

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

International Brotherhood of Teamsters,)	
Local 325)	
Petitioner/Labor Organization,)	
)	
and)	Case No. S-RC-21-003
)	
Reaching Across Illinois Library System,)	
)	
Respondent/Employer.)	

**DECISION AND ORDER OF THE ILLINOIS LABOR RELATIONS BOARD
STATE PANEL**

On July 16, 2021, Administrative Law Judge (ALJ) Michelle Owen issued a Recommended Decision and Order (RDO) in the above-referenced case, granting the majority interest petition filed by Petitioner International Brotherhood of Teamsters, Local 325 (Union) seeking to represent individuals in the titles driver/sorter, sorter/driver, and floater (collectively referred to as driver/sorter/floater) employed by Respondent Reaching Across Illinois Library System (RAILS or Employer) at its Rockford facility in a new bargaining unit. The Employer timely filed exceptions to the RDO; the Union did not file a response. After reviewing the RDO, the exceptions, and the record, we accept the ALJ's findings and recommendations for the reasons stated in the RDO and adopt the ALJ's RDO as a decision of the Board.

BY THE STATE PANEL OF THE ILLINOIS LABOR RELATIONS BOARD

/s/ William E. Lowry
William E. Lowry, Chairman

/s/ John S. Cronin
John S. Cronin, Member

/s/ Kendra Cunningham
Kendra Cunningham, Member

/s/ Jose L. Gudino
Jose L. Gudino, Member

/s/ J. Thomas Willis
J. Thomas Willis, Member

Decision made at the State Panel's public meeting in Chicago and Springfield, Illinois, via videoconference on September 23, 2021 and issued on September 24, 2021.

This Decision and Order is a final order of the Illinois Labor Relations Board. Aggrieved parties may seek judicial review of this Decision and Order in accordance with the provisions of Section 11(e) of the Act and the Administrative Review Law. Petitions for review of this Decision and Order must be filed within 35 days from the date the Decision and Order is served upon the party affected by the decision. 5 ILCS 315/11(e) (2018).

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Employer.)	

ADMINISTRATIVE LAW JUDGE’S RECOMMENDED DECISION AND ORDER

On July 15, 2020, International Brotherhood of Teamsters, Local 325 (“Union”) filed a majority interest representation/certification petition in the above-captioned case with the State Panel of the Illinois Labor Relations Board (“Board”) pursuant to the Illinois Public Labor Relations Act, 5 ILCS 315 (2014), as amended (“Act”). The Union seeks to represent individuals in the title of driver/sorter, sorter/driver, and floater employed by Reaching Across Illinois Library System (“Employer”) at its Rockford facility in a new bargaining unit represented by the Union.¹ The Employer filed a response and objection to the petition asserting that the petitioned-for unit is not appropriate because it seeks to represent only a small portion of employees in identical or near identical job titles.

In accordance with Section 9(a) of the Act, an authorized Board agent conducted an investigation and determined that there was reasonable cause to believe that a question concerning representation existed. A hearing on the matter was conducted remotely via WebEx on January 12, 2021, by the undersigned. Both parties elected to file post-hearing briefs. After full consideration of the parties’ stipulations, evidence, arguments, and briefs, and upon the entire record of the case, I recommend the following:

¹ In its petition, the Union identified the petitioned-for employees as “drivers.” The Union subsequently clarified that the petitioned-for employees are driver/sorters, sorter/drivers, and floaters employed at the Employer’s Rockford facility.

I. ISSUE AND CONTENTION

The sole issue is whether the petitioned-for unit is an appropriate unit. The Employer asserts that the proposed bargaining unit is inappropriate because it fails to include all same or similar job titles throughout the Employer's organization. The Employer contends that the appropriate bargaining unit is an agency-wide unit of all driver/sorters, sorter/drivers, and floaters. The Union contends that the petitioned-for unit is appropriate. The Union asserts that there is virtually no interchange of employees with the Employer's other locations, and the Rockford location functions as a separate identifiable location. Finally, the Union asserts that the Employer has failed to overcome the traditional test for determining a single location union.

