



Illinois Labor Relations Board

**2019
ANNUAL REPORT**





Illinois Labor Relations Board

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

This is the 35th 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, 2018 through June 30, 2019.

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.

The Illinois Labor Relations Board is grateful to Governor J. B. Pritzker, Mayor Lori E. Lightfoot, 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,

/s/ William E. Lowry

William E. Lowry
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 September 22, 2017, 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.
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.

Funding of the Board

The Illinois Labor Relations Board received a budget appropriation of \$1,639,500 for Fiscal Year 2019. The ILRB received its funding through the General Revenue Fund (GRF). The ILRB had a lump sum rather than line item budget for Fiscal Year 2019. The line item figures represented below reflect expenditures for those lines. Figures on each line, including the total, were rounded to the nearest dollar.

FY 2019 Actual Expenditures	
Regular Positions	1,081,229
Social Security/Medicare	78,704
Contractual Services	46,118
Travel	9,912
Commodities	6,113
Printing	402
Equipment	814
Electronic Data Processing	73,329
Telecommunication	17,223
Agency Ops/Lump Sum	126
Total	1,313,969

Illinois Labor Relations Board Members

STATE PANEL

William E. Lowry (Chairman)
Chicago

John S. Cronin
Mokena

Kendra Cunningham
Murrayville

Jose L. Guidino
Orland Hills

Thomas Willis
Addison

LOCAL PANEL

Robert M. Gierut (Chairman)
Darien

Charles E. Anderson
Chicago

Angela C. Thomas
Chicago

Illinois Labor Relations Board Staff

EXECUTIVE DIRECTOR
Kimberly F. Stevens

GENERAL COUNSEL
Helen J. Kim

PERSONNEL OFFICER
Carla A. Stone

ASSOCIATE GENERAL COUNSEL
Anna Hamburg-Gal

CHIEF FISCAL OFFICER
Aaron M. Itulya

ADMINISTRATIVE LAW JUDGES
Donald W. Anderson

COMPLIANCE OFFICER/
INVESTIGATOR/MEDIATOR
Michael L. Provines

Matthew S. Nagy
Michelle N. Owen
Sharon A. Purcell

INVESTIGATORS
Olivia L. Campbell
Yumnah Tayyab

INFORMATION TECHNOLOGY
Jodi M. Marr

CASE MANAGER
Lori F. 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.

Legislative Amendments

HB 0126, HOUSE FLOOR AMENDMENT NO. 2

Public Act 100-1131 (Effective November 28, 2018)

This legislative amendment made a change to the Illinois Public Labor Relations Act. Specifically, the amendment modified the definition of "fire fighter" in the Act to include paramedics employed by a unit of local government. This expands the definition in the Act to include additional employees as public employees under the jurisdiction of the Act and, thereby, the Board.

Board and Court Decisions

I. Representation Issues

07/10/18

ILRB LP

Majority Interest/Managerial Exclusion

In American Federation of State, County and Municipal Employees, Council 31 and City of Chicago, 35 PERI ¶ 12 (IL LRB-LP 2018) (Case No. L-RC-16-031), AFSCME petitioned to represent sixteen Senior Procurement Specialist positions in the Department of Procurement Services at the City of Chicago and to include them in AFSCME's existing historical bargaining Unit #1. Applying the traditional managerial test to the SPS positions, the ALJ found that there was sufficient evidence establishing that the SPSs are predominantly engaged in executive and management functions and effectuate the Department's policies and procedures through their recommendations regarding the award of procurement contracts and thus concluded the SPSs fell within the managerial employee exclusion pursuant to Section 3(j) of the Act. The ALJ found the SPSs are responsible for the procurement process from start to finish and as such, are responsible for managing the competitive bidding process by which most of the City's contracts are awarded. The ALJ also determined the SPSs possessed sufficient authority and discretion in managing the City's procurement process to confer managerial status, noting the SPSs must consider as many as 30 factors in making responsible bidder determinations. Relying on Dep't of Cent. Mgmt. Serv./Ill. Commerce Comm'n (ICC) v. Ill. Labor Rel. Bd., 406 Ill. App. 3d 766, 780 (4th Dist. 2010), the ALJ found it unnecessary for the SPSs to formulate policy so long as they help run the Department. Because she found the Department accomplishes its mission through the SPS's administration of the procurement process, the ALJ concluded the SPSs engaged in executive and management functions. The ALJ also determined that because most of the contracts awarded go through the competitive bid process, SPSs both quantitatively and qualitatively predominantly engage in executive and management functions. The ALJ also found the SPSs effectuate the Department's policies through their recommendations in the award of contracts, which the uncontroverted evidence demonstrated, were almost always accepted by the Chief Procurement Officer. The Board agreed and accepted the ALJ's findings and conclusions for the reasons given in the RDO.

09/12/18

ILRB SP

Unit Clarification/Confidential Exclusion

In State of Illinois, Department of Central Management Services and American Federation of State, County and Municipal Employees, Council 31, 35 PERI ¶ 51 (IL LRB-SP 2018) (Case No. S-UC-17-083), the ALJ found the unit clarification petition filed by the State seeking to exclude in part one Administrative Assistant I (AAI) position at the Illinois Liquor Control Commission (LCC) and one Administrative Assistant II position at the Department of Financial and Professional Regulation (DFPR) as confidential employees to be appropriately filed, but found the two positions duties did not confer confidential status under the relevant tests. The ALJ applied the two tests derived from the statutory definition of confidential employees—the authorized access test and the labor nexus test. The ALJ found the AAI and AAI positions did not satisfy either test and concluded those positions did not fall within the confidential employee exclusion, noting that an expansion of the reasonable expectation test was not available the ALJ level. Relying on American Federation of State, County and Municipal Employees, Council 31 v. Illinois Labor Relations Board, 2014 IL App (1st) 13455 ¶ 44, the ALJ found neither position satisfied the authorized access test because the

incumbents had held their respective positions for more than ten years without actual access to confidential collective bargaining related material, rejecting the State's contentions that it "walled off" access to the employees because of their inclusion in the bargaining unit. She further found the Employer's focus on the positions' job descriptions unavailing because the job descriptions made no specific reference to labor relations or collective bargaining material and the Employer's interpretations of the job descriptions were insufficient to confer confidential employee status. The ALJ also determined that both positions failed to satisfy the labor nexus test because neither incumbent assisted her respective supervisor in a confidential capacity.

The Board disagreed and rejected the ALJ's findings and conclusions regarding the positions' confidential status and found both positions at issue confidential under Section 3(c) of the Act. The Board rejected the ALJ's analysis and her characterization of "walling off" of access as a removal of or change in the duties and functions of the AAI and AII positions. The Board found the duties and functions of the positions had not fundamentally changed because the Employer "walled" off access when the positions were included in the bargaining unit because accessing information cannot be fairly characterized as a "duty" under these circumstances. The Board observed that under these circumstances, access to information was a tool the incumbents would use in performing their duties, noting there was no evidence the incumbents did not perform, or were not responsible for, the duties and functions listed in the position descriptions, which describe the AAI and AII positions in general as assisting "in the planning, development and implementation of [LCC] policies and procedures" and "in the review and development of [DFPR] policies and procedures," respectively. The Board further noted that both positions serve as assistants to heads of their respective workplaces who are undisputedly involved in the formulation, determination and effectuation of collective bargaining policies and found merit to the State's contention that it should not be required to give access to labor relations or collective bargaining related material before seeking to remove the positions.

09/12/18

ILRB SP

Majority Interest/Employee Objections

In American Federation of State, County and Municipal Employees, Council 31 and Kendall County Circuit Clerk, 35 PERI ¶ 50 (IL LRB-SP 2018) (Case No. S-RC-18-041), AFSCME filed a majority interest petition seeking to represent certain employees of the Kendall County Circuit Clerk (Employer). The Employer objected to the petition contending certain employees should be excluded based on the Act's supervisory employee exclusion. In addition, several employees at issue in the petition submitted letters complaining of their co-worker's conduct in seeking AFSCME's representation of the bargaining unit. Relying on *Nilsson v. NBD Bank of Ill.*, 313 Ill.App.3d 751, 762 (1st Dist. 1999) and *Bd. of Trustees of the Univ. of Ill.*, 29 PERI ¶ 67 (IELRB 2012), the Executive Director dismissed the objections on grounds the employees failed to provide "clear and convincing evidence" that the showing of interest was obtained by fraud or coercion. She found the language of the authorization cards clearly stated that the individual signing the cards agreed to choose AFSCME as his/her exclusive representative and understood that "when a majority of [his/her] co-workers join in signing the card, this card can be used to obtain certification of AFSCME Council 31 as our exclusive bargaining representative without an election." She also found that none of the employees who submitted objections alleged that he/she was prevented from reading that language which appeared directly above the signature line on the authorization card and determined that any employee who signed the authorization card had the opportunity to read it as well. A majority of the Board affirmed the dismissal for the reasons given by the Executive Director and denied the Employer's motion to cite to additional

authority in support of its appeal. Member Snyder, dissenting in part and concurring in part, stated that although he concurred with the majority in denying the motion to cite additional authority, he would have reversed the dismissal of objections and ordered a hearing, noting that a pattern of conduct by AFSCME was emerging and that he disagreed with the application of the holding in Nilsson, which involved experienced business people, to the judicial employees in this case who lacked labor relations experience.

11/15/18

ILRB SP

Bargaining Unit Appropriateness/Historical Unit

In Illinois Association of Firefighters, Local 2391 and Village of River Forest, 35 PERI ¶87 (IL LRB-SP 2018) (Case No. S-RC-17-003), the Illinois Association of Firefighters (IAFF) filed a petition seeking to represent lieutenants in the Village's Fire Department in an existing firefighters' bargaining unit. The ALJ found that there was a historical pattern of recognition and bargaining history, dating back to 1985, involving the fire lieutenants as part of a fire officers' group. The ALJ determined that a bargaining unit consisting of both firefighters and lieutenants was an appropriate bargaining unit under the factors set forth in Section 9(b) of the Act. The Board agreed with the ALJ's conclusion that the fire lieutenants were members of a historical bargaining unit but found that under the circumstances, the historical unit of lieutenants was itself an appropriate unit.

11/16/18

ILRB SP

Unit Clarification/Supervisory Exclusion

In State of Illinois, Department of Central Management Services and American Federation of State, County and Municipal Employees, Council 31, 35 PERI ¶ 88 (IL LRB-SP 2018) (Case No. S-UC-17-067), the Employer filed a unit clarification petition seeking to exclude the position of Public Service Administrator (PSA) Option 6 (call floor supervisor) from an existing bargaining unit of State employees. The Board adopted the ALJ's conclusion that the petition was appropriately filed because the Employer sought to exclude statutorily excluded employees (supervisory employees) from the bargaining unit, relying on its decision in Dep't of Central Mgmt. Servs. (DCFS/DES), 34 PERI ¶ 79 (IL LRB-SP 2017), aff'd in part, rev'd in part sub nom. American Fed'n of State, County and Mun. Employees, Council 31 v. Illinois Labor Relations Board, 2018 IL App.(1st) 172476. The Board then rejected the Union's challenges to the ALJ's determination that the position in question was supervisory, accepting the ALJ's recommended finding that the work of the call floor supervisors was substantially different from the work of their subordinates, that the call floor supervisors possessed supervisory authority, exercising that authority using independent judgment, and that the call floor supervisors spent a preponderance of their time in the exercise of supervisory functions.

11/16/18

ILRB SP

Unit Clarification/Motion for Stay

In State of Illinois, Department of Central Management Services and American Federation of State County and Municipal Employees, Council 31, 35 PERI ¶ 51 (ILRB-SP 2018) (Case No. S-UC-17-083) the Board denied AFSCME's motion to stay the Board's September 12, 2018 Decision and Order pending AFSCME's petition for administrative review. In its September 12, 2018 Decision and Order, the Board granted the State's unit clarification petition seeking to exclude as confidential employees, two administrative positions—an Administrative Assistant I (AAI) position at the Illinois Liquor Control Commission and an

Administrative Assistant II (AII) position at the Illinois Department of Financial and Professional Regulation—from a bargaining unit represented by AFSCME. The case remains pending administrative review.

02/5/19

ILRB LP

Supervisory Employees

In American Federation of State, County and Municipal Employees, Council 31 and City of Chicago, 35 PERI ¶ 129 (ILRB-LP 2019) (Case No. L-RC-16-034), the Union filed a majority interest representation petition seeking to include City of Chicago Department of Public Health employees in the position of supervising disease control investigator (SDCI) in an existing bargaining unit. In her Recommended Decision and Order, the ALJ decided that an exclusionary clause in a prior certification did not preclude the union from seeking to represent the employees at issue, since the prior certification failed to identify the reasons for exclusion. The ALJ, however, dismissed the petition based upon her determination that the SDCIs fell under the supervisory exclusion from the bargaining unit. The ALJ determined that the SDCIs' principal work substantially differed from their subordinates' work, that they used independent judgment in exercised their supervisory authority, and that they devoted a preponderance of time to the exercise of their supervisory functions. The Board adopted the ALJ's recommendation and dismissed the petition.

