runs counter to the purpose of a hearing, which serves to resolve issues of fact or law already raised during an investigation.

#### **IV. Procedural Issues**

**7/29/16**

**ILRB SP**

##### **Motion to Expedite Board's Ruling**

In *State of Illinois, Department of Central Management Services and American Federation of State, County and Municipal Employees, Council 31*, 33 PERI ¶ 46 (IL LRB-SP 2016) (Case Nos. S-CA-16-087 and S-CB-16-017), the State Panel rejected the Employer's request to expedite the decision and order in the consolidated case involving the question of whether the State of Illinois and AFSCME were at a legitimate impasse in their negotiations for a successor agreement. The Employer proposed having the Board decide the case directly from the record, without the assistance of a recommendation by the ALJ. The State Panel held that the approach suggested by the Employer would not necessarily expedite its consideration of the matter, as the Illinois Administrative Procedures Act requires the equivalent of an RDO unless the Board actually heard the testimony or a majority of the Board reviewed the record in whole. Further, the Board found that even a variance from the Board's rules would not allow the Board to run afoul of the APA's mandate. The Board further directed the parties to comply with all timeframes for filing post-hearing briefs and that no extensions in time would be granted.

**8/12/16**

##### **1st District Opinion**

###### **Compliance**

In *Oak Lawn Professional Firefighters, Local 3405, International Association of Firefighters v. the Illinois Labor Relations Board, State Panel, et al., and Village of Oak Lawn*, 2016 IL App. (1st) 153483-U, \_\_\_ PERI ¶ \_\_\_ (Case No. S-CA-09-007-C, 32 PERI ¶ 100), the appellate court affirmed the State Panel's adoption of an ALJ RDO overturning a compliance order. The compliance officer had recommended a large monetary award for the Employer's alleged failure to maintain minimum manning as required by the Board's prior order. The ALJ and the Board held that the employer had properly complied with the Board's order; therefore, no compliance award was warranted. The Court affirmed the Board's decision to vacate the compliance award and its denial of the Union's Motion to Strike the employer's objections to the compliance order.

**03/01/17**

##### **4th District Orders**

In *AFSCME Council 31 v. Ill. Labor Relations Bd. and State of Ill. Dep't of Cent. Mgmt. Servs.*, Fourth Dist. Appellate Court Case No. 4-16-0827, ILRB Case Nos. S-CB-16-017 and S-CA-16-087, 33 PERI ¶ 67, the court issued an order granting AFSCME's motion to stay pending the outcome of the appeal. The court found that AFSCME demonstrated a "reasonable likelihood" of success in that the Board misapplied the three-prong NLRB's single-critical-issue test for impasse by conflating the third prong with the first and second. The court noted that this was the first time the Board used the single-critical-issue test and that the third prong of the test requires evidence that there "can be no progress on any aspect of the negotiations" (quoting *Atlantic Queens Bus Corp.* No. 29-CA-100833, 362 NLRB No. 65, 2015 WL 1815277, at \*1 (April 21, 2015)). The court found that the record was devoid of evidence that the parties deadlock on the subcontracting issue prevented the parties from making "progress on any aspect of the negotiations." The appellate cases began when the State filed in the Fourth District after the Board's November 15, 2017, meeting, and AFSCME filed in the First District after the Board issued its December 13, 2017. While

competing motions regarding jurisdiction were pending, AFSCME filed with the Board a motion to stay its December 13, 2016, order, and then, before the State had an opportunity to respond and before the Board could rule, AFSCME filed a motion to stay with the First District Appellate Court. The First District granted a temporary stay pending the court's review of any response to the AFSCME's motion. Shortly after the temporary stay was in place, the Fourth District denied AFSCME's motion to dismiss the State's petition for review in the Fourth District, and the Illinois Supreme Court granted the State's motion to transfer AFSCME's appeals filed in the First District to the Fourth District and consolidated the cases.

**03/01/17**

**1st District Order to Show Cause  
Compliance**

In *Chicago Joint Board, Local 200 v. Ill. Labor Relations Bd., et al.*, 2016 IL App (1st) 140802-U, 32 PERI ¶ 184, ILRB Case No. L-CB-06-035-C, 30 PERI ¶ 217, the Board in 2010 found that the Union was required to recalculate the disbursement of the \$375,000 grievance award to include the previously excluded charging parties. After the Union's unsuccessful challenge of the Board's order before the appellate court, the employees sought enforcement of the Board's 2010 order. After completion of the compliance process, the Board determined that to put the charging parties in the position they would have been in absent the Union's unlawful conduct, the Union was required to pay the charging parties a specific sum (appropriate proportion of the disbursement plus interest). The court rejected the Union's appeal and affirmed the Board's compliance order. Despite the court's ruling, the Union still had not paid the employees as ordered, claiming that it had insufficient funds to pay. Consequently, the Board requested the Attorney General's Office to file with the Appellate Court a Rule to Show Cause which the court granted. The case is currently pending.

**V. Gubernatorial Designation Cases**

**1/06/17**

**1st District Order  
Voluntary Dismissals**

The Illinois Appellate Court, First District, granted motions for voluntary dismissal of the petitions for review of the eighty-three remaining gubernatorial designation (DE) petitions.

## General Counsel's Declaratory Rulings

**7/1/2016**

**S-DR-16-005**

*Village of Oak Lawn and Oak Lawn Professional Firefighters Association, Local 3405, IAFF; 33 PERI ¶ 21*

The Employer's residency proposal and the topic of paramedic certification/decertification were mandatory subjects of bargaining.

The Union's proposal to maintain the status quo on residency was a permissive subject of bargaining because if the arbitrator granted the Union's proposal, the arbitrator's award would expressly allow residency outside of Illinois, and the Act specifically provides that any residency requirements imposed upon firefighters shall not allow residency outside Illinois.

**3/20/2017**

**S-DR-17-001**

*State of Illinois, Department of Central Management Services and American Federation of State, County and Municipal Employees, Council 31, 33 PERI ¶ 116*

The Employer filed a unilateral petition seeking a declaratory ruling regarding whether health insurance, or, in the alternative, health insurance plan design, constituted a mandatory subject of bargaining within the meaning of the Act. The Union objected to the petition, arguing that it was untimely because it was filed after the first day of the parties' interest arbitration hearing. Acting as the Board's General Counsel due to the recusal of the General Counsel, the Executive Director found that the petition was untimely under a strict application of the Board's Rules. However, the Executive Director granted a variance from the Board's rules, finding that this case met the criteria set forth in the rules for a variance and that strictly adhering to the rules in this case would defeat the purpose of the declaratory ruling process. In addressing the merits, the Executive Director considered prior decisions as well as legislative history, statutory authority, and case law in finding that health insurance premiums and other elements of health insurance plans, including deductibles, co-pays, and out-of-pocket maximums, are not exempt from the duty to bargain under the Act and are mandatory subjects of bargaining. In terms of the alternative argument regarding plan design, the Executive Director found that the Director of CMS is statutorily required to create an employee benefit program to include health benefits, and that some aspects of health insurance plan design, such as procurement and choice of vendor, are permissive subjects of bargaining. The Executive Director noted that the Employer must propose such plans in the context of collective bargaining and must bargain in good faith over the premiums, co-pays, deductibles, and out-of-pocket maximums to be charged for the particular features and value of each plan.