II. FINDINGS OF FACT²

Reaching Across Illinois Library System ("RAILS") is an inter-governmental instrumentality established in 2011, as part of the Secretary of State's office. RAILS is funded by the state. RAILS is a multi-type library system with approximately 1280 members across 27,000 square miles in Northern Illinois. RAILS is governed by a board of fifteen elected directors, all of whom are representative of the different types of membership, including public library trustees, school libraries, and academic libraries. The board establishes policies and the budget. RAILS operates under personnel policies, which are determined by the board. RAILS has five facilities/regional hubs/service centers in Rockford, Burr Ridge, Bolingbrook, Coal Valley, and East Peoria. The employees of RAILS are assigned to one of the five regional hubs to service their location. Burr Ridge is the headquarters for RAILS. The marketing, finance, and human resources departments are at Burr Ridge. The human resources department oversees the hiring process for the entire organization. RAILS has various departments including finance and human resources, marketing and communications, technology services, delivery and facility services, and consulting and continuing education. RAILS has approximately one hundred employees.

Deidre Brennan is the executive director of RAILS. Brennan reports directly to the board. Brennan has the authority to direct, hire, discipline, and discharge employees. Brennan determines the number of staff necessary and the salaries for the various positions within the agency. RAILS has an employee handbook that applies to all RAILS employees. The employee handbook contains

² Deidre Brennan and Mark Hatch testified on behalf of the Employer. Keith Rucker testified on behalf of the Union.

a grievance procedure. None of the departments have the authority to establish personnel policies that are contrary to those contained in the handbook. The regional hubs do not have the authority to operate under different policies for personnel that are contrary to those contained in the handbook. RAILS has a progressive discipline policy in its employee handbook. That policy applies to all employees in the organization, regardless of where they are assigned. The delivery service managers at each facility are required to follow the progressive discipline policies of the organization. RAILS uses corrective action forms throughout the organization. RAILS offers benefits to full-time employees including vacation time, insurance, and sick leave. The benefits are the same for all employees. All employees of RAILS are paid on the same pay schedule.

The petition-for employees work in the department of delivery and facility services. Mark Hatch is the director of delivery and facility services. Hatch oversees the day-to-day operations of the delivery and facility services department. Hatch works out of the Burr Ridge office. He oversees the Rockford, Bolingbrook, East Peoria, and Coal Valley facilities. Hatch is responsible for the buildings, staffing, routing vehicles, and budgets for the department. Hatch reports to the associate director of RAILS. Four delivery services managers report to Hatch: Demond Warfield, Robert Cummings, and Robert Morgan, and Todd Williams. The delivery service managers are the on-site supervisors for each facility. The delivery service managers are responsible for the day-to-day operation of the regional hubs. They are responsible for making sure the routes are going out, policies are followed, responding to help desk tickets, and routing efficiency. Hatch holds a weekly meeting with the delivery service managers where goals and issues are discussed. Hatch meets individually with each delivery service manager on a bi-weekly basis. The purpose of the meetings is to discuss goals, issues related to their operation, and employee issues. Hatch discusses employee discipline with the delivery service managers, but the final disciplinary decision comes from Brennan and the human resources department.

Robert Cummings is the delivery services manager for the Rockford location. Eighty-two member libraries are assigned for service from the Rockford facility. Driver/sorters Nick Belcher, David Maravilla, Shay Horton, Lindsey Aurand, and Keith Rucker work in the Rockford location and report to Cummings. The Rockford location does not have any sorter/drivers or floaters.

The primary responsibility of the delivery and facilities department is to retrieve outgoing materials from libraries; sort those materials; and deliver those materials to destination libraries. The facilities deliver to 716 member libraries. The deliveries are divided geographically. Director

of Delivery and Facility Services Hatch sets the delivery routes. Driver/sorters and sorter/drivers are assigned to a route. Changes to the routes do occur. Hatch has final authority over the routes. Hatch consults with the delivery service managers when there is a change in sequence on a route or a prominent change relative to a library member. The delivery service managers have the authority to make changes to the route, for example, if a member library was closed, the delivery service manager has the authority to tell the driver to skip that route.

RAILS employs thirty driver/sorters, six sorter/drivers, and five floaters. Driver/sorters, sorter/drivers, and floaters work at their specific facility. They do not work at other facilities. Driver/sorters are responsible for loading and unloading delivery vehicles with library materials, delivering library materials and equipment between the RAILS office and member libraries or other designated locations based on a prescribed daily route, and ensuring safe and proper lifting and driving practices. Driver/sorters also sort library materials. Sorter/drivers are responsible for ensuring timely and accurate distribution of materials to all RAILS staff members and member libraries; loading and unloading, sorting, and delivering materials to and from the delivery trucks; and acting as a backup delivery driver when needed. Driver/sorters and sorter/drivers primarily serve the same duties. Sorter/drivers sometimes function primarily as drivers, and driver/sorters as sorters. Floaters are responsible for learning all delivery routes, shuttle runs, and sorting procedures within the delivery operation; sorting materials; loading and unloading delivery vehicles with library materials; delivering library materials and equipment between the RAILS office and member libraries, or other designated locations based on a prescribed daily route; and ensuring safe and proper lifting and driving practices. Floaters occasionally drive trucks.