06/27/19

Illinois Appellate Court, First District Opinion

Managerial Employees

In American Federation of State, County and Municipal Employees, Council 31 v. Illinois Labor Relations Board, 2019 IL App (1st) 181685, the First District affirmed the Board's decision in City of Chicago, 35 PERI ¶ 12 (IL LRB-LP 2018) (Case No. L-RC-16-031), dismissing the majority interest petition seeking to represent sixteen Senior Procurement Specialist positions in the Department of Procurement Services at the City of Chicago and to include them in AFSCME's existing historical bargaining Unit #1 because the employees are excluded from collective bargaining as managerial employees. The court affirmed the Board's finding that there was sufficient evidence to support the ALJ's recommendations regarding the City's discretion in determining the lowest responsible bidder and rejected AFSCME's contention that the Board "eased" the City's burden to demonstrate the employees should be excluded and that the ALJ improperly relied on caselaw to support her findings. The court also found the Board did not clearly err in finding the uncontroverted testimony indicated employees' recommendations regarding the lowest responsible bidder were almost always accepted.

II. Employer Unfair Labor Practices

07/10/18

ILRB SP

Unilateral Change/Notice and Opportunity to Bargain/Withdrawal

In International Brotherhood of Electrical Workers, Local 193; American Federation of State, County and Municipal Employees, Council 31; International Union of Painters and Allied Trades, District Council 58, Local 90; District 9, International Association of Machinists and Aerospace Workers; Plumbers and Steamfitters Local 137; Carpenters, Local 270 and City of Springfield, 35 PERI ¶ 15 (IL LRB-SP 2018) (S-CA-16-028, 029, 030, 031, 032, and 044, consolidated cases), six labor organizations filed separate unfair

labor practices against the City of Springfield alleging the City's 2015 ordinance no longer allowing unit members to take vacation payouts four to twelve months in advance of their written notice of an irrevocable intent to retire, constituted an unlawful change to a mandatory subject of bargaining. The ALJ found unfair labor practices in Case Nos. S-CA-16-029 and S-CA-16-030, involving AFSCME and Painters, respectively, but recommended dismissal of the complaints for hearing in the remaining cases.

The Board adopted the ALJ's recommendations dismissing Case Nos. S-CA-16-028, 031, and 044 in their entirety, and his recommendations dismissing the allegations involving AFSCME Local 3417 and Local 3738 in Case No. S-CA-16-029 for the reasons stated in the RDO, but rejected his recommendations finding unfair labor practices in the cases involving AFSCME Local 337 and the Painters. The Board rejected the ALJ's recommendations and dismissed the complaints for hearing, finding both AFSCME Local 337 and the Painters had notice and an opportunity to bargain the timing of vacation payouts as both entered into negotiations for a successor collective bargaining agreement after the 2015 Ordinance was introduced and ratified the agreement before the June 1, 2016 effective date of the ordinance. The Board also modified the ALJ's recommendation regarding Case No. S-CA-16-032 (Plumbers), to reflect withdrawal of the charge in that case as requested by the charging party instead of a dismissal.

7/10/18

ILRB LP

Executive Director Dismissal – Retaliation; Jurisdiction

In *April D. Glenn and Chicago Transit Authority*, 35 PERI ¶ 11 (IL LRB-LP 2018) (Case No. L-CA-18-039), Glenn alleged that the Employer retaliated against her for a grievance that her Union filed on her behalf contesting discipline she received for two incidents of missed work shifts. The Executive Director dismissed the charge on grounds that the charge failed to raise an issue of law or fact for hearing because Glenn did not provide evidence of a nexus between the Employer's alleged conduct and Glenn's protected activity. Moreover, the Executive Director found that the charge raised an issue that is covered by the applicable CBA and that was the subject of the grievance filed on Glenn's behalf; the Executive Director further noted that Board does not police collective bargaining agreements or remedy alleged contractual breaches through the Board's processes. Glenn timely appealed. The Local Panel affirmed the Executive Director's dismissal.

8/7/18

ILRB LP

Executive Director Dismissal – Retaliation; Weingarten Rights

In *Annie Burton and Chicago Transit Authority*, 35 PERI ¶ 30 (IL LRB-LP 2018) (Case No. L-CA-16-056), Burton alleged that the Employer violated her *Weingarten* rights by suspending her without the presence of a union representative at a meeting with her supervisor. Burton later amended the charge to allege that the Employer suspended her for three days and placed her on a six-month probation in retaliation for filing her original charge in this case. The Executive Director dismissed the charge based on evidence provided by Burton and the Employer, finding that Burton did not have a right to union representation because the meeting in question was not investigatory in nature and was held to impose predetermined discipline. The Executive Director also dismissed the portion of the charge alleging retaliation because Burton did not provide evidence of a link between filing the charge before the Board and the Employer issuing her a three-day suspension. Burton timely appealed the portion of the dismissal concerning the Weingarten issue but did not appeal the dismissal of the retaliation claim. The Local Panel allowed the Executive Director's dismissal to stand as to the issue of retaliation. On the Weingarten issue that Burton appealed, the Local

Panel remanded the issue for further investigation regarding whether the meeting in question was investigatory in nature.

8/7/18

ILRB LP

Executive Director Dismissal – Retaliation; Timeliness

In *John Kugler and Chicago Park District*, 35 PERI ¶ 31 (IL LRB-LP 2018) (Case No. L-CA-18-042), Kugler alleged that the Employer violated his rights under the Act by retaliating against him for protected activity; failing to give proper notice of termination; denying him a disciplinary hearing, union representation, and an opportunity to appeal discipline; and failing to respond to several grievances that Kugler filed. The Executive Director dismissed the charge, finding that portions of the charge were untimely and that Kugler had not provided evidence that supported his claims such that it would raise an issue for hearing. Kugler timely appealed. The Local Panel affirmed the dismissal.

08/15/18

ILRB SP

Mandatory Subjects/Unilateral Change/Waiver/Information Requests

In *Service Employees International Union Healthcare Illinois and Indiana and State of Illinois, Department of Central Management Services (DHS)* 35 PERI ¶ 35 (IL LRB-SP) (S-CA-16-132), SEIU filed an unfair labor practice charge alleging the State of Illinois, Department of Central Management Services violated Sections 10(b)(4) and (1) of the Act when the State unilaterally implemented an overtime policy with respect to Personal Assistants in the Home Services Program (HSP) administered by the Department of Human Services, later rescinded it, and then submitted the policy to its rulemaking process. SEIU also alleged the State violated the Act when it unilaterally implemented a background check policy and failed to respond to several information requests submitted by SEIU. The Board rejected the ALJ determinations that State violated the Act with respect to the implementation of the overtime and background check policies but accepted the ALJ's findings that the State violated the Act when it failed to respond to Charging Party's information requests in violation of Section 10(a)(4) of the Act. The Board, recognizing the unique relationship existing between the State, the Personal Assistants and the HSP participants, found that the State was not obligated to bargain over the overtime and background check policies.

Regarding the overtime policy, the Board disagreed with the ALJ's determinations regarding the first and third parts of the *Central City* test. The Board noted the overtime policy at issue involved the availability of overtime and that Section 7 of the Act provides that "Collective bargaining for home care and home health workers who function as personal assistants . . . shall be limited to the terms and conditions of employment under the State's control." The Board reasoned that because the HSP participants controlled the Personal Assistants' schedule and work hours, the first part of the test was not satisfied. Moreover, even if the Board were to accept the ALJ's findings on the first part and second part of the test, the Board found that the burdens imposed on the State's inherent managerial authority to administer the HSP program outweighed the benefits of bargaining. The Board, however, only rejected the ALJ's findings on the third part of the *Central City* test regarding the background check policies, finding again that the burdens imposed on the State's inherent managerial authority to administer the program outweighed the benefits of bargaining the decision to implement background checks. The Board further found there was no obligation to bargain the decision to implement the overtime policy and background checks under the parties' collective bargaining agreement. The Board did observe that for the background checks, the State agreed to bargain over the effects of its decision to conduct background checks pursuant to a side letter incorporated

into the parties' collective bargaining agreement. Because the Board found the overtime policy was not a mandatory subject of bargaining, it also found the State did not unlawfully submit its overtime policy to rulemaking.

A majority of the Board, however, found the State engaged in unfair labor practices by failing to respond to several information requests submitted by SEIU. But because the Board did not find the State was obligated to bargain over the overtime and background check policies, it limited the remedy. Member Snyder dissented to the majority's findings that the State's failure to respond to SEIU's information requests but concurred with rest of the decision.

09/11/18

ILRB SP

Retaliation/Improper Motive

In *James Young and Village of University Park (Police Department)*, 35 PERI ¶ 52 (IL LRB-SP 2018) (Case Nos. S-CA-15-095 and S-CA-15-111), Charging Party filed an unfair labor practice charge alleging the Employer engaged in unfair labor practices within the meaning of Sections 10(a) of the Act. The ALJ determined that Respondent violated Section 10(a)(1) and Sections 10(a)(2) and, derivatively, 10(a)(1), of the Act by ordering Charging Party to surrender his department identification and badge and discharging him in retaliation for engaging in protected activity. The ALJ, however, dismissed the remaining allegations in the complaint for hearing. The Board rejected the ALJ's findings and conclusions that the Employer violated the Act, finding that the circumstantial evidence failed to show that the Employer acted with the requisite improper motives against Charging Party because of his protected activity. The Board found that the pattern of conduct and inconsistencies in the reasons for the Employer's actions did not demonstrate improper motive as there was no evidence of shifting explanations, suspicious timing or expressed hostility.

9/11/18

ILRB LP

Executive Director Dismissal – Retaliation

In *Brian C. Johnson and Chicago Transit Authority*, 35 PERI ¶ 45 (IL LRB-LP 2018) (Case No. L-CA-18-006), Johnson alleged that the Employer discharged him from his employment in retaliation for engaging in protected activity. The Executive Director dismissed the charge on grounds that the charge failed to raise an issue of fact or law for hearing where the available evidence failed to indicate a causal connection between Johnson's protected activity and his discharge. Johnson timely appealed and provided additional documentation with his appeal. The Local Panel considered the appeal and found that it lacked merit and that the additional materials did not indicate that Johnson was discharged because he engaged in protected activity. Therefore, the Local Panel affirmed the dismissal.

9/11/18

ILRB LP

Executive Director Dismissal – Retaliation

In *National Nurses Organizing Committee and County of Cook, Health and Hospital System*, 35 PERI ¶ 46 (IL LRB-LP 2018) (Case No. L-CA-18-018), the Union alleged, in relevant part, that the Employer retaliated against a unit member by calling the police to escort her off the premises of Stroger Hospital in response to her threat to file a grievance. The Executive Director issued a complaint on other allegations in the charge but dismissed this portion of the charge on grounds that the available evidence failed to indicate a nexus between the unit member's protected activity and the Employer's actions. The Union

timely appealed and provided additional documentation with the appeal that it had not previously provided to the Board investigator. The Local Panel considered the appeal and found that it lacked merit. Moreover, the Local Panel declined to consider the additional materials because they could have been presented during the investigation but were not. Therefore, the Local Panel affirmed the dismissal.

9/12/18

ILRB SP

Executive Director Dismissal – Failure to Respond to Board Request for Information

In *International Brotherhood of Teamsters, Local 371 and City of Colona*, 35 PERI ¶ 47 (IL LRB-SP 2018) (Case No. S-CA-17-091), the Union alleged that the Employer violated the Act when it retaliated against a unit member after the Employer received notice that the Board had certified the Union as the exclusive representative of the unit. The Executive Director dismissed the charge on the grounds that the Union failed to respond to the Board investigator's requests for information about the charge, and the available information did not raise an issue for hearing. The Union timely appealed the dismissal and contended that its failure to respond constituted excusable neglect. Upon review, the State Panel disagreed with the contention of the Union and affirmed the dismissal.

9/12/18

ILRB SP

Executive Director Dismissal – Unilateral Change; Spielberg Dismissal

In *Mattoon Fire Fighters Association, Local 691 and City of Mattoon (Fire Department)*, 35 PERI ¶ 48 (IL LRB-SP 2018) (Case No. S-CA-18-084), the Union alleged that the Employer violated the Act when it adopted a resolution to eliminate City-operated paramedic services. The Executive Director dismissed the charge on the grounds that the Spielberg criteria were satisfied and that the Board should defer to a previous arbitration award resolving this issue between these parties. Moreover, the Executive Director noted that the Employer did offer to engage in impact bargaining with the Union on this issue. The Union timely appealed. Upon review, the State Panel affirmed the dismissal.

10/17/18

ILRB SP

Retaliation/Motive/Nexus

In *Travis Koester and County of Sangamon and Sheriff of Sangamon County*, 35 PERI ¶ 70 (ILRB-SP 2018), Charging Party, a member of the Sangamon County Sheriff's Tactical Response Unit (TRU), alleged the Respondents removed him from the TRU because he filed grievances in violation of Section 10(a)(1) of the Act. The grievances were filed over the promotion of three individuals, two of whom were fellow TRU members. Respondents claimed that trust among TRU members is vital to the successful operation of the TRU, a highly specialized law enforcement unit, and Charging Party was removed from the unit because the other members of the TRU expressed a lack of trust in the Charging Party due to the nature of the grievances filed. Charging Party's fellow TRU members requested his removal after a meeting with TRU members. Charging Party attended the meeting, but no members of management were present. The ALJ concluded the Respondent retaliated against Charging Party because he filed grievances in violation of Section 10(a)(1) of the Act. The Board rejected the ALJ's recommendation and dismissed the complaint, finding that the Charging Party had not established the requisite causation, *i.e.*, that the Charging Party's filing of the two grievances was the motivating factor in the Sheriff's decision to remove him from the TRU, and finding instead, the evidence supported the conclusion that it was lack of trust in Charging Party by his fellow team members that caused his removal from the unit. The Appellate Court, Fourth District, affirmed

the Board's decision in an unpublished Rule 23 Order.