## Interest Arbitration Awards

Following is a list of Interest Arbitration awards. For each award, the ILRB Case number, Arbitrator and date of issuance are noted. The issues and whose proposals were adopted follows.

|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                |            |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| S-MA-14-332<br>S-MA-14-333      | <u>County of Effingham and Sheriff of Effingham County and Illinois Fraternal Order of Police Labor Council</u><br>Brian Clauss, #677<br>1. Deputies Wages - Union's final offer<br>2. Corrections Wages - Union's final offer<br>3. Deputies Health Insurance - Employers' final offer<br>4. Corrections Health Insurance - Employers' final offer<br>5. Changes to Corporal and Sergeant compensation – Moot | 8/5/2016   |
| S-MA-12-340<br>Interim Award    | <u>Village of Sauget and Policemen's Benevolent Labor Committee</u><br>Elliott H. Goldstein, #678<br>1. Comparables                                                                                                                                                                                                                                                                                            | 8/15/2016  |
| S-MA-16-119                     | <u>Village of Maywood and Illinois Council of Police</u><br>Edwin H. Benn, #679<br>1. Manning                                                                                                                                                                                                                                                                                                                  | 8/15/2016  |
| L-MA-13-002                     | <u>County of Cook and Sheriff of Cook County (Fugitive Unit) and Teamsters Local 700</u><br>Richard M. Stanton, #681<br>1. Tentative Agreements<br>2. Wages - Employer's final offer<br>3. Healthcare - Employer's final offer<br>4. Uniforms - Employer's final offer                                                                                                                                         | 8/15/2016  |
| S-MA-15-130                     | <u>Village of Woodridge and Metropolitan Alliance of Police, Woodridge Chapter No. 51</u><br>Sinclair Kossoff, #680<br>1. Discipline - Union's final offer, modified<br>2. Tentative Agreements                                                                                                                                                                                                                | 8/26/2016  |
| S-MA-14-290<br>Arb. Ref: 16.168 | <u>Village of Sauk Village and Illinois FOP Labor Council</u><br>Edwin H. Benn, #682<br>1. Grievances and Arbitration<br>2. Health and Life Insurance<br>3. Uniform and Equipment Allowance<br>4. Wages                                                                                                                                                                                                        | 10/25/2016 |
| S-MA-15-081<br>FMCS #16-00082-6 | <u>County of McLean, Illinois and McLean County Sheriff and Illinois Fraternal Order of Police Labor Council</u><br>Brian Clauss, #683<br>1. Wages - Union's offer                                                                                                                                                                                                                                             | 11/11/2016 |

|                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |            |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| S-MA-15-103                                   | <u>Policemen's Benevolent Labor Committee and County of Bureau, Illinois</u><br>Daniel G. Zeiser, #687 (Stipulated)<br>1. Wages<br>2. Suspension, Discipline and Discharge<br>3. Grievance Arbitration                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 11/28/2016 |
| S-MA-15-347                                   | <u>Illinois Department of State Police and Illinois Troopers Lodge #41, Fraternal Order of Police</u><br>Daniel Nielsen, #684<br>1. Base Wages<br>2. Step Increases<br>3. Longevity Step at 28 years<br>4. Merit Pay/Gain Sharing<br>5. Hazardous Duty Pay<br>6. Advancement Pay<br>7. Shift Differential<br>8. Maintenance Allowance<br>9. Addition of Casimir Pulaski Day to Holiday list<br>10. Overtime Allotment<br>11. Interest on Delayed Back Wages and Monetary Benefits<br>12. Health Insurance<br>13. Tuition Reimbursement<br>14. Fair Share<br>15. Misconduct Allegation Settlement Agreements<br>16. Affidavits Requirement of Firsthand Knowledge<br>17. Disclosure and Review of Audio and Video<br>18. Retirement in Good Standing<br>19. Bulletin Boards<br>20. Access to ISP Facilities<br>21. Minority Underutilization<br>22. Forceback Overtime<br>23. Savings Clause<br>24. Electronic Multimedia Equipment<br>25. Residency | 12/2/2016  |
| S-MA-16-015<br>S-MA-16-131<br>Arb. No. 15-147 | <u>Village of Oak Lawn and Oak Lawn Professional Firefighters Association, Local 3405</u><br>Steven M. Bierig, #685<br>1. Wages - Village's offer<br>2. Minimum Manning - status quo<br>3. Extra Duties Pay - status quo<br>4. Employee Medical Benefits - status quo<br>5. Retiree Medical Benefits - status quo<br>6. Education incentive - status quo<br>7. Tuition Reimbursement - status quo<br>8. Paramedic Certification - status quo<br>9. Residency<br>10. Grievance Procedure/Merger of Bargaining Units - Union's offer                                                                                                                                                                                                                                                                                                                                                                                                                  | 1/1/2017   |

|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |           |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| S-MA-15-347<br>Supplemental     | <u>Illinois Department of State Police and Illinois Troopers Lodge #41, Fraternal Order of Police</u><br>Daniel Nielsen #686<br>1. Fair Share - Union's offer<br>2. Merit Pay/Gain Sharing - Union's offer<br>3. Health Insurance - Union's offer                                                                                                                                                                                                                                                                     | 1/24/2017 |
| L-MA-13-019                     | <u>Forest Preserve District of Cook County and Illinois Fraternal Order of Police Labor Council</u><br>Curtiss K. Behrens, #691<br>1. Wages - Employer's final offer                                                                                                                                                                                                                                                                                                                                                  | 2/7/2017  |
| S-MA-15-055                     | <u>Illinois FOP Labor Council and County of Tazewell and Tazewell County Sheriff's Department</u><br>Amedeo Greco, #688<br>1. Wages - Employer's final offer<br>2. Retroactive Pay - Union's final offer<br>3. Retiree Health Insurance - Union's final offer<br>4. Capping Compensatory Time - Union's final offer<br>5. Gender-based shift assignments - Employer's final offer<br>6. Merit commission - Employer's final offer                                                                                     | 2/18/2017 |
| S-MA-14-338<br>FMCS #14-58001-A | <u>City of Danville and Associated Fire Fighters, Local 429</u><br>Peter R. Meyers, #689<br>1. Duration of Agreement<br>2. General Wage Increases<br>3. Rank Differential Adjustment<br>4. Shift Manning (Division 1)                                                                                                                                                                                                                                                                                                 | 3/6/2017  |
| S-MA-16-150                     | <u>Village of Skokie and IAFF Local 3033</u><br>Martin H. Malin, #690<br>1. Duration - Employer's final offer<br>2. Salaries and Other Compensation - Employer's final offer<br>3. Longevity Pay - Employer's final offer<br>4. EMT-P Stipend - Union's final offer<br>5. Serving in Acting Capacity - Employer's final offer<br>6. Comprehensive Medical and Dental Insurance Program - Union's final offer<br>7. Impasse Resolution - Union's final offer<br>8. Disciplinary Investigation - Employer's final offer | 3/10/2017 |
| S-MA-16-225<br>FMCS #16-57971-1 | <u>City of Waukegan and Metropolitan Alliance of Police, Waukegan Sergeants Chapter #285</u><br>Richard K. Hanft, #692<br>1. Vacation Buyback<br>2. Layoff and Recall<br>3. Wages - Union's final offer                                                                                                                                                                                                                                                                                                               | 3/24/2017 |

|                                               |                                                                                                                                                                                                                                                            |           |
|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| S-MA-15-070                                   | <u>Village of Downers Grove and Illinois FOP Labor Council</u><br>Daniel Nielsen, #693<br>1. Wages - Union's final offer<br>2. Performance Stipend - status quo<br>3. Holiday Pay - status quo<br>4. Discipline - Village's final offer with modifications | 3/31/2017 |
| S-MA-16-100<br>S-MA-17-016<br>Arb. Ref 17.083 | <u>County of McHenry and Sheriff of McHenry County and Illinois FOP Labor Council</u><br>Edwin H. Benn, #695<br>1. Wages<br>2. Insurance - no change                                                                                                       | 4/11/2017 |
| S-MA-16-198                                   | <u>City of Mt. Vernon and Illinois FOP Labor Council</u><br>Daniel Nielson, #696<br>1. Wages - City's final offer                                                                                                                                          | 4/12/2017 |
| S-MA-16-133<br>FMCS #17-51013-1               | <u>Village of Tinley Park and Metropolitan Alliance of Police Chapter 192 (Stipulated)</u><br>Martin H. Malin, #694<br>1. Residency                                                                                                                        | 5/10/2017 |