The qualifications for driver/sorter, sorter/driver, and floater are the same throughout RAILS. The pay grade is also the same for the driver/sorters and sorter/drivers. RAILS maintains a grade schedule and the driver/sorters, sorter/drivers, and floaters are grade 1. The pay range is also the same for all three positions. However, the floaters are paid a little more than the driver/sorters and sorter/drivers. The driver/sorters, sorter/drivers, and floaters work side by side at their respective facilities. Employees in all three positions use the same equipment, drive the same vehicles, and are required to prepare the same paperwork.

The duties of the driver/sorters, sorter/drivers, and loaders are consistent throughout the agency. All driver/sorters, sorter/drivers, and floaters undergo annual evaluations. The same evaluation form is used for driver/sorters, sorter/drivers, and floaters throughout the agency. The

driver/sorters, sorter/drivers, and loaders attend training together regardless of the regional hub to which they are assigned. However, Driver/Sorter Rucker testified that when he was initially hired, he was trained by the team leader at the Rockford hub. The driver/sorters, sorter/drivers, and loaders receive the same pay regardless of the regional hub to which they are assigned.

Driver/sorters, sorter/drivers, and loaders can transfer to a vacancy in a similar or same job title at a different facility. RAILS uses a requisition form each time that it seeks to hire an employee. The hiring manager completes the form. The form is then signed off by a supervisor and then ultimately Brennan. Once the form has been approved, the hiring process for the position can begin including posting and recruitment. At the Rockford location, the initial hiring is done by the manager of the Rockford location. He interviews applicants along with human resources.

When an employee is absent from the Rockford location, he or she informs his or her delivery services manager. Time off requests are also submitted to the employee's delivery services manager. The delivery services manager also determines who will fill in for an employee who is on leave. The delivery service manager initiates discipline at his or her facility. When employees are disciplined, the delivery service manager issues the discipline.

RAILS maintains a central meet-up location in Champaign. Each one of the facilities will send one sorter/driver, driver/sorter, or floater to the Champaign location on a nightly basis.

Keith Rucker has worked for RAILS for approximately three years. He is a driver/sorter. He also acts as a floater at times. At the time he was hired, there was not a delivery services manager at the Rockford location. Rucker is the employee from the Rockford facility, who drives to the Champaign meet-up. When he is at the meet-up, he interacts with other drivers from other facilities.

III. DISCUSSION AND ANALYSIS

The petitioned-for unit is an appropriate unit.

Section 9(b) of the Act states, in relevant part:

The Board shall decide in each case, in order to assure public employees the fullest freedom in exercising the rights guaranteed by this Act, a unit appropriate for the purpose of collective bargaining, based upon but not limited to such factors as: historical pattern of recognition; community of interest including employee skills and functions; degree of functional integration; interchangeability and contact among employees; fragmentation of employee groups; common supervision, wages, hours and other working conditions of the employees involved; and the

desires of the employees. For purposes of this subsection, fragmentation shall not be the sole or predominant factor used by the Board in determining an appropriate bargaining unit.

“Section 9(b) of the Act does not require that a proposed unit be the most appropriate or the only appropriate unit.” City of Chicago v. Ill. Labor Relations Bd., Local Panel, 396 Ill. App. 3d 61 (1st Dist. 2009), citing Cnty. of Cook (Provident Hosp.) v. Ill. Labor Relations Bd., Local Panel, 369 Ill. App. 3d 112, 118 (1st Dist. 2006). Rather, the Act only requires that a unit be an appropriate unit. Cnty. of Clinton (Highway Dep’t), 36 PERI ¶ 88 (IL LRB-SP 2019); Rend Lake Conservancy Dist., 14 PERI ¶ 2051 (IL SLRB 1998). “An important statutory purpose in bargaining unit determinations is to ensure employees the fullest freedom in exercising the rights guaranteed by this Act. To refuse to find a unit appropriate because of the possible existence of a more appropriate alternative unit would not serve that statutory purposes.” Id.