10/17/18

ILRB SP

Executive Director Dismissal—Refusal to Bargain/Submission of Permissive Subject to Interest Arbitration

In *Policemen's Benevolent Labor Committee and City of Decatur*, 35 PERI ¶ 71 (ILRB- SP 2018) (Case No. S-CA-18-074), the Board's Executive Director partially dismissed a charge of unfair labor practices by the Union alleging, in part, that the Employer violated the Act by submitting a permissive subject of bargaining to interest arbitration, refusing to bargain or select an arbitrator while seeking a declaratory ruling, and failing to respond to a proposal made by the Charging Party in collective bargaining. Relying on the Board's decision in *City of Wheaton*, 31 PERI ¶ 131 (IL LRB-SP 2015), the Executive Director noted that the mere submission of a permissive subject of bargaining to interest arbitration is not in and of itself an unfair labor practice and also noted that the proposal at issue was a mandatory subject of bargaining, citing the declaratory ruling in Case No. S-DR-18-003. The Executive Director dismissed as moot the allegations that the Respondent refused to bargain or select an arbitrator and also dismissed as factually incorrect the allegations that Respondent refused to respond to a proposal in bargaining. The Charging Party appealed. The Board affirmed the Executive Director's partial dismissal, finding that the Executive Director correctly relied on Board precedent and that the Union's reliance on *Skokie Firefighters Union, Local 3033 v. Illinois Labor Relations Board, State Panel, et al.*, 2016 IL App (1st) 152478 was misplaced.

10/17/18

ILRB SP

Executive Director Dismissal—Timeliness/ Unilateral Changes

In *Policemen's Benevolent Labor Committee and City of Sparta*, 35 PERI ¶ 72 (ILRB-SP 2018) (Case No. S-CA-18-085), the Executive Director dismissed a charge of unfair labor practices by the Union, alleging that the Employer violated the Act by instituting a new requirement for bargaining unit members to complete park patrols, by refusing to bargain over this new requirement, and by implementing new grounds for discipline without bargaining. The Executive Director found that the charge was untimely. In addition, the Executive Director found the alleged new requirement was not a change in terms and conditions of employment over which the Employer was obligated to bargain and possible disciplinary action for failure to follow the directive regarding park patrols was not a new subject of discipline. On appeal, the Board affirmed the Executive Director's dismissal on both timeliness and substantive grounds.

10/23/18

4th District State/AFSCME Impasse decision Impasse Test/Agency Policy Change/Affidavits

In State of Illinois, Department of Central Management Services and American Federation of State, County and Municipal Employees, Council 31, 2018 IL App (4th) 160827 (IL LRB-SP 2016, Case Nos. S-CB-16-017 and S-CA-16-087, 33 PERI ¶ 67), the court reviewed the Board's decision finding parties were at impasse on single critical issue of subcontracting and the State unlawfully failed to respond to information requests. The Board dismissed the remaining allegations. The court held the Board erred in applying single critical issue impasse test and in failing to provide basis for departing from longstanding policy for determining existence of impasse. The court also concluded the Board erred in allowing affidavits instead of live testimony. The court then remanded to the case to the Board for further proceedings.

12/12/18

ILRB SP

Failure to Provide Information Relevant to Bargaining

In *American Federation of State, County and Municipal Employees, Council 31 and State of Illinois, Department of Central Management Services*, 35 PERI ¶ 100 (ILRB-SP 2018) (Case No. S-CA-17-060), the Board accepted the ALJ's finding that the Respondent failed to provide to the Charging Party relevant information in its possession in response to an appropriate request for information relating to an Employer proposal in collective bargaining. Member Snyder dissented in part, agreeing that the Employer committed an unfair labor practice by failing to respond at all to the request for information but disagreeing with the majority and the ALJ that a specific document (the Draft FY 2017 Metal Band Designs document) fell within the scope of the Union's information request.

12/12/18

ILRB SP

Sanctions

In *Policemen's Benevolent Labor Committee and City of Sparta*, 35 PERI ¶ 103 (ILRB-SP 2018) (Case No. S-CA-18-085), the Board denied the City's motion for sanctions against the Union after the Union's unfair practice charge was dismissed (see 35 PERI ¶ 72). The Board noted that the Employer failed to seek sanctions before the Executive Director, as required by Board rules. Moreover, the Board concluded, the circumstances presented did not provide sufficient grounds to award sanctions even if the Employer's motion were considered on its merits.

12/18/18

ILRB LP

Abeyance

In *Fraternal Order of Police, Lodge #7 and City of Chicago*, 35 PERI ¶ 107 (ILRB-LP 2018) (Case No. L-CA-17-034) the Board, noting that, on June 5, 2018, it had issued a decision and order holding the case in abeyance pending the outcome of the parties' negotiations for a successor collective bargaining agreement, and considering the parties' joint request that the case be held in further abeyance, issued a Decision and Order continuing to hold the case in abeyance and directing the parties to report on the outcome, if any, or the status of negotiations to the Board's General Counsel on or before May 8, 2019. On that date, the parties advised that they were continuing negotiations for a successor agreement. On June 11, 2019, the Board held the case in further abeyance with directions to the parties to report either the outcome, if any, or the status of negotiations to the Board's General Counsel on or before November 8, 2019.

01/9/19

ILRB LP

Executive Director's Dismissal—Retaliatory Discharge

In *LaChelle Bowers and City of Chicago (Finance Department)*, 35 PERI ¶ 115 (ILRB-LP 2019) (Case No. L-CA-18-060), the Board's Executive Director dismissed a charge alleging that the City of Chicago engaged in unfair labor practices when it discharged the Charging Party allegedly for having previously filed an unfair labor practice charge against the City and for having served as a witness for the Union in a grievance proceeding. In dismissing the charge, the Executive Director determined the evidence failed to indicate a nexus between the Charging Party's protected activity and her discharge. On appeal, the Charging Party claimed that the dismissal contained "numerous material errors," but the Board found the Charging Party failed to identify such errors or identify any unlawful motive on the part of the City. The Board thus

concluded that the Executive Director's findings and determinations were correct and supported by the available evidence and Board precedent.

01/9/19

ILRB SP

Executive Director's Dismissal—Information Supporting Charge/Timeliness of Appeal

In *Illinois Fraternal Order of Police and Village of Riverdale*, 35 PERI ¶ 128 (ILRB-SP 2019) (Case No. S-CA-18-164), the Board's Executive Director dismissed the charge because Charging Party failed to respond to a request for information supporting the charge. The Charging Party appealed the dismissal, raising procedural and substantive issues. Procedurally, the Charging Party produced evidence to rebut the presumption of the date when the dismissal order was received, thus showing that the appeal was timely. On the merits, the Charging Party produced evidence that it did send the requested information to the Board agent by e-mail, although the Board agent apparently did not receive it. Accordingly, the Board reversed the dismissal and remanded the charge to the Executive Director for further investigation.

01/10/19

ILRB SP

Abeyance

In *American Federation of State, County and Municipal Employees, Council 31 and State of Illinois, Department of Central Management Services*, 35 PERI ¶ 118 (ILRB-SP 2019) (Case Nos. S-CA-17-067, S-CA-17-089 Cons.), the ALJ issued a Recommended Decision and Order (RDO) in which she found that the State did not violate the Act by refusing to bargain after receiving a November 21, 2016 letter from the Union, but did violate the Act by refusing to bargain after receiving a letter from the Union on January 9, 2017. Upon the filing of exceptions and responses, the Board held the cases in abeyance pending the resolution of related proceedings in *State of Illinois, Department of Central Management Services and American Federation of State, County and Municipal Employees, Council 31 ("Impasse I")*, 33 PERI ¶ 67 (IL LRB-SP 2016).

02/5/19

ILRB SP

Executive Director's Dismissal—Timeliness of Appeal/Protected Activity

In *Murtrecca Winfrey and State of Illinois Central Management Services (Human Services—Madden Mental Health Center)*, 35 PERI ¶ 131 (IL LRB-SP 2019) (Case No. S- CA-18-159), the Board's Executive Director dismissed a charge because the Charging Party failed to identify any protected concerted activity which caused the Employer to retaliate against her. On appeal, the Board found that the appeal was defective because it failed to comply with the Board's rules. It nevertheless granted a variance under Section 1200.160 of the Rules because 1) the provision from which the variance is granted was not statutorily mandated; 2) no party would be injured by granting the variance; and 3) the rule from which the variance is granted would, in the particular case in question, be unreasonable or unnecessarily burdensome. The Board noted that the granting of the variance would not prejudice the Employer because the appeal lacked merit, and also noted the fact that the Charging Party was a *pro se* party with limited labor law experience and resources. Considering the appeal on the merits, the Board affirmed the dismissal for the reasons stated by the Executive Director.

03/12/19

ILRB LP

Unilateral Change/Abeyance

In *Fraternal Order of Police, Lodge #7 and City of Chicago (Department of Police)*, 35 PERI ¶ 148 (IL LRB-LP 2019) (Case No. L-CA-16-079), the ALJ found that the City did not engage in unfair labor practices by unilaterally implementing a policy known as the “Transparency Policy” that provided for the release of video footage in connection with investigations into police officer misconduct. The Union filed exceptions and the City filed a response. In considering the exceptions, the Board cited a consent decree signed by the Illinois Attorney General and the City of Chicago, and approved by a United States District Court Judge, to implement comprehensive reforms to the Chicago Police Department, the Independent Police Review Authority, and the Chicago Police Board. In approving the consent decree, the District Judge noted that the terms of the decree would require collective bargaining and also required the City to use its “best efforts” to secure collectively bargained terms consistent with the terms of the consent decree. In light of the consent decree and the status of two other cases involving the parties then before the Board, the Board found that the spirit and purposes of the Act would best be served by holding the present case in abeyance pending the outcome of the parties’ negotiations for a successor agreement. The parties were directed to report either the outcome, if any, or the status of negotiations relative to the issues in the case to the Board’s General Counsel on or before May 8, 2019. The parties’ advised the Board of their continuing negotiations and thus, on June 11, 2019, the Board held the case in abeyance and directed parties to report on the status of negotiations by November 8, 2019.

03/12/19

ILRB SP

Executive Director’s Dismissal—Adverse Action/Conspiring with Union

In *Vincent Clemens and Wauconda Fire Protection District*, 35 PERI ¶ 147 (IL LRB-SP 2019) (Case No. S-CA-18-153), the Board’s Executive Director dismissed a charge alleging that the Respondent engaged in unfair labor practices when it allegedly conspired with the Wauconda Professional Firefighters, IAFF Local 4876 (the Union) to take adverse action against the Charging Party with respect to his Public Employee Disability Act (PEDA) claim and to intervene in his pension board hearing. The Executive Director dismissed part of the charge on timeliness grounds and the remainder of the charge on the ground that the available evidence failed to raise an issue of law or fact sufficient to warrant a hearing. As to that part of the charge that was dismissed on the merits, the Executive Director found that the available evidence failed to establish the necessary link between the Charging Party’s alleged protected concerted activity and the Respondent’s investigation into the PEDA claims and its intervention in his disability claims before the pension board. The Board affirmed the dismissal for the reasons stated by the Executive Director, noting that the appeal “merely relies on bald assertions and speculation” to challenge the Executive Director’s dismissal, and also observing that the Charging Party ultimately succeeded in his pension board disability claim.

04/9/19

ILRB LP

Executive Director’s Dismissal—Retaliation

In *Reginald Dean and City of Chicago (Dept. of Innovation and Technology)*, 35 PERI ¶ 155 (IL LRB-LP 2019) (Case No. L-CA-16-080), the Board’s Executive Director dismissed a charge alleging that the Respondent engaged in unfair labor practices when it laid off the Charging Party in retaliation for filing a grievance and an unfair labor practice charge with the Board. Although the available evidence showed that

the Charging Party engaged in protected activity and that the Respondent was aware of such activity, there was no evidence that the Charging Party was laid off because of his protected activity, noting that the layoff was the result of the Respondent's consolidation of its information technology departments, together with lack of funding, and that the Charging Party was selected for layoff on the basis of seniority. On appeal, the Board affirmed the dismissal for the reasons stated by the Executive Director, noting that the timing of the layoff alone did not establish a violation of the Act and that the other evidence submitted by the Charging Party was insufficient to raise suspicions that the Respondent laid off the Charging Party for any retaliatory or otherwise unlawful reason.