### **Action of the State's Governing Body**

|             |                                                                                                       |            |
|-------------|-------------------------------------------------------------------------------------------------------|------------|
| S-MA-15-347 | <u>Illinois Department of State Police and Illinois Troopers Lodge #41, Fraternal Order of Police</u> | 12/13/2016 |
|-------------|-------------------------------------------------------------------------------------------------------|------------|

## Caseload Statistics

|                               | STATE PANEL | LOCAL PANEL | TOTAL      |
|-------------------------------|-------------|-------------|------------|
| Unfair Labor Practice Charges |             |             |            |
| CA                            | 148         | 62          | 210        |
| CB                            | <u>32</u>   | <u>37</u>   | <u>69</u>  |
| Total                         | 180         | 99          | 279        |
| Representation Cases          |             |             |            |
| AC                            | 8           | 0           | 8          |
| RC                            | 63          | 20          | 83         |
| RM                            | 0           | 0           | 0          |
| RD                            | 17          | 0           | 17         |
| UC                            | 108         | 11          | 119        |
| VR                            | 0           | 0           | 0          |
| DD                            | 16          | 0           | <u>16</u>  |
| TOTAL                         | 212         | 31          | 243        |
| Grievance Arbitration Cases   | 25          | 0           | 25         |
| Mediation/Arbitration Cases   | <u>295</u>  | <u>20</u>   | <u>315</u> |
| Total                         | 320         | 20          | 340        |
| Declaratory Rulings           | 2           | 0           | 2          |
| Strike Investigations         | 0           | 0           | 0          |
| Total Caseload                | 714         | 150         | 864        |

- CA - Unfair labor practice charge against employer
- CB - Unfair labor practice charge against labor organization
- AC - Petition to amend certification
- RC - Representation/Certification petition
- RM - Employer representation petition
- RD - Decertification petition
- UC - Unit clarification petition
- VR - Petition for voluntary recognition certification
- DD - Declaration of disinterest petition
- DR - Declaratory Rulings

### Representation Cases Certified

|                                               | STATE<br>PANEL | LOCAL<br>PANEL | TOTAL |
|-----------------------------------------------|----------------|----------------|-------|
| Labor Organization Prevailed                  | 12             | 0              | 12    |
| “No Representation” Prevailed                 | 6              | 0              | 6     |
| Cases Certified                               | 18             | 0              | 18    |
| Number of Units Certified (Majority Interest) | 46             | 15             | 61    |
| Voluntary Recognized Representatives          | 0              | 1              | 1     |
| Revocation of Prior Certifications            | 22             | 0              | 22    |

### Unfair Labor Practice Charges Workload

|                                    | 2016 | 2017 |
|------------------------------------|------|------|
| Cases pending start of fiscal year | 274  | 314  |
| Charges filed during fiscal year   | 322  | 279  |
| Total caseload                     | 596  | 593  |
| Total cases closed                 | 282  | 264  |

### Petition Management (Representation) Workload

|                                    | 2016 | 2017 |
|------------------------------------|------|------|
| Cases pending start of fiscal year | 85   | 58   |
| Petitions filed during fiscal year | 191  | 243  |
| Total caseload                     | 276  | 301  |
| Total cases closed                 | 218  | 211  |

## Disposition of Cases Active in FY 2017

|                                                                      | State Panel | Local Panel | Total |
|----------------------------------------------------------------------|-------------|-------------|-------|
| <b>I. BOARD DECISIONS</b>                                            |             |             |       |
| <b>(A) With exceptions filed</b>                                     |             |             |       |
| CA                                                                   | 10          | 5           | 15    |
| CB                                                                   | 6           | 3           | 9     |
| RC                                                                   | 6           | 0           | 6     |
| UC                                                                   | 7           | 0           | 7     |
| Total                                                                | 29          | 8           | 37    |
| <b>(B) With no exceptions filed</b>                                  |             |             |       |
| CA                                                                   | 7           | 5           | 12    |
| CB                                                                   | 1           | 1           | 2     |
| RC                                                                   | 1           | 3           | 4     |
| UC                                                                   | 0           | 1           | 1     |
| Total                                                                | 9           | 10          | 19    |
| (C) Strike Investigations                                            | 0           | 0           | 0     |
| (D) Declaratory Ruling                                               | 3           | 0           | 3     |
| <b>II. ADMINISTRATIVE DISMISSALS<br/>(Not appealed to the Board)</b> |             |             |       |
| CA                                                                   | 34          | 39          | 73    |
| CB                                                                   | 15          | 33          | 48    |
| RD                                                                   | 1           | 0           | 1     |
| Total                                                                | 50          | 72          | 122   |
| <b>III. CERTIFIED</b>                                                |             |             |       |
| AC                                                                   | 8           | 0           | 8     |
| DD                                                                   | 16          | 0           | 16    |
| RC/RM/RD                                                             | 62          | 18          | 80    |
| UC                                                                   | 59          | 9           | 68    |
| VR                                                                   | 0           | 1           | 1     |
| Total                                                                | 145         | 28          | 173   |
| <b>IV. WITHDRAWALS</b>                                               |             |             |       |
| CA                                                                   | 56          | 14          | 70    |
| CB                                                                   | 6           | 4           | 10    |
| RC                                                                   | 9           | 3           | 12    |
| RD                                                                   | 6           | 0           | 6     |
| UC                                                                   | 6           | 0           | 6     |
| Total                                                                | 83          | 21          | 104   |

## Certifications of Representative

| Case No.                                | Employer                                                                                                                                    | Labor Organization                                                       | Date Certified | Prevailing Party | # of Employees | Unit Description                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|----------------|------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| S-RC-16-046<br><i>Majority Interest</i> | Decatur Sanitary District                                                                                                                   | American Federation of State, County and Municipal Employees, Council 31 | 7/7/2016       | AFSCME           | 13             | <p>Add to S-UC-15-055 Accounting Clerk; Administrative Coordinator; Engineering Technician II; Geographical Information Systems/ACAD Technician; Instruments and Controls Technician I; Instruments and Controls Technician II; Lab Analyst; Lab Technician; Monitoring Technician; Painter</p> <p>Exclude from S-UC-15-055 Chemist; Groundskeeper; Management Information Systems (MIS) Coordinator; System Integrator</p> |
| L-RC-16-021<br><i>Majority Interest</i> | County of Cook, Health and Hospital Systems (Department of Public Health/Chronic Disease Prevention & Health Promotion/Prevention Services) | American Federation of State, County and Municipal Employees, Council 31 | 7/7/2016       | AFSCME           | 2              | Add to Health Facilities Unit Community Health Program Coordinator                                                                                                                                                                                                                                                                                                                                                          |
| L-RC-16-030<br><i>Majority Interest</i> | City of Chicago (Department of Public Health)                                                                                               | American Federation of State, County and Municipal Employees, Council 31 | 7/7/2016       | AFSCME           | 10             | Add to Bargaining Unit #4 Public Health Administrator III Code #3467                                                                                                                                                                                                                                                                                                                                                        |