In the past, the Board had expressed a preference for large, functionally-based bargaining units which cross departmental lines to promote stability in labor relations and economy and efficiency in public bargaining and contract administration. Cnty. of Cook & Sheriff of Cook Cnty., 15 PERI ¶ 3011 (IL LLRB 1999); Cnty. of Cook (Office of the Medical Examiner), 3 PERI ¶ 3033 (IL LLRB 1987). To that end, the Board has held that a petitioned-for unit is presumptively inappropriate where 1) the employer has an established centralized personnel system and 2) the petitioner has sought to represent only a portion of employees in the same job classification or, alternatively, only a portion of employees who perform similar duties. Cnty. of McHenry and McHenry Cnty. Recorder of Deeds, 31 PERI ¶ 8 (ILRB-SP 2014); Cnty. of Cook (Medical Examiner’s Office), 17 PERI ¶ 3005 (IL LLRB 2001). The presumption of inappropriateness can be rebutted by evidence that the classification encompasses employees who do not have the same functions and community of interest. State of Ill., Dep’t of Cent. Mgmt. Servs. v. Ill. Labor

Relations Bd., 388 Ill. App. 3d 319, 336 (4th Dist. 2009).³ The presumption can also be rebutted where the union shows that there is a legitimate and rational basis for the smaller, petitioned-for unit. Rend Lake Conservancy, 14 PERI ¶ 2051; State of Ill., Dep’t of Cent. Mgmt. Servs. (Dep’ts of Transp. & Natural Res.), 14 PERI ¶ 2019 (IL SLRB 1998). By contrast, no legitimate and rational basis exists for certification of the smaller, petitioned-for unit when the smaller unit is an artificial and arbitrary selection of employees. See City of Rolling Meadows, 16 PERI ¶ 2022 (IL SLRB 2000) (finding smaller unit artificial and arbitrary when the petitioned-for employees were functionally integrated with non-petitioned-for employees and where few job functions were unique to the petitioned-for positions).

However, in more recent cases, the Board has expressed a willingness to certify smaller units. See Cnty. of Clinton (Highway Dept.), 36 PERI ¶ 88 (finding standalone unit of two engineering technicians was appropriate); City of Chicago, 23 PERI ¶ 172 (IL LRB-LP 2007) (finding standalone unit of 23 communications operators was appropriate); State of Ill., Dep’t of Cent. Mgmt. Servs., 388 Ill. App. 3d 319 (affirming Board’s decision which reconsidered application of same “large, functionally-based” approach to find unit of six attorneys appropriate); City of Chicago v. Ill. Labor Relations Bd., 396 Ill. App. 3d 61 (1st Dist. 2009) (affirming Board’s decision finding unit of approximately thirty-four public health nurse IIIs and IVs appropriate).

In this case, the petitioned-for unit is presumptively inappropriate because the Employer has an established centralized personnel system, and the Union has sought to represent only a portion of the Employer’s thirty-six driver/sorters, sorter/drivers, and floaters: the proposed unit includes driver/sorters, sorter/drivers, and floaters at the Rockford facility only. However, the Union has rebutted the presumption of inappropriateness because the Union has shown a legitimate and rational basis for the smaller, petitioned-for unit of sorter/drivers, driver/sorters, and floaters at the Rockford facility, and the exclusion of sorter/drivers, driver/sorters, and floaters from other

³ In this case, the Court pointed out, but did not reject, the seeming inconsistency between the Act’s language and the Board’s treatment of the fragmentation factor set forth in 9(b):

As the Board seems to recognize in its decision in the present case, the “presumption of inappropriateness” is difficult to square with section 9(b), which says: “[F]ragmentation shall not be the sole or predominant factor used by the Board in determining an appropriate bargaining unit.” 5 ILCS 315/9(b). Treating fragmentation as presumptively decisive seems to elevate it to predominance.

State of Ill., Dep’t of Cent. Mgmt. Servs., 388 Ill. App. 3d at 335.