04/9/19

ILRB LP

Executive Director's Dismissal—Timeliness/Retaliation

In *Stella Okwu and County of Cook, Health and Hospital System (John J. Stroger, Jr., Hospital)*, 35 PERI ¶ 156 (Case No. L-CA-19-071) (IL LRB-LP 2019), the Board's Executive Director dismissed a charge alleging that the Respondent engaged in unfair labor practices by discharging her for failing to report an absence from work. The Executive Director determined that the charge was untimely, having been filed more than six months after her discharge. In addition, the Executive Director noted that, even if the charge were timely, the Charging Party failed to allege that the County discharged her in retaliation for exercising her rights under the Act. On appeal, the Board affirmed the Executive Director's dismissal.

04/9/19

ILRB SP

Executive Director's Dismissal—Failure to Process a Grievance

In *The Health Care, Professional, Technical Office, Warehouse, and Mail Order Employees Union, Local 743, Aff'd with the International Brotherhood of Teamsters and Village of Riverdale*, 35 PERI ¶ 157 (IL LRB-SP 2019) (Case No. S-CA-19-020), the Board's Executive Director dismissed a charge alleging that the Respondent engaged in unfair labor practices by refusing to arbitrate a grievance because it was untimely according to the provisions of the parties' collective bargaining agreement. Relying on the Board's decision in *Village of Creve Coeur*, 3 PERI ¶ 2063 (IL SLRB 1987), the Executive Director determined that an isolated refusal to process a grievance based on a good faith interpretation of the parties' collective bargaining agreement was insufficient to establish that an unfair labor practice had occurred. The enforcement of a collective bargaining agreement, the Executive Director observed, is a matter for the courts. On appeal, the Board found no basis in evidence or legal authority to deviate from the Board precedent established in *Village of Creve Coeur* and thus found that the Executive Director's determination was correct and supported by the available evidence and Board precedent.

05/8/19

ILRB SP

Executive Director's Dismissal—Timeliness/Improper Motive

In *Harold B. Thompson and State of Illinois, Department of Central Management Services (Employment Security)*, 35 PERI ¶ 173 (IL LRB-SP 2019) (Case No. S-CA-19-034), the Board's Executive Director dismissed a charge alleging that the Respondent engaged in unfair labor practices by discharging the Charging Party for poor work performance. The charge was dismissed on both timeliness and substantive grounds. On appeal, the Board upheld the dismissal, finding that the Charging Party's charge was untimely under established Board precedent and that the Charging Party failed to present any evidence that he was discharged because he engaged in protected activity.

05/9/19

ILRB LP

Executive Director’s Dismissal—Protected Activity/Employer’s Knowledge/Nexus

In *Illinois Fraternal Order of Police Labor Council and County of Cook and Sheriff of Cook County*, 35 PERI ¶ 175 (IL LRB-LP 2019) (Case No. L-CA-18-041), the Board’s Executive Director dismissed a charge alleging the Respondents engaged in unfair labor practices by taking adverse action against a union steward consisting of (1) suspending him without pay pending investigation into allegations that the steward improperly obtained information subsequently used in a grievance meeting and (2) filing a complaint against the steward before the Cook County Sheriff’s Merit Board seeking his discharge. The Executive Director dismissed the charge because the available evidence failed to indicate the Sheriff took action against the steward because he engaged in protected activity, reasoning that the steward’s actions in accessing and copying of documents was improper and ran afoul of the Sheriff’s established procedures. The Executive Director also found dismissal warranted because the Charging Party Union allegedly failed to present evidence of a causal connection between Sheppard’s alleged protected activity and the Sheriff’s decision to suspend him and seek his discharge. The Board reversed the dismissal and remanded to the Executive Director with instructions to issue a complaint for hearing. It found the evidence indicated a legal and factual dispute as to whether the steward’s actions constituted protected activity and whether the Respondent Employer had knowledge of that activity. Also, the Board found the Merit Board determinations upholding the discharge were not binding on the Board and thus whether the Respondents discharged the Charging Party with improper motives is an issue for hearing.

06/11/19

ILRB SP

Executive Director’s Dismissal—Service Defects/Adverse Action/Unlawful Motivation

In *Jeannie Wells and Chief Judge of the Circuit Court of Cook County (Juvenile Probation Department)*, 35 PERI ¶ 182 (IL LRB-SP 2019) (Case No. S-CA-16-024), the Executive Director dismissed a charge alleging the Respondent engaged in unfair labor practices when it moved the Charging Party’s office, changed her assignment, and issued counseling to her. On appeal, the Board found service of the appeal was defective but granted a variance from the rules because (a) the provision from which the variance was granted is not statutorily mandated, (b) no party was injured by granting the variance, and (c) strict compliance with the rule in question would, in the particular case, be unreasonable or unnecessarily burdensome. Upon considering the appeal, the Board affirmed the Executive Director’s dismissal because the available evidence failed to indicate that the Respondent took any action that could be considered adverse and that the evidence did not indicate that the Respondent took any of the alleged adverse actions for unlawful reasons.

06/11/19

ILRB SP

Vacating Prior Decision and Order upon Court Mandate

In *Service Employees International Union Healthcare Illinois & Indiana and State of Illinois, Department of Central Management Services (Human Services)*, 35 PERI ¶ 183 (IL LRB-SP 2019) (Case No. S-CA-16-132), the Board pursuant to the mandate of the Appellate Court of Illinois, First District, vacated its August 25, 2018 Decision and Order in the case. In that August 25, 2018 Decision and Order (*Service Employees International Union Healthcare Illinois & Indiana and State of Illinois, Department of Central Management Services (DHS)*, 35 PERI ¶ 35 (IL LRB-SP 2018)), the Board had reversed in part the Recommended Decision and Order of the ALJ, finding that the Respondent did not violate the Act by submitting a new overtime policy, which the Board found to be a non-mandatory subject of bargaining, to

its rulemaking process or by making an unlawful unilateral change to its background check policy, which the Board also found to be non-mandatory. A majority of the Board, however, agreed with the ALJ that the Respondent violated the Act by failing to respond to several information requests from the Charging Party Union. Member Snyder concurred with the Board's findings regarding the overtime policy and background checks but dissented to the majority's finding regarding the information requests.

06/12/19

ILRB LP

Executive Director's Dismissal—Ineligibility of Former Employees to Receive Retroactive Wage Increases

In *Tony L. Carodine, et al. and Chicago Transit Authority*, 35 PERI ¶ 186 (ILRB-LP 2019) (Case Nos. L-CA-18-062, 063, 064, 065, 068, 069, 071, 075, 076, 077, 078, 079, 081, and 082, L-CA-19-001, 002, 004, 006 through 049, and 063), the Board's Executive Director dismissed unfair labor practice charges filed against the CTA by 63 former CTA employees and former members of bargaining units represented by Amalgamated Transit Union, Local 241 and Local 308. The charges alleged that the CTA committed unfair labor practices by entering into tentative agreements with the Unions that excluded the Charging Parties from receiving retroactive wage increase payments. The Executive Director dismissed the charges on the basis of lack of standing and the failure to allege any substantive violations of the Act. On the issue of standing, the Executive Director determined that the Charging Parties lacked standing because they were no longer employed by the CTA on the dates of the tentative agreements and therefore were not, by definition, public employees under the Act. With respect to the alleged substantive violations, the Executive Director dismissed claims under Section 10(a)(4) of the Act on the grounds that such claims may be made only by a labor organization and that there was no indication that the CTA bargained in bad faith. She also determined that the available evidence failed to indicate violations of Section 10(a)(1), observing that the Charging Parties' complaints stem from the terms of the collectively bargained tentative agreements and noting that Board precedent under *Village of Creve Coeur*, 4 PERI ¶ 2002 (IL SLRB 1987) holds that the Board does not police collective bargaining agreements or remedy alleged breaches of collective bargaining agreements. On appeal, Joann Robinson, one of the Charging Parties, claimed to have filed the appeal on behalf of all case numbers involved. The Board determined that Robinson's appeal did not satisfy all requirements in the Board's rules for a representative appeal. Nevertheless, the Board found that, under the circumstances, the granting of a variance from compliance with the rules was warranted, determining that (a) the provision from which the variance was granted is not statutorily mandated, (b) no party was injured by the granting of the variance, and (c) the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome. On the merits of the appeal, however, the Board affirmed the dismissal on the grounds stated by the Executive Director.

III. Union Unfair Labor Practices

8/15/18

ILRB SP

Executive Director Dismissal – Timeliness; Failure to Respond to Board Request for Information

In *Roger McComb and American Federation of State, County and Municipal Employees, Council 31*, 35 PERI ¶ 36 (IL LRB-SP 2018) (Case No. S-CB-17-030), the Executive Director dismissed the charge on grounds that McComb failed to respond to the investigator's request for additional information in support of the charge and that the charge was untimely filed. McComb timely appealed. The State Panel found that the appeal lacked merit and upheld the dismissal by the Executive Director.

8/15/18

ILRB SP

Executive Director Dismissal – Duty of Fair Representation; Timeliness

In *Ramtin Sabet and Fraternal Order of Police Labor Council*, 35 PERI ¶ 37 (IL LRB-SP 2018) (Case No. S-CB-18-017), Sabet alleged that the Union, through its attorneys and other representatives, discriminated against him on the basis of his religion and national origin and engaged in intentional misconduct when it failed to adequately represent him during an investigation by the Employer into his alleged misconduct. The Executive Director dismissed the charge, concluding that Sabet failed to raise issues of fact for hearing on the claim that the FOP's agents discriminated against him on the basis of his religion or national origin. Sabet timely appealed. The State Panel found that, in addition, to the rationale provided by the Executive Director, portions of the charge were untimely filed and should be dismissed on that basis. Ultimately, the State Panel found that the appeal lacked merit and upheld the dismissal by the Executive Director.

8/15/18

ILRB SP

Executive Director Dismissal – Duty of Fair Representation

In *Carlo J. Carlotta and Illinois Council of Police*, 35 PERI ¶ 38 (IL LRB-SP 2018) (Case No. S-CB-18-021), Carlotta alleged that the Union engaged in intentional misconduct by refusing to arbitrate a grievance over his termination from employment. The Executive Director dismissed the charge, noting that, according to Board precedent, a union is afforded substantial discretion in deciding to pursue grievances, and finding that Carlotta failed to identify any Union bias or motive against Carlotta when it decided against pursuing his discharge grievance. Carlotta timely appealed. The State Panel found that the appeal lacked merit and upheld the dismissal by the Executive Director.

10/5/18

Illinois Appellate Court, First District Opinion

Health Insurance/Permissive Subjects/Interest Arbitration/Sanctions

In *Illinois, Department of Central Management Services (State Police) v. Illinois Labor Relations Board*, 2018 IL App (1st) 171382, the First District affirmed the Board's decision in *State of Illinois, Department of Central Management Services and Troopers Lodge#41, Fraternal Order of Police*, 34 PERI ¶ 18) (IL LRB-SP 2017) (Case No. S-CB-16-023) dismissing the unfair labor practice charge filed by the State and denying sanctions requested by the union. The court declined to address Board's interpretation of the Act and the State Employees Group Insurance Act (SEGIA). In the underlying charge, the State alleged the union violated Act by submitting the issue of health insurance to interest arbitration and contended health insurance is a permissive subject of bargaining. The Board found that premiums, deductibles, co-payments,

and out of pocket maximums are mandatory subjects of bargaining; choice of vendor and State's procurement process for health insurance are permissive subjects. The Board also found SEGIA does not prohibit collective bargaining over health insurance for the State. The Board further determined the union's submission of health insurance issue to interest arbitration panel was lawful because the State did not make timely and clear objections.

10/17/18

ILRB SP

Executive Director's Dismissal—Timeliness/Breach of Duty of Fair Representation

In *George A. Pruitt, III and American Federation of State, County and Municipal Employees*, 35 PERI ¶ 73 (IL LRB-SP 2018) (Case No. S-CB-18-023), the Board's Executive Director dismissed a charge by the Charging Party alleging that the Respondent Union engaged in unfair labor practices by failing to properly represent him at an investigatory interview and then by refusing to take his discharge grievance to arbitration. The Executive Director found that a portion of the charge, relating to the investigatory interview allegation, was untimely filed and the Respondent lawfully exercised its discretion when it decided not to take the Charging Party's grievance to arbitration. On appeal, the Board found the appeal lacking in merit in that it identified no flaw or error in the Executive Director's analysis, findings, or conclusions.

11/9/18

ILRB LP

Executive Director's Dismissal—Timeliness/Breach of Duty of Fair Representation

In *Jenise Albritton and Amalgamated Transit Union, Local 241*, 35 PERI ¶ 82 (IL LRB- LP 2018) (Case No. L-CB-18-022), the Executive Director dismissed a charge by the Charging Party that the Respondent Union engaged in unfair labor practices by failing to properly represent her at her termination hearing and at the grievance arbitration hearing conducted to determine whether her discharge was proper under the applicable collective bargaining agreement. The Executive Director found that the charge was untimely and because the available evidence failed to show that the Respondent engaged in a breach of the duty of fair representation under the intentional misconduct standard set forth in Section 10(b)(1) of the Act. On appeal, the Board affirmed the dismissal, finding that the appeal merely reiterated allegations in the charge and provided no meaningful or viable basis to overturn the dismissal. While the Charging Party contended that the charge was timely because it was filed within six months after the arbitration award sustaining her discharge was issued, the Local Panel found that the conduct giving rise to the charge occurred, at the latest, at the time of the arbitration hearing rather than at the time that the arbitration award was issued.