|                                         |                                                                           |                                                                          |           |           |    |                                                                                                                                                                                                                                                                                  |
|-----------------------------------------|---------------------------------------------------------------------------|--------------------------------------------------------------------------|-----------|-----------|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| L-RC-16-032<br><i>Majority Interest</i> | City of Chicago<br>(Department of Procurement Services)                   | American Federation of State, County and Municipal Employees, Council 31 | 7/7/2016  | AFSCME    | 3  | Add to Bargaining Unit #1 Senior Certification/ Compliance Officer, Code #1505                                                                                                                                                                                                   |
| L-RC-16-033<br><i>Majority Interest</i> | City of Chicago<br>(Department of Procurement Services)                   | American Federation of State, County and Municipal Employees, Council 31 | 7/7/2016  | AFSCME    | 8  | Add to Bargaining Unit #1 Certification/ Compliance Officer, Code #1504                                                                                                                                                                                                          |
| L-RC-16-029<br><i>Majority Interest</i> | City of Chicago                                                           | American Federation of State, County and Municipal Employees, Council 31 | 7/13/2016 | AFSCME    | 9  | Add to Bargaining Unit #1 Procurement Specialist Code #1507                                                                                                                                                                                                                      |
| S-RC-16-065<br><i>Majority Interest</i> | Village of Hudson                                                         | Illinois Council of Police                                               | 7/14/2016 | ICOP      | 2  | Full-time Police Officer                                                                                                                                                                                                                                                         |
| S-RC-16-066<br><i>Majority Interest</i> | Village of Warren<br>(Public Works – Water, Sewer and Street Departments) | Int'l Brotherhood of Teamsters, Local 722                                | 7/19/2016 | Teamsters | 3  | Street Department Superintendent;<br>Sewer Department Superintendent;<br>Water Department Superintendent                                                                                                                                                                         |
| S-RC-17-002<br><i>Majority Interest</i> | Board of Trustees of Southern Illinois University School of Medicine      | Illinois FOP Labor Council                                               | 7/25/2016 | FOP       | 6  | Full-time sworn officers in the rank of patrol                                                                                                                                                                                                                                   |
| S-RC-16-051<br><i>Majority Interest</i> | Homewood Public Library                                                   | American Federation of State, County and Municipal Employees, Council 31 | 8/3/2016  | AFSCME    | 37 | Administrative Assistant I; Clerk I; Clerk II; Clerk III; Emerging Technology Assistant; Event Coordinator; Librarian II; Librarian III; Maintenance Technician; Paraprofessional I; Paraprofessional II; Paraprofessional III; Security; Young Adult Librarian; Youth Assistant |

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| S-RC-17-001                             | City of Cairo<br>(Police Department)            | Illinois FOP Labor<br>Council                                                                                              | 8/15/2016  | FOP    | 5  | Sergeant; Corporal;<br>Police Officer; and<br>Probationary employees                                                                            |
| L-RC-17-001<br><i>Majority Interest</i> | Chicago Housing<br>Authority                    | Service Employees<br>Int'l Union, Local<br>73                                                                              | 8/30/2016  | SEIU   | 3  | Add to<br>L-UC-98-005<br>Section 3 Coordinator                                                                                                  |
| S-RC-15-006<br><i>Majority Interest</i> | Forest Preserve<br>District of DuPage<br>County | Metropolitan<br>Alliance of Police,<br>DuPage County<br>Forest Rangers,<br>Chapter 714                                     | 8/30/2016  | MAP    | 20 | Ranger;<br>Senior Ranger                                                                                                                        |
| L-RC-17-002<br><i>Majority Interest</i> | County of Cook,<br>Health & Hospital<br>Systems | Service Employees<br>Int'l Union, Local<br>73                                                                              | 9/8/2016   | SEIU   | 1  | Add to<br>L-RC-16-017<br>Pediatric Cardiac<br>Sonographer                                                                                       |
| S-RC-17-004<br><i>Majority Interest</i> | City of Sterling                                | Illinois Fraternal<br>Order of Police<br>Labor Council                                                                     | 9/8/2016   | FOP    | 16 | All sworn, full-time<br>peace officers in the<br>rank of patrol officer                                                                         |
| S-RC-17-006<br><i>Majority Interest</i> | Town of Cortland                                | Metropolitan<br>Alliance of Police,<br>Cortland Police<br>Chapter 729                                                      | 9/8/2016   | MAP    | 3  | Sworn full-time peace<br>officers                                                                                                               |
| S-RC-17-005                             | Village of Mokena                               | Metropolitan<br>Alliance of Police,<br>Mokena Police<br>Chapter 732 and<br>Int'l Brotherhood of<br>Teamsters, Local<br>700 | 9/16/2016  | MAP    | 22 | Peace officers having<br>the rank of patrol<br>officer                                                                                          |
| S-RC-17-008<br><i>Majority Interest</i> | Village of Beecher                              | Int'l Union of<br>Operating<br>Engineers, Local<br>399                                                                     | 9/16/2016  | IUOE   | 3  | Police Department<br>Administrative<br>Assistant;<br>Administrative<br>Secretary; Utility<br>Billing Technician/<br>Administrative<br>Assistant |
| L-RC-17-005<br><i>Majority Interest</i> | City of Chicago<br>(Department of<br>Police)    | American<br>Federation of State,<br>County and<br>Municipal<br>Employees, Council<br>31                                    | 10/13/2016 | AFSCME | 4  | Add to AFSCME<br>Bargaining Unit #1<br>Medical Services<br>Coordinator,<br>Code 9115                                                            |

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| S-RC-17-009<br><i>Majority Interest</i> | Randolph County<br>Road District #1               | Laborers Int'l<br>Union of North<br>America, Local 459                                                     | 10/13/2016 | Laborers  | 6  | Full-time employees in<br>the classification of<br>Road Maintenance                                                                                                                                                                                              |
| S-RC-17-011<br><i>Majority Interest</i> | Village of Gurnee                                 | Illinois Council of<br>Police                                                                              | 10/20/2016 | ICOP      | 14 | Communications<br>Operator                                                                                                                                                                                                                                       |
| S-RC-17-015<br><i>Majority Interest</i> | Village of Sherman                                | Illinois Fraternal<br>Order of Police<br>Labor Council                                                     | 11/3/2016  | FOP       | 4  | Full-time sworn<br>officers in the rank of<br>Sergeant and below                                                                                                                                                                                                 |
| S-RD-17-001                             | Franklin Hospital<br>District                     | General Teamsters,<br>Chauffeurs,<br>Warehousemen &<br>Helpers, Local 347<br>And Michael D.<br>Milligan    | 11/4/2016  | Teamsters | 98 | Non-professional<br>health care employees                                                                                                                                                                                                                        |
| S-RC-17-018<br><i>Majority Interest</i> | Troy Fire Protection<br>District                  | Int'l Association of<br>Fire Fighters, Local<br>4531                                                       | 11/22/2016 | IAFF      | 3  | Field Paramedic                                                                                                                                                                                                                                                  |
| S-RC-17-012                             | County of Adams<br>and Sheriff of<br>Adams County | Policemen's<br>Benevolent Labor<br>Committee and<br>Illinois Fraternal<br>Order of Police<br>Labor Council | 12/9/2016  | PBLC      | 19 | Full-time and regular<br>part-time correctional<br>officers                                                                                                                                                                                                      |
| S-RC-17-013                             | County of Adams<br>and Sheriff of<br>Adams County | Policemen's<br>Benevolent Labor<br>Committee and<br>Illinois Fraternal<br>Order of Police<br>Labor Council | 12/9/2016  | PBLC      | 20 | Full-time and regular<br>part-time sheriff<br>deputies                                                                                                                                                                                                           |
| S-RD-17-003                             | County of Pike<br>(Ambulance<br>Department)       | Josh Forbis and Int'l<br>Union of Operating<br>Engineers, Local<br>965                                     | 12/9/2016  | No Rep    | 9  | Paramedic;<br>Emergency Medical<br>Technician                                                                                                                                                                                                                    |
| S-RD-17-004                             | County of Ogle<br>(Health<br>Department)          | Amy Bardell and<br>Teamsters Local<br>722                                                                  | 12/9/2016  | No Rep    | 7  | Communicable Disease<br>Coordinator;<br>Environmental Health<br>Inspector;<br>Environmental Health<br>Secretary;<br>Environmental Health<br>Secretary and<br>Bookkeeper;<br>Maternal/Child Health<br>Coordinator; Public<br>Health Nurse; Secretary<br>I; Office |

