

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
JOINT PANEL

Minutes of the Joint Panel Meeting
Held on December 14, 2010

I. OPENING OF MEETING 10:30 A.M.—160 North LaSalle Street, Suite S-400, Chicago, IL

II. PRESENT

Jacalyn J. Zimmerman, Joint Panel Chairman; Michael Coli, Member of the State Panel; Michael Hade, Member of the State Panel (participated by telephone-conference); Jessica Kimbrough, Member of the State Panel; Albert Washington, Member of the State Panel; Charles Anderson, Member of the Local Panel; Edward Sadlowski, Member of the Local Panel; John F. Brosnan, Executive Director; Jerald S. Post, General Counsel; and staff members.

III. APPROVAL OF MINUTES OF JOINT PANEL MEETING HELD NOVEMBER 9, 2010

Chairman Zimmerman called for approval of the minutes of the November 9, 2010 meeting. Member Washington made a motion for approval of the minutes. Member Anderson seconded. The Board passed the motion unanimously, by a voice vote.

IV. BOARD ACTIONS

- A.** The Board finalized the following meeting dates for 2011, with the Local Panel meetings to begin at 10:00 a.m. and the State Panel meetings to follow at 11:00 a.m.: January 11; February 8; March 8; April 12; June 7; July 12; August 9; September 13; October 4; November 8; and December 6. The Board finalized the following backup meeting dates for 2011, with the Local Panel meetings to begin at 10:00 a.m. and the State Panel meetings to follow at 11:00 a.m.: January 13; February 10; March 10; April 14; June 9; July 14; August 11; September 15; October 6; November 10; and December 8. In addition, the Board finalized a Local Panel meeting to begin at 10:00 a.m. on May 3, 2011; and a State Panel meeting to begin at 11:00 a.m. on May 10, 2011, with a backup meeting date scheduled for 11:00 a.m. on May 12, 2011.
- B.** The Board considered and reviewed its staffing going forward, with regard to its budget. Chairman Zimmerman argued that the staffing level of eight attorneys and three investigators currently employed by the agency is insufficient to properly carry out its duties. Chairman Zimmerman further argued that the three vacant attorney positions pending approval with the Governor's office, should be filled as soon as such approval is received, as the agency has sufficient funds for those positions to the end of the fiscal year. Member Coli disagreed and argued that given the fiscal difficulties of the State at this point in time, the more responsible course, and the course in keeping with the Governor's stated goals, would be to stay at our current staffing level of eight attorneys and three investigators until the State's fiscal condition improves. Member Kimbrough agreed with Chairman Zimmerman's position, noting that if the Governor's office approves filling the three positions pending, then clearly that would signal that filling those positions is in keeping with the Governor's goals. Member Anderson and Member Hade both expressed agreement with the statements of Chairman Zimmerman and Member Kimbrough. Member Sadlowski, in agreeing with Member Coli's position, emphasized that given the State's fiscal crisis, the only prudent course is to cut costs and avoid incurring additional expenses wherever possible. Member Coli made a motion to keep the agency's staffing level where it is currently, at eight attorneys and three investigators, until the State's fiscal condition improves. Member Sadlowski seconded the motion. The Board then took a five minute recess. When the Board returned, Member Coli amended his

motion to set the agency's staffing level at eleven attorneys and three investigators, assuming Governor's office approval to fill the three positions pending, and then, to remain at that staffing level until the State's fiscal condition improves. After further discussion, Member Sadlowski withdrew his second. Member Washington seconded the motion. The motion failed to pass, with two ayes—Members Coli and Washington—and five nays—Chairman Zimmerman and Members Kimbrough, Anderson, Hade, and Sadlowski.

- C. The Board considered and reviewed its policy and procedures for providing access to staff by parties that litigate before, or have cases processed by, the agency. Member Coli argued that regularly scheduled, private meetings between such entities and the Board's executive director and general counsel provide an environment ripe for *ex parte* or otherwise wrongful communications, and are nothing more than opportunities to bring improper pressure on agents of the Board. Member Coli also noted that the Board had agreed to prohibit this practice three or four years ago, and that to his knowledge, the Board had not since agreed otherwise. Chairman Zimmerman acknowledged that she had reinstated the practice and apologized for doing so, as she was unaware that the Board had prohibited the practice, believing instead that Chairman Gallagher had done it on her own. Chairman Zimmerman explained that when she was first appointed, her impression from discussions with people in the Governor's office and parties that regularly appear before the agency was that there needed to be more openness and communication with such parties. Chairman Zimmerman further explained that as both the executive director and general counsel are attorneys and attend such meetings together, there are sufficient safeguards against any ethical concerns. Member Kimbrough proposed perhaps replacing the in-person meetings with conference calls or letters, thereby alleviating some or all of the concerns regarding improper pressure. Member Hade remarked that the real issue is that such private, regular meetings create the perception of impropriety and undue influence. Member Anderson agreed, noting that public employers have long been of the opinion that labor organizations have the agency's ear and revelations like this simply confirm it. Member Coli moved to discontinue and prohibit regularly scheduled, private meetings between entities that litigate before, or have cases processed by, the agency, and the Board's executive director and general counsel, as meetings under these circumstances create an environment for ethical violations, noting that the cost far outweighs the benefit. Chairman Zimmerman questioned what it meant to be "regularly scheduled" and noted that the meetings at issue are no different than the types of meeting she and all other members of the Board have on a regular basis with representatives of labor organizations and public employers, to be able to properly function on the Board. Member Hade seconded the motion. After further discussion, the Board approved the motion, with six ayes—Members Coli, Hade, Anderson, Kimbrough, Sadlowski, and Washington—and one nay—Chairman Zimmerman.
- D. Member Sadlowski sought, and was granted, leave to present a motion to the Board. Member Sadlowski moved that the Board designate Chairman Zimmerman or another member of the Board to discuss with representatives of the Governor's office, a plan that he had at an earlier meeting presented, regarding the potential cost-savings available to the State by the consolidation of Board positions. Member Sadlowski's motion died for lack of a second.

V. LEGISLATIVE/FISCAL REPORTS

Executive Director Brosnan noted that there was nothing to report regarding legislative matters. He then presented the fiscal report. In addition, he presented an updated report regarding the agency's court reporting expense.

VI. EXECUTIVE SESSION

The Board questioned whether there was a need for executive session, and concluded it was not necessary at this time.

VII. ADJOURNMENT

Chairman Zimmerman called for a motion to adjourn. Member Coli made a motion to adjourn the meeting, and the Board passed it unanimously, by a voice vote.

Adopted and approved by the Chairman and Members of the Joint Panel of the Illinois Labor Relations Board, in Chicago, Illinois, this 12th day of July, 2011.