01/9/19

ILRB LP

Executive Director's Dismissal—Breach of Duty of Fair Representation

In *LaChelle Bowers and American Federation of State, County and Municipal Employees, Council 31*, 35 PERI ¶ 117 (IL LRB-LP 2019) (Case No. L-CB-18-038), the Executive Director dismissed a charge by the Charging Party that the Respondent Union engaged in unfair labor practices by failing to pursue her discharge arbitration grievance to arbitration in retaliation for having previously filed an unfair labor practice charge against the Union and for requesting a change in the attorney assigned to her case. The Executive Director dismissed the charge because the available evidence did not show that the Respondent engaged in a breach of the duty of fair representation under the intentional misconduct standard set forth in Section 10(b)(1) of the Act. Citing Board precedent, the Executive Director also observed that a union has considerable discretion in handling grievances and that, absent evidence of improper motivation, a union is

not required to take all available steps to achieve the result desired by the grievant. On appeal, the Board affirmed the Executive Director's dismissal, finding that the record lacked evidence indicating that the Union failed to pursue the Charging Party's grievance to arbitration because of any animus it held against her or that the Union retaliated against the Charging Party because of her prior charge or for having requested a different attorney to represent her in grievance proceedings.

01/9/19

ILRB LP

Executive Director's Dismissal—Breach of Duty of Fair Representation

In *Marqueal L. Williams and Amalgamated Transit Union, Local 241*, 35 PERI ¶ 116 (IL LRB-LP 2019) (Case No. L-CB-18-020), the Executive Director dismissed the charge alleging the Respondent Union engaged in unfair labor practices by failing to negotiate a 40% wage increase for bus maintenance employees because the Union's president was biased against those employees. Noting the established precedent requiring proof of intentional misconduct in breach of the duty of fair representation cases, together with the broad discretion allowed a union in negotiations, the Executive Director determined that the available evidence did not indicate that the Respondent Union took any adverse action against the Charging Party or the maintenance employees generally or that the Respondent took any action based on animus or bias. Instead, she noted that the Respondent advocated for a 40% increase, that a bargained-for wage increase was achieved, and that the Union's bargaining committee, which included the Charging Party, approved the settlement package unanimously. On appeal, the Board affirmed the dismissal, finding the appeal offered no feasible basis for reversal, as it merely provided a rehash of the allegations in the charge and offered no evidence indicating unlawful conduct on the part of the Union.

04/9/19

ILRB SP

Executive Director's Dismissal—Timeliness/Breach of Duty of Fair Representation/Disability Discrimination

In *Brandon Santiago and Village of Riverdale*, 35 PERI ¶ 153 (IL LRB-SP 2019) (Case No. S-CB-19-009), the Executive Director dismissed a charge by the Charging Party alleging the Villa Park Professional Firefighters Association, International Association of Firefighters Local 2392, engaged in unfair labor practices when it allegedly failed to represent the Charging Party adequately during the investigation of his on-duty injury and with respect to his discharge, and that it failed to do so in retaliation for the Charging Party's having voiced concerns about expenditures by the Union's Executive Board. The Executive Director dismissed as untimely allegations regarding the Union's conduct occurring prior to March 13, 2018. On the merits, the Executive Director determined that the available evidence was not sufficient to raise a question of law or fact requiring a hearing. On appeal, the Charging Party did not contest the Executive Director's timeliness determination but asserted that the Union had a "pattern and practice" of failing to represent disabled workers, attaching an affidavit from a former firefighter in support of that claim. The Board affirmed the dismissal, finding the affidavit and additional allegations were not submitted during the investigation and as such, declined to consider them on appeal, noting that the affidavit and allegation could have been presented during the initial investigation of the charge but were not. Also, the Board found the investigator guided the Charging Party appropriately during the investigation to elicit information supporting his charge, but the Charging Party failed to mention or claim that the Union was discriminating against disabled workers or to identify the affiant or anyone else who was allegedly the victim of disability discrimination by the Union. Moreover, the Board determined that the affidavit did not substantiate Charging Party's allegation of discrimination and also noted that the incidents recounted in the affidavit

occurred over seven years before the relevant events in this case.

05/8/19

ILRB SP

Executive Director’s Dismissal—Breach of Duty of Fair Representation

In *Harold B. Thompson and American Federation of State, County and Municipal Employees, Council 31*, 35 PERI ¶ 174 (IL LRB-SP 2019) (Case No. S-CB-19-010), the Executive Director dismissed a charge that the Respondent Union had engaged in unfair labor practices by having failed to take the Charging Party’s discharge grievance to arbitration and instead having settled the grievance by agreeing, without consulting him, to have the Charging Party resign from his position in lieu of being discharged. In dismissing the charge, the Executive Director determined that the available evidence did not raise an issue of fact or law warranting a hearing. Observing under Board precedent that a union is afforded substantial discretion in deciding whether to pursue a grievance, the Executive Director determined that the Charging Party did not identify any bias or hostility on the part of the Union against the Charging Party and that the Charging Party failed to raise an issue for hearing as to any allegation that the Union abused its discretion in handling the grievance. On appeal, the Board found that the Charging Party’s appeal was without merit in that it identified no flaw in the Executive Director’s analysis, findings of fact, or conclusions that would have provided a viable basis for overturning the dismissal.

05/9/19

ILRB LP

Executive Director’s Dismissal—Breach of Duty of Fair Representation/Failure to Respond to Request for Information

In *Fahad Nazir and Cook County Pharmacy Association, Chicago Joint Board Retail, Wholesale and Department Store Union, Local 200*, 35 PERI ¶ 170 (IL LRB-LP 2019) (Case No. L-CB-19-013), the Executive Director dismissed a charge that the Union had engaged in unfair labor practices when it failed to represent him at a pre-disciplinary hearing. The Executive Director dismissed the charge on the ground that the Charging Party failed to respond to the investigator’s request for additional information in support of the charge and that the available evidence did not raise issues for a hearing. In appealing the dismissal, the Charging Party included information purportedly in response to the request for information but offered no reason for failing to respond to the investigator’s information request. The Board affirmed dismissal, finding the Executive Director had followed Board rules and precedent and noted that, even if it were to consider the information presented with the appeal, the information did not compel a reversal of the dismissal because it did not supply any evidence that the Union engaged in intentional misconduct or was motivated by bias against the Charging Party.

05/9/19

ILRB LP

Executive Director’s Dismissal—Breach of Duty of Fair Representation/Failure to Respond/Discrimination

In *Fahad Nazir and Cook County Pharmacy Association, Chicago Joint Board Retail, Wholesale and Department Store Union, Local 200*, 35 PERI ¶ 169 (IL LRB-LP 2019) (Case No. L-CB-19-014), the Charging Party alleged that the Union committed unfair labor practice charges when it failed to assist him with his workplace issues. As was the case in Case No. L-CB-19-013, the Charging Party failed to respond to the investigator’s request for information supporting the charge, and the Executive Director dismissed the charge on the grounds that the available evidence failed to raise issues for a hearing. Charging Party

appealed, attaching information purportedly in response to the request for information, but did not offer any reason for failing to comply with the investigator's request for information or any reason why the Board should consider the information on appeal. The Board affirmed dismissal, finding the Executive Director had followed Board rules and precedent and noted that, even if it were to consider the information presented with the appeal, the information did not compel a reversal of the dismissal because it did not supply any evidence that the Union engaged in intentional misconduct or was motivated by bias against the Charging Party. The Board observed the Charging Party submitted a new allegation on appeal, that he was the victim of discrimination on the basis of gender, marital status, and ethnic origin, but that the information submitted did not connect any actions or behavior of the Respondent Union to the alleged discrimination.

06/12/19

ILRB LP

Executive Director's Dismissal—Ineligibility of Retirees and Former Employees to Receive Retroactive Wage Increases

In *Luis G. Diaz, et al. and Amalgamated Transit Union, Local 241 and Local 308*, 35 PERI ¶ 187 (ILRB-LP 2019) (Case Nos. L-CB-18-031, 033, 034, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 050, 052, L-CB-19-001 through 19-008, and L-CB-19-010 and 034), the Board's Executive Director dismissed unfair labor practice charges filed against the Unions by 27 retired Chicago Transit Authority employees and former members of bargaining units represented by the Unions. The charges alleged the Unions committed unfair labor practices by entering into tentative agreements with the CTA that excluded the Charging Parties from receiving retroactive wage increase payments. The Executive Director dismissed the charges on the basis of lack of standing and the failure to allege any substantive violations of the Act. On the issue of standing, the Executive Director determined that the Charging Parties lacked standing because as retirees (1) they were no longer public employees under the Act; (2) could not sue because they are attempting to enforce a provision of a collective bargaining agreement that was effective after they retired, citing the Illinois Supreme Court's decision in *Mathews v. Chicago Transit Authority*, 2016 IL 117638 (2016); (3) were taking issue with the activities of the Unions at a time when the Unions were no longer obligated to represent their interests; and (4) to the extent they were attempting to bring a claim under Section 10(b)(4) of the Act, did not have standing to bring such a claim as individuals. With respect to the alleged substantive violations, the Executive Director dismissed claims under Section 10(b)(1) of the Act because of the Unions' considerable discretion in negotiations and because there was no indication in the available evidence that the Respondents took any action to retaliate against the Charging Parties and the unions' failure to reach a desired outcome in negotiations does not constitute a breach of the duty of fair representation.

On appeal, Joann Robinson, one of the Charging Parties, claimed to have filed the appeal on behalf of all case numbers involved. Another one of the Charging Parties, Dana Williams, filed an appeal on behalf of herself and another Charging Party, Andre Huff, whom she characterized as "Retired Executive Board Members of Local 308". The Local Panel determined that neither appeal satisfied all requirements in the Board's rules for a representative appeal but granted a variance from those rules and allowed the appeal. Upon consideration of the appeal, the Board affirmed the Executive Director's dismissal because the appeal failed to identify any error in the Executive Director's findings of fact, analysis or conclusions. With respect to the Williams's appeal, however, the Local Panel found that that appeal included an additional allegation regarding the conduct of ATU Local 308 with respect to retired members of the Local 308 Executive Board that the Executive Director did not address in her dismissal decision. The Board determined that the claims not addressed in the Executive Director's dismissal should be investigated and therefore remanded Case

Nos. L-CB-18-040 and L-CB-19-004 to the Executive Director for investigation, holding in abeyance the Board's adoption of the Executive Director's dismissal of those charges.

IV. Procedural Issues

07/10/18

ILRB SP

Compliance/Make Whole Remedies

In American Federation of State, County and Municipal Employees, Council 31 and State of Illinois, Department of Central Management Services, 35 PERI ¶ 14 (IL LRB-SP 2018) (Case No. S-CA-16-006), the Board affirmed the ALJ's dismissal of an unfair labor practice complaint involving the State's failure to pay bargaining unit members certain increases, including step increases, during negotiations for a successor collective bargaining agreement. The Charging Party, AFSCME, subsequently appealed the matter to the Appellate Court of Illinois, Fifth District. On November 6, 2017, the court reversed the Board's decision finding the State engaged in an unfair labor practice when it altered the status quo by withholding step increases. The court also remanded the matter to the Board for further proceedings consistent with the court's Opinion, On May 1, 2018, the court issued its mandate to the Board. The State filed a Motion to Set a Hearing to Determine the Specific Remedy and Whether There Are Sufficient Appropriations to Fund that Remedy, to which AFSCME filed a response. The State then filed a Motion to Strike Portions of AFSCME's Response or in the Alternative File a Reply in Support of Its Motion to Set a hearing and an accompanying memorandum of law. The Board, in accordance with the court's mandate, denied the State's motions, vacated its decision dismissing the complaint, and found that the State of Illinois engaged in an unfair labor practice when it failed and refused to bargain in good faith with the Union, in violation of Section 10(a)(4) and (1) of the Act. The Board referred the matter to its compliance process as set forth in 80 Ill. Admin. Code §1220.80.

General Counsel's Declaratory Rulings

S-DR-18-004

Village of Oak Lawn and Oak Lawn Professional Firefighters Association, Local 3405, IAFF, 35 PERI ¶ 29 (IL LRB GC) 7/23/2018

The Employer's unilateral petition sought a determination on whether (1) the Union's *status quo* proposal to maintain language recognizing unit members as the sole providers of specified services and prohibiting the subcontracting of bargaining unit work; (2) the *status quo* proposal to retain a provision regarding minimum staffing; and (3) the Union's proposals to maintain the *status quo* with regard to retiree health insurance and other employee benefit plans concern non-mandatory subjects of bargaining. . The Employer further sought additional determinations in the event any of the foregoing concerned permissive subjects: (1) whether such subjects can be excluded from interest arbitration; (2) whether provisions containing such subjects lapsed with the expiration of the parties' CBA; and (3) whether such provisions can continue to be included under Section 14(l) of the Act.