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|                                         |                                                                                                                |                                                                                             |            |           |    | Manager/Bookkeeper;<br>Case Manager;<br>Secretary II, and<br>Sanitarian                                                                                                                                                              |
| S-RC-17-020<br><i>Majority Interest</i> | Chief Judge of the<br>22 <sup>nd</sup> Judicial Circuit<br>(McHenry County<br>Probation and Court<br>Services) | American<br>Federation of State,<br>County and<br>Municipal<br>Employees, Council<br>31     | 12/9/2016  | AFSCME    | 40 | Administrative<br>Specialist III; Court<br>Services Assistant;<br>Legal Administrative<br>Specialist; Probation<br>Officer I, Probation<br>Officer II, and<br>Probation Officer III                                                  |
| S-RC-17-024<br><i>Majority Interest</i> | County of Douglas<br>and Sheriff of<br>Douglas County                                                          | Illinois Fraternal<br>Order of Police<br>Labor Council                                      | 12/9/2016  | FOP       | 9  | Corrections Officers;<br>Corrections Sergeants                                                                                                                                                                                       |
| S-RC-16-015<br><i>Majority Interest</i> | State of Illinois,<br>Department of<br>Central<br>Management<br>Services                                       | American<br>Federation of State,<br>County and<br>Municipal<br>Employees, Council<br>31     | 12/9/2016  | AFSCME    | 1  | Include in RC-062<br>Executive I<br>(Corrections)                                                                                                                                                                                    |
| S-RC-16-008<br><i>Majority Interest</i> | City of Sterling                                                                                               | Illinois Fraternal<br>Order of Police<br>Labor Council                                      | 12/29/2016 | FOP       | 7  | Full-time dispatchers/<br>Telecommunicators                                                                                                                                                                                          |
| S-RC-17-017<br><i>Majority Interest</i> | City of Naperville                                                                                             | Metropolitan<br>Alliance of Police,<br>Naperville Police<br>Civilian Unit 2,<br>Chapter 744 | 1/3/2017   | MAP       | 21 | Full-time and part-time<br>civilian employees in<br>the following titles:<br>Animal Control Office<br>Assistant; Animal<br>Control Officer; Animal<br>Control Supervisor;<br>Community Service<br>Officer; Crime Scene<br>Technician |
| S-RC-17-025<br><i>Majority Interest</i> | Monroe County<br>Circuit Clerk                                                                                 | Int'l Union of<br>Operating<br>Engineers, Local<br>148                                      | 1/11/2017  | IUOE      | 5  | Deputy Clerks                                                                                                                                                                                                                        |
| S-RC-17-031<br><i>Majority Interest</i> | City of Bushnell                                                                                               | Int'l Brotherhood of<br>Electrical Workers,<br>Local 51                                     | 1/12/2017  | IBEW      | 4  | Public Works Laborers<br>that work on Streets,<br>Water, Waste Water,<br>Parks, etc.                                                                                                                                                 |
| S-RC-17-030<br><i>Majority Interest</i> | City of Colona                                                                                                 | Teamsters Local<br>371, Int'l<br>Brotherhood of<br>Teamsters                                | 1/13/2017  | Teamsters | 1  | Add to<br>S-RC-17-030<br>Community Service<br>Officer                                                                                                                                                                                |

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| S-RC-17-023<br><i>Majority Interest</i> | West Central Joint Emergency Telephone System Board (ETSB) | Illinois FOP Labor Council                                                                     | 1/18/2017 | FOP      | 11 | Telecommunicator I; CTO/<br>Telecommunicator I                                  |
| S-RC-17-027<br><i>Majority Interest</i> | County of Coles and Sheriff of Coles County                | Illinois FOP Labor Council                                                                     | 1/20/2017 | FOP      | 7  | Administrative Secretary; Detective Secretary; Telecommunicator; Warrants Clerk |
| L-RC-17-008<br><i>Majority Interest</i> | City of Chicago                                            | American Federation of State, County and Municipal Employees, Council 31                       | 1/20/2017 | AFSCME   | 16 | Add to Bargaining Unit #1 Freedom of Information Act Officer                    |
| S-RC-17-016                             | Village of Riverwoods                                      | Metropolitan Alliance of Police, Riverwoods Patrol Chapter 330 and Illinois FOP Labor Council  | 1/23/2017 | MAP      | 4  | Police Officer                                                                  |
| S-RC-17-019                             | Central Dispatch of West Franklin County                   | Laborers Int'l Union of North America, Local 773 and Int'l Brotherhood of Teamsters, Local 347 | 1/23/2017 | Laborers | 3  | Dispatcher; Assistant Director                                                  |
| L-RC-17-009<br><i>Majority Interest</i> | County of Cook, Health & Hospital System                   | Service Employees Int'l Union, Local 73                                                        | 2/2/2017  | SEIU     | 2  | Add to L-UC-17-003 Fire Marshall                                                |
| L-RC-17-010<br><i>Majority Interest</i> | County of Cook (Office of the Comptroller)                 | Service Employees Int'l Union, Local 73                                                        | 2/8/2017  | SEIU     | 1  | Add to L-RC-17-010 Payroll Systems Coordinator                                  |
| S-RC-17-032<br><i>Majority Interest</i> | County of Henderson and Sheriff of Henderson County        | Illinois FOP Labor Council                                                                     | 2/8/2017  | FOP      | 5  | Full-time Sergeants and Deputies                                                |
| S-RC-17-033<br><i>Majority Interest</i> | County of Henderson and Sheriff of Henderson County        | Illinois FOP Labor Council                                                                     | 2/8/2017  | FOP      | 4  | Full-time Telecommunicators/ Jailers and LEADS Supervisor                       |

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| S-RC-17-028<br><i>Majority Interest</i> | County of Madison                                                  | American Federation of State, County and Municipal Employees, Council 31 | 2/15/2017 | AFSCME    | 43 | General County wide unit                                                                                                                                                    |
| S-RC-17-035<br><i>Majority Interest</i> | City of Colona                                                     | Int'l Brotherhood of Teamsters, Local 371                                | 2/15/2017 | Teamsters | 4  | Water Clerk and Office/Administrative Clerk in Water Department; Police Administrative Clerk                                                                                |
| S-RC-17-036<br><i>Majority Interest</i> | City of Troy                                                       | Illinois FOP Labor Council                                               | 2/15/2017 | FOP       | 4  | Police Sergeants                                                                                                                                                            |
| S-RC-17-037<br><i>Majority Interest</i> | City of Nokomis                                                    | Laborers Int'l Union of North America                                    | 2/15/2017 | Laborers  | 6  | Street Superintendent; Water Superintendent; Wastewater Superintendent; Water and Wastewater Department Laborer; Street Department Laborer                                  |
| S-RC-17-041<br><i>Majority Interest</i> | County of Will                                                     | American Federation of State, County and Municipal Employees, Council 31 | 2/23/2017 | AFSCME    | 1  | Add to S-UC-16-004 Permit Coordinator                                                                                                                                       |
| S-RC-17-044<br><i>Majority Interest</i> | City of Lebanon                                                    | American Federation of State, County and Municipal Employees, Council 31 | 2/23/2017 | AFSCME    | 9  | Administrative Assistant; City Accountant; Foreman of Streets, Alleys & Cemetery; Maintenance Operator; Operator in Charge; Streets, Alleys & Cemetery Maintenance Operator |
| S-RC-17-040<br><i>Majority Interest</i> | City of Braidwood                                                  | Metropolitan Alliance of Police, Braidwood Police Sergeant Chapter 190   | 3/3/2017  | MAP       | 3  | Police Sergeant                                                                                                                                                             |
| S-RC-17-047<br><i>Majority Interest</i> | Vermilion Valley Regional Emergency Communications Joint Authority | Illinois Council of Police                                               | 3/8/2017  | ICOP      | 13 | Telecommunicator                                                                                                                                                            |