facilities does not appear to be artificial or arbitrary. See City of Rolling Meadows, 16 PERI ¶ 2022; Rend Lake Conservancy, 14 PERI ¶ 2051. Here, each driver/sorter, sorter/driver, and floater is assigned to a specific facility, Rockford, Bolingbrook, East Peoria, or Coal Valley; they work in totally distinct geographical locations. Rockford is approximately ninety miles from Bolingbrook, approximately 130 miles from East Peoria, and approximately 120 miles from Coal Valley. Furthermore, the employees are not interchangeable. Additionally, the driver/sorters, sorter/drivers, and floaters work side by side at their respective facilities, use the same equipment, drive the same vehicles, and prepare the same paperwork. The only time that a driver/sorter, sorter/driver, or floater would have contact with a driver/sorter, sorter/driver, or floater at a different facility is during the meet-up in Champaign. However, each facility only sends one employee to the meet-up. Further, each facility also has a different delivery service manager. Additionally, to accept the Employer's argument that the only appropriate unit would be a bargaining unit which included all driver/sorters, sorter/drivers, and floaters for every facility would be to deny the petitioned-for employees their rights under Section 2 of the Act to "full freedom of association, self-organization, and designation of representatives of their own choosing for the purpose of negotiating wages, hours and other conditions of employment or other mutual aid or protection." 5 ILCS 315/2. Further, to find the unit inappropriate and recommend dismissal of the representation petition would effectively leave the petitioned-for employees without representation, dependent on the Union to file another representation petition or on another labor organization to seek to represent them, which is "fundamentally at odds with the Act itself to place the petitioned-for employees' right to organize completely under the control of a third party." Cnty. of Clinton (Highway Dept.), 36 PERI ¶ 88; Dep't of Cent. Mgmt. Servs. v. Ill. Labor Relations Bd., State Panel, 388 Ill. App. 3d at 329; Dep'ts of Cent. Mgmt. Servs. & Healthcare & Family Servs., 23 PERI ¶ 173 (IL LRB-SP 2007); Ill. Council of Police v. Ill. Labor Relations Bd., Local Panel, 26 PERI ¶ 104 (1st Dist. 2010). Thus, the Union has rebutted the presumption of inappropriateness.

Additionally, the Section 9(b) factors support a finding that the petitioned-for unit is appropriate. The evidence establishes that the driver/sorters, sorter/drivers, and floaters at the Rockford facility share a community of interest. The driver/sorters, sorter/drivers, and floaters have the same skills and serve predominantly the same functions. The employees are functionally integrated because they all work in the same department at the same location. The employees are

also interchangeable and have regular contact with each other. Further, the employees report to the same supervisor, receive the same benefits, and have the same working conditions. The employees also desire to be included in the petitioned-for bargaining unit as the petition, in this case, is supported by a showing of majority interest. The historical pattern of recognition factor does not favor either party because the petitioned-for employees have not previously been represented by a union. See City of Chicago, 396 Ill. App. 3d at 70. Overall, the Section 9(b) factors support a finding that the petitioned-for unit is appropriate.

IV. CONCLUSION OF LAW

The petitioned-for unit is appropriate.

V. RECOMMENDED ORDER

Unless this Recommended Decision and Order Directing Certification is rejected or modified by the Board, International Brotherhood of Teamsters, Local 325 shall be certified as the exclusive representative of all the employees in the unit set forth below, found to be appropriate for the purposes of collective bargaining with respect to rates of pay, wages, hours of employment, or other conditions of employment pursuant to Sections 6(c) and 9(d) of the Act.

INCLUDED: Driver/sorters, sorter/drivers, and floaters at the Employer's Rockford facility.

EXCLUDED: All supervisory, managerial, and confidential employees as defined by the Act.

VI. EXCEPTIONS

Pursuant to Section 1200.135 of the Board's Rules and Regulations, 80 Ill. Admin. Code Parts 1200-1240, the parties may file exceptions to this recommendation and briefs in support of those exceptions no later than 14 days after service of this recommendation. Parties may file responses to any exceptions, and briefs in support of those responses, within 10 days of service of the exceptions. In such responses, parties that have not previously filed exceptions may include cross-exceptions to any portion of the recommendation. Within five days from the filing of cross-exceptions, parties may file cross-responses to the cross-exceptions. Exceptions, responses, cross-exceptions, and cross responses must be filed with the General Counsel of the Illinois Labor

Relations Board, to either the Board's Chicago Office at 160 North LaSalle Street, Suite S-400, Chicago, Illinois 60601-3103 or to the Board's designated email address for electronic filings, at ILRB.Filing@Illinois.gov. All filing must be served on all other parties. Exceptions, responses, cross-exceptions, and cross-responses will not be accepted at the Board's Springfield office. Exceptions and/or cross-exceptions sent to the Board must contain a statement listing the other parties to the case and verifying that the exceptions and/or cross-exceptions have been provided to them. If no exceptions have been filed within the 14-day period, the parties will be deemed to have waived their exceptions.

Issued at Chicago, Illinois this 16th day of July, 2021

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

/S/ Michelle N. Owen

**Michelle N. Owen
Administrative Law Judge**