The General Counsel determined that the Union's proposal to maintain the *status quo* with respect to recognition and subcontracting concerned mandatory subjects of bargaining to the extent the proposal asserted the Union's statutory rights under the Substitutes Act. The General Counsel found that the proposal in seeking to prohibit subcontracting, sought to preserve the Union's rights under the Substitutes Act, rather

than waive them and as such, the Union was entitled to insist to impasse, its *status quo* proposal. Regarding the Union's proposal to maintain the *status quo* and retain Section 7.14 of the parties CBA addressing minimum manning, the General Counsel, followed the precedent set by the parties' prior litigation in *Vill. of Oak Lawn v. Illinois Labor Rel. Bd., State Panel*, 2011 IL App. (1st) 103417, in which the court affirmed the Board's decision holding that the very same provision at issue concerned mandatory subjects of bargaining, and determined that proposal at issue here to also be a mandatory subject of bargaining. With respect to the proposals to maintain the *status quo* on retired employee benefits, the General Counsel relying on the Illinois Supreme Court's decision in *Matthews v. Chicago Transit Authority*, 2016 IL 117638, found the Union's proposal to concern a mandatory subject of bargaining.

S-DR-19-001

Village of Sauk Village and Illinois FOP Labor Council, 35 PERI ¶ 55 (IL LRB GC) 9/14/2018

The Employer unilaterally filed a petition for declaratory ruling seeking a determination as to whether the Union's proposals addressing manpower, utilization and erosion of the bargaining unit concern permissive or mandatory subjects of bargaining within the meaning of the Act. The Union contended the Employer's petition was not ripe with respect to the manpower and erosion of the bargaining unit proposals and the last sentence of its utilization proposal and sought a separate ruling on whether its utilization proposal minus the last sentence, would be a permissive or mandatory subject of bargaining. The General Counsel found that the petition was ripe as to all three proposals at issue, noting that there existed good faith dispute over whether the Act requires bargaining. At briefing, the Union expressed its desire to join, in part, the Employer's petition.

As to the merits, the General Counsel found the manpower provisions to be a permissive subject of bargaining for that provision unequivocally addresses minimum manning, and there is insufficient indication that the provision implicates safety issues of the type referenced in Section 14(i) of the Act. The General Counsel, however, found the utilization provision to be a mandatory subject of bargaining as it did not address a subject prohibited from inclusion in an arbitrator's award under Section 14(i) of the Act, noting the proposal preserved the Employer's discretion to increase or decrease the total number of employees in the Department. The General Counsel further found that the utilization proposal is not a mandatory subject under the *Central City* test. However, the General Counsel found there was insufficient background information provided concerning the erosion provision to permit a finding on it.

S-DR-18-005

City of Mattoon (Fire Department) and Mattoon Firefighters Association, Local 691,

35 PERI ¶ 81 (IL LRB GC) 11/2/2018

Local 691 filed a unilateral petition seeking a declaratory ruling regarding whether the Employer's proposals relating to Employer's plan to eliminate ambulance services using Local 691-unit member firefighter-paramedics and replace them with ambulance services provided by private companies under contract with the City. The proposals included a proposal to redefine firefighter work in the "Bargaining Unit Integrity" section of the collective bargaining agreement so as to remove references to ambulance work, a proposal to remove all other references in the collective bargaining agreement to ambulance work, and a proposal to retain the Employer's authority to subcontract. The Employer's proposals also included a proposal retaining language that the parties would observe the provisions of the Substitutes Act (65 ILCS 5/10-2.1-4 (2016)). The Union argued that the Employer's proposals, in the aggregate, constituted a permissive subject of bargaining because its acceptance would require the Union to waive its rights under the Substitutes Act. The Employer asserted that, on the contrary, the Substitutes Act did not bar it from

using a third-party contractor to provide paramedic services to the City because that statute pertains only to a municipal employer's hiring practices.

The General Counsel ruled the Employer's proposals would require the Union to waive its statutory rights and therefore constituted, in the aggregate, a permissive subject of bargaining. In so ruling, the General Counsel rejected the Employer's claim that the Substitutes Act applies only to hiring practices, noting that the Substitutes Act utilizes the word "use", which is broader than the word "hire".

Following the issuance of the General Counsel's Declaratory Ruling, the Employer filed a Motion to Reconsider the ruling. The Motion was denied on the ground that nothing in the Board's rules provides for reconsideration of a General Counsel's ruling. *City of Mattoon and Mattoon Firefighters Association, Local 691*, 35 PERI ¶ 105 (IL LRB GC) (Case No. S-DR-18-005) (December 12, 2018).

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.

City of Elmhurst and Elmhurst Professional Firefighters Association, Local 3541

Case No. S-MA-18-300, Arbitrator Peter R. Meyers, issued 8/13/2019

1. Health Benefit Plan (Union's proposal, status quo)

Village of Lyons and Illinois Council of Police

Arbitrator Edwin H. Benn, issued 8/17/2019

1. Time Off Requests (Union's position, status quo)
2. Vacation Week (Union's position, status quo)

City of Markham and International Brotherhood of Teamsters, Local 700

Case No. S-MA-17-182, Arbitrator Martin H. Malin, issued 11/13/2018

1. Wages (Union's final offer)

City of Streator and Illinois FOP Labor Council

Case No. S-MA-17-142, Arbitrator Edwin H. Benn, issued 11/26/2018

1. Duration (Union's offer)
2. Wages (Union's offer)
3. Health Insurance (Union's offer)
4. Part-time Employees (Union's offer)
5. Education Stipend (Union's offer)
6. Prior Tentative Agreements
7. Retroactivity
8. Remand and Retention of Jurisdiction

County of Edgar and Edgar County Sheriff and Illinois FOP Labor Council

Case No. S-MA-18-081, Arbitrator Brian E. Reynolds, issued 12/31/2018

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

Village of Algonquin and Metropolitan Alliance of Police Chapter #78

Case No. S-MA-17-262, Arbitrator Amedeo Greco, issued 3/5/2019

1. Wages (Village's final offer)
2. Scheduling (Union's final offer)
3. Overtime Pay (Village's final offer)
4. Vacations (Village's final offer)
5. Personal Days (Village's final offer)

Village of Flossmoor and Illinois FOP Labor Council

Case No. S-MA-17-193, Arbitrator Edwin H. Benn, issued 3/13/2019

1. Duration (Union's offer)
2. Wages (Union's offer)

3. Stipends (Village's offer)
4. Insurance (Village's offer)
5. Retroactivity (Village's offer)

County of St. Clair and Sheriff of St. Clair County and Illinois FOP Labor Council

Case Nos. S-MA-18-085 and S-MA-18-086, Arbitrator Mark W. Saurdi, issued 4/4/2019

1. Wages (union's proposal)
2. Duration (union's proposal)
3. Longevity
4. Discipline
5. Safety (union's proposal)
6. Erosion (employer's proposal)
7. Evaluations
8. Promotions

County of Kane and Sheriff of Kane County and Policemen's Benevolent Labor Committee

Case No. S-MA-18-107, Arbitrator Steven Briggs, issued on 4/11/2019

1. Grievance No. C-012819
2. Duration
3. Wages
4. Uniform Allowance
5. Insurance

City of Paris and Policemen's Benevolent Labor Committee

Case No. S-MA-17-269, Arbitrator Brian Clauss, issued on 4/26/2019

1. Health Insurance Premium (Union's final offer)

County of Jefferson and Sheriff of Jefferson County and Illinois FOP Labor Council

Case No. S-MA-18-040, Arbitrator James A. Murphy, issued on 5/4/2019

1. Wages (Employer's final offer)
2. Use of File Material (new language)
3. Probation Period (Employer's final offer)
4. Promotion (Employer's final offer)
5. Sick Leave (Employer's final offer)
6. Work Week (Union's final offer)
7. Comp Time (Union's final offer)
8. Holiday During Vacation (Union's final offer)
9. Replace Personal Items (Union's final offer)

County of Clark and Sheriff of Clark County and Illinois Council of Police

Arbitrator Edwin H. Benn, issued on 5/17/2019

1. Wages
2. Uniform Allowance
3. Insurance

County of Piatt and Sheriff of Piatt County and Illinois FOP Labor Council
Case No. S-MA-18-060, Arbitrator Matthew Finkin, issued on 6/28/2019

1. Wage Increase
2. "Start" pay

Caseload Statistics

	STATE PANEL	LOCAL PANEL	TOTAL
Unfair Labor Practice Charges			
CA	127	137	264
CB	<u>33</u>	<u>58</u>	<u>91</u>
Total	160	195	355
Representation Cases			
AC	1	0	1
RC	66	36	102
RD	6	0	6
UC	181	10	191
VR	2	0	2
DD	<u>12</u>	<u>1</u>	<u>13</u>
Total	268	47	315
Grievance Arbitration Cases	17	0	17
Mediation/Arbitration Cases	<u>297</u>	<u>2</u>	<u>299</u>
Total	314	2	316
Declaratory Rulings	2	0	2
Strike Investigations	0	0	0
Total Caseload	744	244	988

- 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 PANEL	LOCAL PANEL	TOTAL
Labor Organization Prevailed	16	1	17
“No Representation” Prevailed	3	0	3
Cases Certified	19	1	20
Number of Units Certified (Majority Interest)	38	24	62
Voluntary Recognized Representatives	2	0	2
Revocation of Prior Certifications	12	1	13

Unfair Labor Practice Charges Workload

	2018	2019
Cases pending start of fiscal year	331	396
Charges filed during fiscal year	338	355
Total caseload	669	751
Total cases closed	273	385

Petition Management (Representation) Workload

	2018	2019
Cases pending start of fiscal year	88	96
Petitions filed during fiscal year	193	316
Total caseload	281	412
Total cases closed	185	200

Case Actions Active in FY 2019

	State Panel	Local Panel	Total
I. BOARD DECISIONS			
(A) With exceptions filed			
CA	26	77	103
CB	5	34	39
RC	2	2	4
UC	3	0	3
Total	36	113	149
(B) With no exceptions filed			
CA	12	3	15
RC	3	6	9
UC	2	3	5
Total	17	12	29
(C) Strike Investigations	0	0	0
(D) Declaratory Ruling	4	0	4
II. ADMINISTRATIVE DISMISSALS			
(Not appealed to the Board)			
CA	40	48	88
CB	17	28	45
Total	57	76	133
III. CERTIFIED			
AC	2	0	2
DD	12	1	13
RC/RM/RD	15	25	40
UC	45	6	51
VR	2	0	2
Total	76	32	108
IV. WITHDRAWALS			
CA	99	19	118
CB	7	5	12
RC	12	3	15
RD	3	0	3
UC	24	1	25
VR	1	0	1
Total	146	28	174

Certifications of Representative

Case No.	Employer	Labor Organization	Date Certified	Prevailing Party	# of Employees	Unit Description
S-RC-18-056 Majority Interest	County of DuPage and Sheriff of DuPage County	American Federation of State, County and Municipal Employees, Council 31	7/5/2018	AFSCME	22	Health Care Professional Unit Dental Assistant; Head Nurse; Mental Health Clinician Consultant; Licensed Practical Nurse; PHD Psychologist; Registered Nurse
S-RC-18-055 Majority Interest	County of Boone and County Clerk and Recorder of Boone County	Int'l, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), Local 1268	7/11/2018	UAW	7	Chief Deputy County Clerk; Chief Deputy Recorder; Deputy Clerk
S-RC-18-057 Majority Interest	Village of Niles	American Federation of State, County and Municipal Employees, Council 31	7/11/2018	AFSCME	1	Add to existing S-UC-18-016 Technical Support Specialist
S-RC-18-062 Majority Interest	City of Evanston	American Federation of State, County and Municipal Employees, Council 31	7/18/2018	AFSCME	1	Add to existing S-RC-18-042 Housing Police and Planning Analyst
L-RC-18-026 Majority Interest	City of Chicago	American Federation of State, County and Municipal Employees, Council 31	7/27/2018	AFSCME	1	Add to existing Unit #1 Administrative Assistant III Code No. 0323, Employee No. 94282 (Investigations and Enforcement Division)

L-RC-18-027 Majority Interest	City of Chicago	American Federation of State, County and Municipal Employees, Council 31	7/27/2018	AFSCME	1	Add to existing Unit #1 Reprographics Coordinator, Code No. 6410 (Department of Fleet and Facility Management)
L-RC-18-031 Majority Interest	City of Chicago	American Federation of State, County and Municipal Employees, Council 31	7/27/2018	AFSCME	1	Add to existing Unit #1 Inquiry Aide III, Code 0415 (Department of Human Resources)
S-RC-18-054 Majority Interest	Village of Villa Park	Illinois FOP Labor Council	7/27/2018	FOP	7	All full-time sworn personnel in the rank or title of Sergeant and Lieutenant
S-RC-18-063 Majority Interest	City of Mount Sterling	Illinois FOP Labor Council	7/27/2018	FOP	6	All full-time employees in the following titles: Sworn Police Officer; Telecommunicator
L-RC-18-028 Majority Interest	City of Chicago	American Federation of State, County and Municipal Employees, Council 31	8/2/2018	AFSCME	3	Add to existing Unit #3 Case Liaison-COPA Code 3575; Technical Support Administrator – COPA Code 0681
S-RC-18-053	City of Waukegan (Police Department)	Metropolitan Alliance of Police, Waukegan Police Lieutenants Chapter 171 and Int'l Brotherhood of Teamsters Local 700	8/6/2018	MAP	8	All full-time sworn personnel in the rank of Lieutenant