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| L-RC-17-012<br><i>Majority Interest</i> | County of Cook,<br>Health & Hospital<br>System                                                         | American<br>Federation of State,<br>County and<br>Municipal<br>Employees, Council<br>31                                                | 3/10/2017 | AFSCME                   | 2  | Add to Health Facilities<br>bargaining unit:<br>Assistant Program<br>Coordinator,<br>Emergency<br>Preparedness and<br>Response                                                                                                                                 |
| S-RC-16-050<br><i>Majority Interest</i> | County of DuPage<br>and Sheriff of<br>DuPage County                                                    | Policemen's<br>Benevolent Labor<br>Committee                                                                                           | 3/16/2017 | PBLC                     | 50 | Civilian Court Security<br>Officer; Civilian Jail<br>Officer; Division I<br>Assistant; Division II<br>Assistant; Financial<br>Services Manager;<br>Medical Records Clerk;<br>Micro Systems<br>Specialist; Procurement<br>Specialist; Senior Staff<br>Assistant |
| S-RC-17-046<br><i>Majority Interest</i> | County of Hancock<br>(Emergency<br>Medical Service)                                                    | District Lodge 9,<br>Int'l Association of<br>Machinists and<br>Aerospace Workers                                                       | 3/23/2017 | IAMAW                    | 35 | Emergency Medical<br>Technician;<br>EMS/Emergency<br>Medical Technician;<br>EMS/Emergency<br>Medical Technician<br>Basic;<br>EMS/Paramedic                                                                                                                     |
| S-RC-17-038                             | County of Grundy<br>and Sheriff of<br>Grundy County                                                    | Metropolitan<br>Alliance of Police,<br>Grundy County<br>Sheriff Chapter<br>#372 and Int'l<br>Brotherhood of<br>Teamsters, Local<br>700 | 3/31/2017 | Teamsters<br>(Incumbent) | 28 | Deputy Patrol Officer;<br>Correctional Officer                                                                                                                                                                                                                 |
| S-RC-17-048<br><i>Majority Interest</i> | City of Joliet                                                                                         | American<br>Federation of State,<br>County and<br>Municipal<br>Employees, Council<br>31                                                | 3/31/2017 | AFSMCE                   | 4  | Add to S-RC-16-052<br>Electrician I                                                                                                                                                                                                                            |
| S-RD-17-006                             | County of Clay and<br>Treasurer, County<br>Clerk and<br>Supervisor of<br>Assessments of<br>Clay County | Stacey Allen and<br>Laborers Local<br>1197                                                                                             | 3/31/2017 | No Rep                   | 11 |                                                                                                                                                                                                                                                                |

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| L-RC-17-014<br><i>Majority Interest</i> | Chicago Transit Authority                                                                                | Int'l Brotherhood of Electrical Workers Local 9                                                       | 4/5/2017  | IBEW            | 1  | Add to L-RC-14-006 Manager, Power & Way Safety Support                |
| S-RC-17-045                             | Village of Niles (Police Department)                                                                     | Metropolitan Alliance of Police, Nile Police Chapter 357 and Int'l Brotherhood of Teamsters Local 700 | 4/6/2017  | MAP (Incumbent) | 39 | All full-time sworn police officers below the rank of Sergeant        |
| S-RD-17-007                             | City of Burbank (Police Department)                                                                      | Susan Ridderhoff and Int'l Brotherhood of Teamsters Local 700                                         | 4/6/2017  | No Rep          | 6  |                                                                       |
| S-RC-17-050<br><i>Majority Interest</i> | State of Illinois, Department of Central Management Services (Illinois School for the Visually Impaired) | American Federation of State, County and Municipal Employees, Council 31                              | 4/10/2017 | AFSCME          | 1  | Add to RC-063-OCB Educator-Career and Technical Job Code 13103        |
| S-RC-17-051<br><i>Majority Interest</i> | Algonquin Township Road District                                                                         | Int'l Brotherhood of Operating Engineers Local 150                                                    | 4/10/2017 | IUOE            | 11 | Highway Worker; Laborer; Foreman; Mechanic                            |
| S-RC-17-053<br><i>Majority Interest</i> | Lyons Township Area Communication Center (LTACC)                                                         | Illinois FOP Labor Council                                                                            | 4/10/2017 | FOP             | 13 | Telecommunicator                                                      |
| L-RC-17-015<br><i>Majority Interest</i> | City of Chicago                                                                                          | American Federation of State, County and Municipal Employees, Council 31                              | 4/11/2017 | AFSCME          | 1  | Add to Bargaining Unit #1 Leave of Absence Administrator Code 1320    |
| S-RC-17-007<br><i>Majority Interest</i> | County of Lake and Sheriff of Lake County                                                                | Teamsters Local 700                                                                                   | 4/11/2017 | Teamsters       | 61 | Court Security Officer                                                |
| S-RC-15-044<br><i>Majority Interest</i> | State of Illinois, Department of Central Management Services (Department of Agriculture)                 | American Federation of State, County and Municipal Employees, Council 31                              | 4/12/2017 | AFSCME          | 1  | Include in RC-62-OCB Executive I, Position No. 13851-11-05-100-00-002 |

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| S-RD-17-009                             | Village of Barrington                                       | Christopher Larson and Int'l Brotherhood of Teamsters Local 700                                            | 4/13/2017 | No Rep    | 15 |                                                                                                                                                                                                                                                                                                                                                                               |
| S-RC-16-067<br><i>Majority Interest</i> | County of Ogle and County Clerk and Recorder of Ogle County | Int'l Brotherhood of Teamsters, Local 722                                                                  | 4/17/2017 | Teamsters | 7  | Chief Deputy Clerk;<br>Chief Deputy Recorder;<br>Deputy Clerk;<br>Deputy Recorder                                                                                                                                                                                                                                                                                             |
| S-RC-17-054<br><i>Majority Interest</i> | City of Danville                                            | Int'l Brotherhood of Electrical Workers, Local 538                                                         | 4/26/2017 | IBEW      | 7  | Building Inspector;<br>Code Enforcement Inspector III; Electrical Zoning Inspector;<br>Inspection/Enforcement Manager;<br>Plumbing/Mechanical Inspector;<br>Superintendent of Env. Code Enforcement                                                                                                                                                                           |
| S-RC-17-043                             | City of North Chicago                                       | Illinois Council of Police and Illinois FOP Labor Council and Metropolitan Alliance of Police, Chapter 741 | 5/10/2017 | ICOP      | 39 | All sworn full-time peace officers below the rank of Sergeant (except the internal investigator)                                                                                                                                                                                                                                                                              |
| S-RD-17-010                             | Village of Cherry Valley                                    | Nick Sarver and Int'l Brotherhood of Teamsters Local 325                                                   | 5/10/2017 | No Rep    |    |                                                                                                                                                                                                                                                                                                                                                                               |
| S-RD-16-002                             | Bolingbrook Park District                                   | Dave Cluts and Service Employees Int'l Union, Local 73                                                     | 5/19/2017 | SEIU      | 52 | All full time and part time employees within the Department of Buildings, Grounds and Natural Resources in the following positions:<br>Horticulturist; Grounds Crew Leader;<br>Groundworker;<br>Building Technician;<br>Custodian; Natural Resource Crew Leader;<br>Natural Resources Groundworker;<br>Natural Resource Coordinator; Natural Resource Specialist;<br>Mechanic |