L-RC-19-002 Majority Interest	City of Chicago	American Federation of State, County and Municipal Employees, Council 31	8/9/2018	AFSCME	3	Add to existing Unit #1 Web Author Code 0653 (City Clerk; Innovation and Technology; Aviation)
S-RC-19-002 Majority Interest	Village of Monee	Int'l Brotherhood of Teamsters, Local 700	8/9/2018	Teamsters	3	All full-time sworn police officers in the rank of Sergeant
S-RC-19-003 Majority Interest	Tazewell County Consolidated Communications (TC3)	Illinois FOP Labor Council	8/9/2018	FOP	23	All full-time Telecommunicators
L-RC-19-001 Majority Interest	County of Cook and Sheriff of Cook County	Int'l Brotherhood of Teamsters, Local 700	8/16/2018	Teamsters	9	All employees of the Bureau of Administration, Printing & Graphic Services, in the following titles: Bindery & Digital Printer Operator; Graphics Technician III; Multilith Operator IV; Printer Lead
S-RC-19-004 Majority Interest	Pingree Grove and Countryside Fire Protection District	Int'l Association of Fire Fighters/Associated Firefighters of Illinois	8/29/2018	IAFF	4	Firefighter; Firefighter-Paramedic
S-RC-18-060 Majority Interest	Village of Addison (Addison Consolidated Dispatch Center)	Metropolitan Alliance of Police, Addison Consolidated Dispatch Center, Chapter 744	9/6/2018	MAP	35	All full-time Telecommunicators/ 911 Dispatchers
S-RC-19-009 Majority Interest	Village of West City	Teamsters, Automotive, Petroleum and Allied Trades, Local 50	9/6/2019	Teamsters	9	All full-time and part-time Telecommunicators

L-RC-19-007 Majority Interest	City of Chicago	American Federation of State, County and Municipal Employees, Council 31	9/26/2018	AFSCME	3	Add to Bargaining Unit #1 Field Analyst Code 1183
L-RC-19-008 Majority Interest	City of Chicago (Department of Human Resources)	American Federation of State, County and Municipal Employees, Council 31	9/26/2018	AFSCME	1	Add to Bargaining Unit #1 Senior Personnel Assistant-Excluded Code 1344
L-RC-19-009 Majority Interest	County of Cook	Service Employees Int'l Union, Local 73	10/4/2018	SEIU	8	Add to L-RC-15-024 SQL Database Administrator (Code 6056); Application Support Analyst (Code 6629); Senior Net Developer (Code 6497); Programmer IV (Code 1108)
S-RC-19-015 Majority Interest	Village of Pingree Grove	Metropolitan Alliance of Police, Pingree Grove Police Chapter 564	10/4/2018	MAP	3	All full-time Police Officers below the rank of Sergeant
S-RD-19-001	City of Mounds	Aaron Brown and Laborers Int'l Union of North America, Southern and Central Illinois Laborers' District Council	10/5/2018	No Rep	3	All full-time, non-probationary, hourly employees of the Police Department
S-RC-18-050	Village of Evergreen Park (Police Department)	Illinois Council of Police and Combined Counties Police Association	10/5/2018	ICOP (Incumbent)	5	All full-time Lock-Up Keepers

S-RC-19-011 Majority Interest	City of Aledo (Public Works)	Int'l Union of Operating Engineers, Local 150	10/5/2018	IUOE	4	Cemetery Sexton; Gas Division Worker; Street Maintenance Worker; Water/Wastewater Worker
S-RC-19-014 Majority Interest	Chief Judge of the Circuit Court of Cook County	American Federation of State, County and Municipal Employees, Council 31	10/10/2018	AFSCME	3	Add to S-RC-10-067 Group B Resident Internal Affairs Specialist; Court Coordinator IV/Court Liaison (Juvenile Temporary Detention Center)
S-RC-19-001	County of Lake and Sheriff of Lake County	Metropolitan Alliance of Police, Lake County Sheriff Law Enforcement Division Sergeants Unit, Chapter #481 and Int'l Brotherhood of Teamsters, Local 700	10/17/2018	MAP	18	All full-time sworn peace officers in the rank of Sergeant
S-RC-19-006	County of Lake and Sheriff of Lake County	Metropolitan Alliance of Police, Lake County Sheriff Law Enforcement Division Lieutenants Unit, Chapter #482 and Int'l Brotherhood of Teamsters, Local 700	10/17/2018	MAP	6	All sworn employees in the Sheriff's Department in the rank of Lieutenant
S-RC-19-017 Majority Interest	City of Quincy (Fire Department)	Int'l Association of Machinists and Aerospace Workers, District Lodge 9	10/22/2018	IAMAW	3	Assistant Fire Chief

S-RC-19-021 Majority Interest	Forest Preserve District of Will County	Int'l Union of Operating Engineers, Local 150	10/24/2018	IUOE	6	All full-time Police Officers in the rank of Patrol
L-RC-18-029 Majority Interest	City of Chicago	American Federation of State, County and Municipal Employees Council 31	10/30/2018	AFSCME	2	Add to Bargaining Unit #4 Chief Data Base Analyst (Code 0658)
S-RC-19-025 Majority Interest	City of Breese	Illinois FOP Labor Council	11/7/2018	FOP	6	All full-time sworn officers in the rank of Sergeant and below
S-RC-19-020 Majority Interest	County of DuPage (DuPage Care Center)	American Federation of State, County and Municipal Employees, Council 31	11/27/2018	AFSCME	371	All full-time, permanent part-time and active registry employees
S-RC-19-026 Majority Interest	County of LaSalle (Highway Department)	American Federation of State, County and Municipal Employees, Council 31	11/27/2018	AFSCME	3	Add to S-UC-11-043 Engineer Secretary; Maintenance Secretary; Bookkeeper 1 /Secretary I
S-RC-19-019 Majority Interest	County of Lake and Sheriff of Lake County	Metropolitan Alliance of Police, Lake County Correctional Sergeants Unit, Chapter 777 and Int'l Brotherhood of Teamsters Local 700	11/29/2018	MAP	19	All full-time correctional officers in the rank of Sergeant
L-RC-17-017 Majority Interest	County of Cook, Health & Hospital System	Local 200, Chicago Joint Board, Retail, Wholesale and Department Store Union	12/13/2018	Local 200	2	Add to L-RC-17-019 Health Information Coding Supervisor (HIM Supervisor)
S-RC-19-027 Majority Interest	City of Eureka	Illinois FOP Labor Council	12/17/2018	FOP	4	All full-time sworn police officers

S-RC-19-022	City of Highland Park (Police Department)	Illinois Council of Police and Int'l Brotherhood of Teamsters Local 700	12/28/2018	ICOP	8	All sworn full-time peace officers (police officers) in the rank of Sergeant
S-RC-19-023	Village of Wilmette	Illinois Council of Police and Int'l Brotherhood of Teamsters Local 700	1/8/2019	ICOP	34	All full-time sworn peace officers
L-RC-19-004 Majority Interest	City of Chicago (Department of Human Resources)	American Federation of State, County and Municipal Employees, Council 31	1/10/2019	AFSCME	3	Add to L-RC-19-004 Administrative Assistant II, Excluded Code 0307
L-RC-19-005 Majority Interest	City of Chicago (Department of Police)	American Federation of State, County and Municipal Employees, Council 31	1/10/2019	AFSCME	5	Add to Bargaining Unit #1 Administrative Services Officer I, Excluded Code 1303
L-RC-19-011 Majority Interest	City of Chicago (Department of Transportation)	American Federation of State, County and Municipal Employees, Council 31	1/10/2019	AFSCME	1	Add to Bargaining Unit #1 Administrative Services Officer I, Excluded Code 1303
L-RC-19-014 Majority Interest	City of Chicago	American Federation of State, County and Municipal Employees, Council 31	1/10/2019	AFSCME	1	Digital Forensic Analyst – COPA Code 1250
S-RC-19-024	Village of Bensenville	Metropolitan Alliance of Police, Bensenville Police Sergeants Chapter #166	1/11/2019	MAP	6	All full-time sworn peace officers in the rank of Sergeant
S-RC-19-030 Majority Interest	City of Cairo	Laborer Int'l Union of North America, Local 773	1/24/2019	Laborers	7	All sworn peace officer and part-time permanent police officers in the following ranks: Sergeant; Corporal;

						Patrol Officer; probationary employees
S-RC-17-003	Village of River Forest (Fire Department)	Int'l Association of Firefighters, Local 2391 and Fire Lieutenants of the River Forest Fire Department	2/1/2019	IAFF	4	All Lieutenants
S-RC-19-031 Majority Interest	City of Minonk	Illinois FOP Labor Council	2/7/2019	FOP	4	All full-time sworn police officers
L-RC-18-005	City of Chicago	Union Services of American, Ltd. And Service Employees Int'l Union, Local 73	2/8/2019	SEIU	7	Window Washer; Window Washer (Sub Foreman); Foreman of Window Washers
S-RC-19-016	Chief Judge of the 4 th Judicial Circuit (Christian County Probation)	Illinois FOP Labor Council and American Federation of State, County and Municipal Employees, Council 31	2/8/2019	FOP	7	Adult Probation Officer; Juvenile Probation Officer; Secretary
S-RC-19-033 Majority Interest	City of Rockford	American Federation of State, County and Municipal Employees, Council 31	2/14/2019	AFSCME	9	Add to S-RC-12-059 Citizen Reporting Unit Assistant
S-RC-19-035 Majority Interest	Springfield Mass Transit District d/b/a Sangamon Mass Transit District	Amalgamated Transit Union, Local 1249	2/28/2019	ATU	1	Add to S-RC-17-062 Administrative Assistant
S-RC-19-038 Majority Interest	Village of Rochester	Int'l Union of Operating Engineers, Local 965	2/28/2019	IUOE	5	All full-time Public Works employees in the following titles: Public Works Assistant; Public Works Assistant/Mechanic

S-RD-19-003	Chief Judge of the 4 th Judicial Circuit	Barbara Funnerman and Southern Illinois Laborers District Council	3/7/2019	No Rep	5	
L-RC-18-025 Majority Interest	County of Cook, Health & Hospital System	American Federation of State, County and Municipal Employees, Council 31	3/12/2019	AFSCME	4	Add to Health Facilities bargaining unit: Supervisor of Diagnostic Radiology
S-RC-19-034 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	3/12/2019	AFSCME	6	Add to RC-062 Transportation Industry Customer Service Representative II (Illinois Commerce Commission)
S-RC-19-042 Majority Interest	County of Macon and Sheriff of Macon County	Illinois FOP Labor Council	3/12/2019	FOP	13	All full-time employees in the title of Court Security Officer
S-RC-19-029	Chief Judge of the 7 th Judicial Circuit (Sangamon County Court Services)	Illinois FOP Labor Council and American Federation of State, County and Municipal Employees, Council 31	3/22/2019	FOP	46	All full-time and permanent part-time employees of the Sangamon County Probation and Court Services in the following titles: Behavioral Health Specialist; Detention Officer; Probation Officer; Secretary; Senior Detention Officer; Senior Probation Officer; Senior Secretary/MIS
L-RC-19-016 Majority Interest	City of Chicago (Department of Human Resources)	American Federation of State, County and Municipal Employees, Council 31	4/9/2019	AFSCME	1	Add to Bargaining Unit #1 Administrative Assistant III (currently occupied by Dorothy Mims); Exclude from Bargaining Unit #1

						Administrative Assistant III (currently occupied by Statia Pollard-Jones)
L-RC-19-021 Majority Interest	City of Chicago	American Federation of State, County and Municipal Employees, Council 31	4/9/2019	AFSCME	1	Add to Bargaining Unit #4 GIS Database Analyst
S-RC-19-044 Majority Interest	City of Joliet	American Federation of State, County and Municipal Employees, Council 31	4/9/2019	AFSCME	1	Add to S-RC-17-048 Part-time Parking Enforcement Officer
S-RC-19-048 Majority Interest	Village of Olympia Fields	Metropolitan Alliance of Police, Olympia Field Public Works Chapter 789	4/11/2019	MAP	6	All employees in the Public Works Department in the following title: Maintenance Worker
S-RC-19-037	City of Casey	Illinois Council of Police and Illinois FOP Labor Council	4/19/2019	ICOP	7	All full-time sworn patrol officers
S-RD-19-004	City of Pontiac	Daniel C. Zimmerman and Int'l Brotherhood of Teamsters, Local 179	4/19/2019	Teamsters	14	All full-time in the following classifications: Street Maintenance; Process Control (Lab); Mechanic; Sewer Plant Maintenance; Community Center Custodian; Collections Systems Operations
L-RC-19-022 Majority Interest	City of Chicago	County, Municipal Employees, Supervisor's and Foremen's Local 1001; Water Pipe Extension, Bureau of Engineering	4/25/2019	Laborers	1	Add to L-RC-15-009 Assistant Chief Dispatcher, Department of Water Management