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| L-RC-16-008<br><i>Majority Interest</i> | City of Chicago                       | American Federation of State, County and Municipal Employees, Council 31 | 6/8/2017  | AFSCME | 1  | Add to Bargaining Unit #4<br>Emergency Management Coordinator                                                                                                                                             |
| L-RC-16-026<br><i>Majority Interest</i> | City of Chicago                       | American Federation of State, County and Municipal Employees, Council 31 | 6/8/2017  | AFSCME | 5  | Add to Bargaining Unit #1<br>Human Resources Records Specialist                                                                                                                                           |
| S-RC-17-042                             | Village of Evergreen Park             | Illinois Council of Police and Combined Counties Police Association      | 6/12/2017 | ICOP   | 47 | Police officers holding the rank of Patrolman and Sergeant                                                                                                                                                |
| S-RC-17-057<br><i>Majority Interest</i> | Village of Olympia Fields             | Metropolitan Alliance of Police, Olympia Field Civilian Chapter 747      | 6/23/2017 | MAP    | 6  | LEADS Agency Coordinator; Spillman System Coordinator; Finance Assistant/Webmaster; Utility Billing Clerk; Administrative Assistant/Public Works Department; Administrative Assistant/Building Department |
| S-RC-17-059<br><i>Majority Interest</i> | North Aurora Fire Protection District | Int'l Association of Firefighters                                        | 6/27/2017 | IAFF   | 19 | Firefighter; Firefighter/EMT; Firefighter/Paramedic; Lieutenant                                                                                                                                           |

### Amendment of Certification

| Case Number | Employer                                                                                                                     | Labor Organization                                | Date Certified | Amendment                                                                                                         |
|-------------|------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|----------------|-------------------------------------------------------------------------------------------------------------------|
| S-AC-17-001 | County of Hamilton, Sheriff, Supervisor of Assessments, Treasurer, County Clerk and Recorder, and Coroner of Hamilton County | Laborers Int'l Union of North America, Local 1197 | 10/13/2016     | Change name from Southern Illinois Laborers District Council to Laborers Int'l Union of North America, Local 1197 |
| S-AC-17-002 | County of Hamilton and Sheriff of Hamilton County                                                                            | Laborers Int'l Union of North America, Local 1197 | 10/13/2016     | Change name from Southern Illinois Laborers District Council to Laborers Int'l Union of North America, Local 1197 |

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| S-AC-17-003 | Franklin Hospital District                            | General Teamsters, Chauffeurs, Warehousemen & Helpers, Local 50          | 2/8/2017  | Change name from General Teamsters, Chauffeurs, Warehousemen & Helpers, Local 347 to General Teamsters, Chauffeurs, Warehousemen & Helpers, Local 50                                               |
| S-AC-17-004 | Franklin County Circuit Clerk                         | Laborers Int'l Union of North America, Local 773                         | 3/15/2017 | Change name from Southern Illinois Laborers District Council to Laborers Int'l Union of North America, Local 773                                                                                   |
| S-AC-17-005 | County of Stephenson and Sheriff of Stephenson County | Policemen's Benevolent Labor Committee                                   | 4/26/2017 | Change name from County of Stephenson, Stephenson County Sheriff's Department and Stephenson County Sheriff's Department Merit Commission to County of Stephenson and Sheriff of Stephenson County |
| S-AC-17-006 | County of Stephenson and Sheriff of Stephenson County | Policemen's Benevolent Labor Committee                                   | 4/26/2017 | Change name from County of Stephenson, Stephenson County Sheriff's Department and Stephenson County Sheriff's Department Merit Commission to County of Stephenson and Sheriff of Stephenson County |
| S-AC-17-007 | County of Stephenson and Sheriff of Stephenson County | Policemen's Benevolent Labor Committee                                   | 4/26/2017 | Change name from County of Stephenson, Stephenson County Sheriff's Department and Stephenson County Sheriff's Department Merit Commission to County of Stephenson and Sheriff of Stephenson County |
| S-AC-17-008 | Decatur Township, Office of General Assistance        | American Federation of State, County and Municipal Employees, Council 31 | 5/24/2017 | Change name from Decatur Township and State of Illinois, Department of Central Management Services (Human Services) to Decatur Township, Office of General Assistance                              |

## Certifications of Voluntarily Recognized Representative

| Case No.    | Employer                                                   | Labor Organization                                         | Date Certified | # of Employees | Unit Description                                                       |
|-------------|------------------------------------------------------------|------------------------------------------------------------|----------------|----------------|------------------------------------------------------------------------|
| L-VR-16-001 | Metropolitan Water Reclamation District of Greater Chicago | Int'l Brotherhood of Electrical Workers, Local Union No. 9 | 7/13/2016      | 3              | All Motor Vehicle Dispatchers and Motor Vehicle Dispatcher Supervisors |

## Revocation of Prior Certification

| Case No.    | Employer                                    | Labor Organization                        | Date Revocation | Unit Description                                                                                                                        |
|-------------|---------------------------------------------|-------------------------------------------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| S-DD-17-001 | Decatur Township                            | Laborers, Local 159                       | 8/3/2016        | Cemetery Laborer, Full-Time; Cemetery Lead Man, Full-Time; Seasonal Cemetery Laborer; Mechanic                                          |
| S-DD-17-002 | City of Cairo                               | Laborers, Local 773                       | 8/3/2016        | All sworn peace officers in the following ranks: Sergeant; Corporal; Patrol Officer; and probationary employees                         |
| S-DD-17-003 | City of Sterling                            | Policemen's Benevolent Labor Committee    | 8/15/2016       | All sworn, full-time peace officers in the rank of patrol officer                                                                       |
| S-DD-17-004 | County of Kendall                           | Int'l Brotherhood of Teamsters, Local 330 | 10/25/2016      | All employees in the following job classifications: Zoning Officer, Building Permit Clerk, Code Compliance Officer and Office Assistant |
| S-DD-17-005 | County of Coles and Sheriff of Coles County | Int'l Brotherhood of Teamsters, Local 26  | 10/29/2016      | All employees in the following titles: Administrative Secretary; Detective Secretary; Telecommunicator; Warrants Clerk                  |
| S-DD-17-006 | City of Wood Dale                           | Int'l Brotherhood of Teamsters, Local 714 | 1/9/2017        | All full-time and permanent part-time employees in the following titles: Community Service Officer; Records Assistant; Telecommunicator |

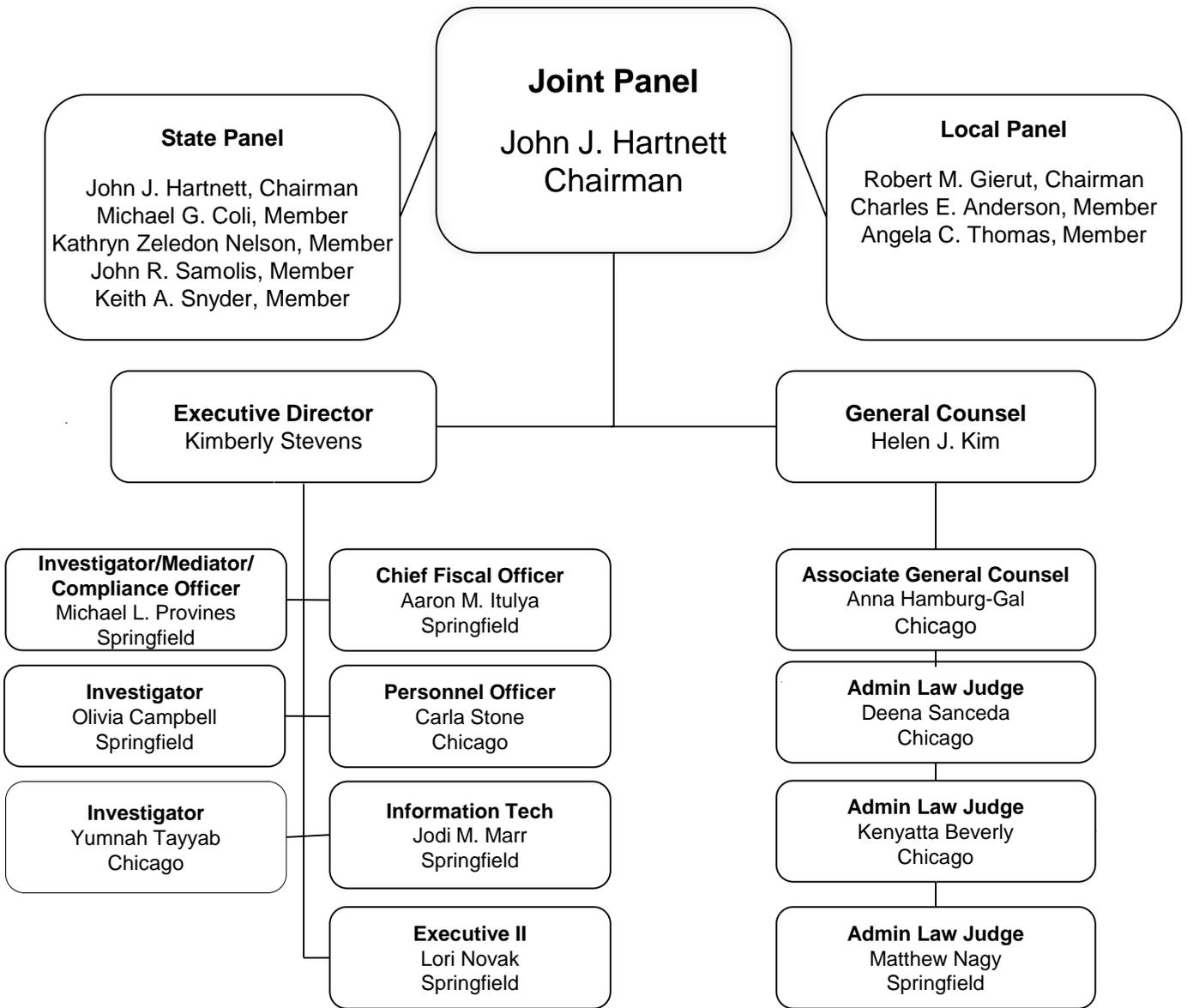
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|-------------|-----------------------------------------------------|-------------------------------------------------------|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| S-DD-17-007 | Clay County Circuit Clerk                           | Laborers, Local 1197                                  | 1/9/2017  | All full and permanent part-time employees                                                                                                                                                                 |
| S-DD-17-008 | County of Henderson and Sheriff of Henderson County | Int'l Union of Operating Engineers, Local 649         | 1/13/2017 | All full-time deputies                                                                                                                                                                                     |
| S-DD-17-009 | County of Henderson and Sheriff of Henderson County | Int'l Union of Operating Engineers, Local 649         | 1/13/2017 | All full-time Telecommunicators/Jailers                                                                                                                                                                    |
| S-DD-17-010 | Village of Williamsville                            | Laborers, Local 477                                   | 1/13/2017 | All persons employed full-time in the ranks of classifications of Police Officer; Sergeant                                                                                                                 |
| S-DD-17-011 | Village of Lyons                                    | Service Employees Int'l Union, Local 73               | 2/7/2017  | All full and part-time in the classification of Mechanic, Maintenance Worker I, Maintenance Worker II and Leadman                                                                                          |
| S-DD-17-012 | County of Adams and Sheriff of Adams County         | Int'l Association of Machinists and Aerospace Workers | 2/15/2017 | All full-time and regular part-time secretaries and switch board operators                                                                                                                                 |
| S-DD-17-013 | Village of Campton Hills                            | Illinois FOP Labor Council                            | 2/15/2017 | All full-time sworn officers below the rank of Sergeant                                                                                                                                                    |
| S-DD-17-014 | Chief Judge of the 8 <sup>th</sup> Judicial Circuit | Int'l Association of Machinists and Aerospace Workers | 2/28/2017 | All full-time and regular part-time clerical employees working at the Probation Department including secretaries                                                                                           |
| S-VR-01-008 | City of Charleston                                  | Int'l Brotherhood of Electrical Workers, Local 146    | 3/17/2017 | All employees in the Inspection Department                                                                                                                                                                 |
| S-DD-17-015 | County of Adams and Sheriff of Adams County         | Int'l Association of Machinists and Aerospace Workers | 5/3/2017  | All full-time and regular part-time employees of the Adams County Sheriff's office working as maintenance employees and cooks                                                                              |
| S-DD-17-016 | Village of Hinsdale                                 | Int'l Union of Operating Engineers, Local 150         | 5/10/2017 | All persons employed full-time and regular part-time in the Public Services Department, in the following job classifications:<br>Building Maintenance Technician/Crew Worker;<br>Crew Leader; Crew Worker; |

|             |                                                                                     |                                                  |           |                                                                                                                                                                                   |
|-------------|-------------------------------------------------------------------------------------|--------------------------------------------------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|             |                                                                                     |                                                  |           | Electrical Maintenance<br>Mechanic; Horticulturist;<br>Lead Water Operator;<br>Mechanic; Mechanic's<br>Helper; Water/Sewer<br>Supervisor                                          |
| S-UC-16-050 | State of Illinois,<br>Department of Central<br>Management Services<br>(Corrections) | Metropolitan Alliance of Police,<br>Chapter #294 | 5/17/2017 | All employees employed by<br>the State of Illinois'<br>Department of Corrections in<br>the titles of Internal Security<br>Investigator I and Internal<br>Security Investigator II |

**Revocation of Certification of Positions Excluded From  
Collective Bargaining by Gubernatorial Designation**

| <b>Case No.</b> | <b>Employer</b>                                                                                             | <b>Labor<br/>Organization</b>                                                  | <b>Date<br/>Revocation</b> | <b>Unit<br/>Description</b>                                                                                                                                                                |
|-----------------|-------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| S-DE-14-128     | State of Illinois,<br>Department of Central<br>Management Services<br>(Workers' Compensation<br>Commission) | American Federation of State,<br>County and Municipal<br>Employees, Council 31 | 11/28/2016                 | Public Service Administrator,<br>Option 1<br>Position Numbers<br>37015-50-37-700-00-01<br>37015-50-37-500-20-03<br>37015-50-37-500-10-01<br>37015-50-37-200-10-02<br>37015-50-37-200-40-01 |
| S-DE-14-152     | State of Illinois,<br>Department of Central<br>Management Services<br>(Illinois Commerce<br>Commission)     | American Federation of State,<br>County and Municipal<br>Employees, Council 31 | 11/28/2016                 | Homeland Security Director<br>75241-31-10-000-30-01                                                                                                                                        |
| S-DE-14-209     | State of Illinois,<br>Department of Central<br>Management Services<br>(Illinois Commerce<br>Commission)     | American Federation of State,<br>County and Municipal<br>Employees, Council 31 | 11/28/2016                 | Administrative Law Judge V<br>Positions Numbers<br>50524-31-60-200-40-01<br>50524-31-60-100-40-01                                                                                          |
| S-DE-14-233     | State of Illinois,<br>Department of Central<br>Management Services<br>(Pollution Control Board)             | American Federation of State,<br>County and Municipal<br>Employees, Council 31 | 11/28/2016                 | Public Service Administrator,<br>Option 8C<br>37015-50-80-000-00-05                                                                                                                        |

# Illinois Labor Relations Board FY 2017



***CHICAGO OFFICE***

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

***SPRINGFIELD OFFICE***

801 South 7<sup>th</sup> Street  
Suite 1200A  
Springfield, IL 62703  
217-785-3155

***WEBSITE***

[www.illinois.gov/ilrb](http://www.illinois.gov/ilrb)