		Laborers' Local 1092				
S-RC-19-039	Village of Wheeling (Police Department)	Metropolitan Alliance of Police, Wheeling Police Non-Sworn Personnel Chapter 786 and Combined Counties Police Association	4/25/2019	MAP	29	All regular full-time employees in the following titles: Community Service Officer; Dispatcher; Record Clerk. All regular part-time employees in the following title: Dispatcher
S-RC-19-040	Village of Wheeling (Police Department)	Metropolitan Alliance of Police, Wheeling Police Non-Sworn Personnel Chapter 780 and Combined Counties Police Association	4/25/2019	MAP	44	All sworn officers below the rank of Sergeant
S-RC-19-041	Village of Wheeling (Police Department)	Metropolitan Alliance of Police, Wheeling Police Sergeant Chapter 781 and Combined Counties Police Association	4/25/2019	MAP	8	All sworn officers in the rank of Sergeant
S-RC-19-049 Majority Interest	City of Evanston	American Federation of State, County and Municipal Employees, Council 31	4/25/2019	AFSCME	2	Add to S-RC-18-062 Revenue/Tax Assessment Reviewer; Grants and Compliance Specialist
S-RC-19-051 Majority Interest	City of Chicago Ridge	Metropolitan Alliance of Police, Chicago Ridge Non-Sworn Police Employees Chapter 792	4/25/2019	MAP	4	All non-sworn police (civilian) clerical employees

S-RC-18-058 Majority Interest	County of St. Clair and Sheriff of St. Clair County	Teamsters, Automotive, Petroleum and Allied Trades, Local 50	4/25/2019	Teamsters	15	All full-time and part-time Patrol Department employees in the following ranks: Patrol Sergeant; Patrol Lieutenant; Master Sergeant
S-RC-18-059 Majority Interest	County of St. Clair and Sheriff of St. Clair County	Teamsters, Automotive, Petroleum and Allied Trades, Local 50	4/25/2019	Teamsters	5	All full-time and part-time Correctional Department employees in the following ranks: Master Sergeant; Lieutenant
S-RC-19-052 Majority Interest	Village of Olympia Fields	Metropolitan Alliance of Police, Olympia Fields Chapter 678	4/30/2019	MAP	2	Add to S-RC-12-167 Sergeant
S-RC-19-050 Majority Interest	Chief Judge of the Circuit Court of Cook County	American Federation of State, County and Municipal Employees, Council 31	5/1/2019	AFSCME	2	Add to S-RC-19-014 Professional Development Specialist (Juvenile Temporary Detention Center)
S-RC-19-036	City of Country Club Hills	Illinois Council of Police and Teamsters Local 700	5/9/2019	ICOP	32	All full-time sworn peace officers in the ranks of Sergeant, Patrol Officer and Lieutenant
S-RC-19-043 S-RC-19-046	City of Country Club Hills	Illinois Council of Police and Teamsters Local 700	5/9/2019	ICOP	22	All full-time civilian employees in the following titles: Accounting Manager; Accounts Payable Clerk; Administrative Assistant-Fire Department; Administrative Assistant-Police; Administrative Clerk; Building Department Clerk; Community Service Operator;

						Finance Administrator; Media Coordinator; Network Technician; Payroll Coordinator; Public Relations Coordinator; Record Clerk; Secretary-Building Department; Water Department Clerk; Water Supervisor
S-RD-19-006	County of Effingham, Effingham County Treasurer and Effingham County Clerk	Nancy Stead and Southern Illinois Laborers District Council	5/23/2019	No Rep	11	
S-RC-19-045 Majority Interest	State of Illinois, Department of Central Management Services	American Federation of State, County and Municipal Employees, Council 31	5/30/2019	AFSCME	4	Add to RC-028 Receptionist (Illinois Commerce Commission)
S-RC-19-059 Majority Interest	Village of Bartlett (Community Development and Building Departments)	International Brotherhood of Teamsters, Local 700	5/30/2019	Teamsters	9	All full-time employees in the following titles: Code Enforcement Officer; Electrical Inspector; Health Inspector; Permit Technician; Plumbing Inspector; Secretary
L-RC-19-018 Majority Interest	City of Chicago	American Federation of State, County and Municipal Employees, Council 31	6/18/2019	AFSCME	1	Add to Bargaining Unit #1 Personal Care Attendant II Code 3004

L-RC-19-026 Majority Interest	City of Chicago (Department of Transportation)	American Federation of State, County and Municipal Employees, Council 31	6/18/2019	AFSCME	1	Add to Bargaining Unit #1 Administrative Assistant III (Employee No. 46349)
L-RC-19-026 Majority Interest	City of Chicago (Department of Transportation)	American Federation of State, County and Municipal Employees, Council 31	6/18/2019	AFSCME	1	Add to Bargaining Unit #1 Chief Voucher Expediter (Employee No. 118483)
L-RC-19-032 Majority Interest	City of Chicago (Department of Innovation and Technology)	American Federation of State, County and Municipal Employees, Council 31	6/18/2019	AFSCME	1	Add to Bargaining Unit #4 Web Developer Code 0648
L-RC-19-033 Majority Interest	County of Cook, Health and Hospital System	American Federation of State, County and Municipal Employees, Council 31	6/18/2019	AFSCME	15	Add to Health Facilities Unit Care Coordination Customer Service Representative Code 6993; Care Coordination Scheduler Code 7661; Home/Community Based Services Referral Coordinator Code 6992
L-RC-19-030 Majority Interest	City of Chicago (Mayor's Office for People with Disabilities)	American Federation of State, County and Municipal Employees, Council 31	6/20/2019	AFSCME	1	Add to Bargaining Unit #1 Staff Assistant (Employee No. 17927)

Certification of Voluntarily Recognized Representative

Case Number	Employer	Labor Organization	Date Certified	Unit Description
S-VR-19-001	County of LaSalle (Highway Department)	Laborers Int'l Union of North America, Local 393	1/17/2019	All full-time and regular part-time employees in the following titles: Craftsman; Routeman; Craftsman/Signman; Craftsman/Mechanic; Craftsman/Storekeeper; Craftsman/Maintenance
S-VR-19-003	County of LaSalle	American Federation of State, County and Municipal Employees, Council 31	4/9/2019	Add to S-UC-11-039 Administrative Deputy Coroner

Amendment of Certification

Case Number	Employer	Labor Organization	Date Certified	Amendment
S-AC-18-002	Village of Melrose Park	Mickinzie-Vertuno Memorial Fraternal Order of Police, Lodge #19, aff'd. with Illinois FOP Labor Council	7/11/2018	Change exclusive representative name from Mickinzie-Vertuno Memorial Fraternal Order of Police Lodge #19 to Mickinzie-Vertuno Memorial Fraternal Order of Police, Lodge #19, aff'd. with Illinois FOP Labor Council

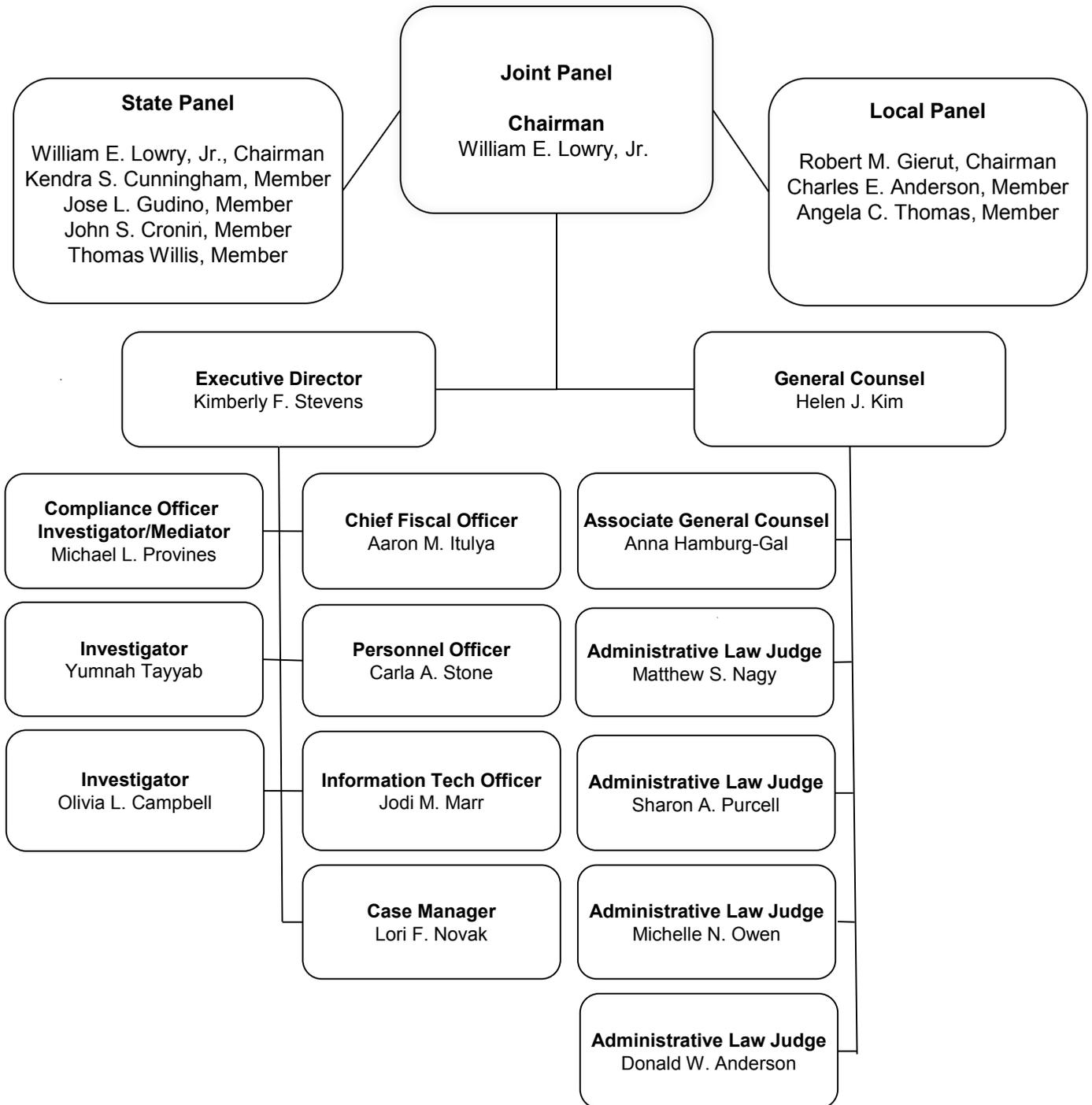
Revocation of Prior Certification

Case No.	Employer	Labor Organization	Date Revocation	Unit Description
S-DD-19-001	Bolingbrook Park District	Service Employees Int'l Union, Local 73	7/11/2018	All full time and part time employees within the Department of Buildings, Grounds and Natural Resources in the following positions: Horticulturist; Grounds Crew Leader; Groundswoker;

				Building Technician; Custodian; Natural Resource Crew Leader; Natural Resources Groundswoker; Natural Resource Coordinator; Natural Resource Specialist; Mechanic
L-DD-19-001	County of Cook	Communication Workers of America, Local 4350/Chicago Typographical Union, No. 16	7/11/2018	Department of Central Services, Offset Print Shop in the following classifications: Bindery & Digital Printer Duplicating Section Supervisor I; Graphics Technician; Graphics Technician II; Graphics Technician III; Multilith Operator II; Multilith Operator III; Multilith Operator IV; Reproduction Technician III
S-DD-19-002	Village of Washington Park	Illinois FOP Labor Council	8/7/2018	All Police Officers and Dispatchers under the rank of Chief
S-DD-19-003	City of Naperville	Int'l Union of Operating Engineers, Local 150	10/11/2018	All persons in the Department of Public Works in the following job classification: Department of Public Works Field Supervisor
S-DD-19-004	Winnebago County Forest Preserve District	Int'l Union of Operating Engineers, Local 150	10/25/2018	All regular full-time employees in the following classifications: Golf Course Assistant Superintendent, Golf Course Mechanic, Ranger, Assistant Ranger, Mechanic I, Mechanic II, Project Manager, Arborist/Operator, Carpenter and Natural Resource Technician
S-DD-19-005	City of Breese	Breese Police Officers	11/5/2018	All full-time sworn officers in the rank of Sergeant and below
S-DD-19-006	City of Cairo	Illinois FOP Labor Council	1/2/2019	All sworn peace officers in the following ranks: Sergeant; Corporal; Patrol Officer; and probationary employees

S-DD-19-007	Village of Bloomingdale	Service Employees Int'l Union, Local 73	2/25/2019	All regular full-time Secretaries and Executive Secretaries
S-DD-19-008	Village of Hudson	Illinois Council of Police	4/17/2019	All full-time sworn Peace Officers in the classification or rank of Police Officer
S-DD-19-009	Village of Westchester	Teamsters Local 705	6/6/2019	Finance Clerk; Administrative Secretary; Public Works Secretary; Principal Clerk/Deputy Village Clerk; Fire Department Secretary; Building/Zoning Secretary; Accounts Payable/Finance Clerk; Public Administrative Staff Assistant.
S-DD-19-010	Village of McCook	Illinois Council of Police	6/13/2019	All full-time employees in the following title: Dispatcher
S-DD-19-011	Memorial Park District (Police Department)	Illinois Council of Police	6/13/2019	All certified part-time officers holding the rank of Corporal and Patrol Officer
S-DD-19-012	Village of Montgomery	International Union of Operating Engineers, Local 150	6/18/2019	All full-time and regular part-time employees in the following classifications: Maintenance Worker I; Maintenance Worker II; Fleet Mechanic

Illinois Labor Relations Board Organizational Chart



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