



# Illinois Labor Relations Board

2005  
ANNUAL REPORT

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# Illinois Labor Relations Board

**Chairman:**  
Jackie Gallagher

**State Panel:**  
Michael J. Hade  
Charles Hernandez  
Rex Piper  
Letitia A. Taylor

**Local Panel:**  
Donald Hubert  
Edward E. Sadlowski

TO THE HONORABLE ROD BLAGOJEVICH, GOVERNOR OF THE STATE OF ILLINOIS, THE HONORABLE EMIL JONES, JR., PRESIDENT OF THE ILLINOIS SENATE, THE HONORABLE MICHAEL J. MADIGAN, SPEAKER OF THE ILLINOIS HOUSE, AND THE HONORABLE MEMBERS OF THE GENERAL ASSEMBLY:

We submit to you the 20th annual report of the Illinois Labor Relations Board, covering activities from July 1, 2004 through June 30, 2005 and including summaries of the Board's decisions, relevant court decisions, descriptions of the Board's accomplishments, and statistics illustrating case activity during this, the Board's twentieth year of operation.

The Board, consisting of a State Panel and a Local Panel, has seven members who serve staggered four-year terms. We meet monthly – at least two meetings are held in Springfield - and State Panel members have regular hours in the offices as part of our commitment to full-time participation in Board activities.

As members of the Illinois Labor Relations Board we are honored that you, Governor Blagojevich, Cook County Board President John Stroger and Chicago Mayor Richard M. Daley have entrusted us with the responsibility of maintaining a positive working relationship between public employers and their employees. We pledge to continue doing our jobs responsibly and in an unbiased manner.

Sincerely,

Jackie Gallagher  
Chairman

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## JURISDICTION OF THE BOARD

The Illinois Public Labor Relations Act, 5 ILCS 315 (2004), as amended, enacted into law as Public Act 83-1012, effective July 1, 1984, and last amended effective June 1, 2005, governs labor relations between most public employers in Illinois and their employees. Throughout the state, the Illinois Labor Relations Board (ILRB) regulates the designation of employee representatives; the negotiation of wages, hours, and other conditions of employment; and the resolution of disputes arising under collective bargaining agreements. Also, as amended, it determines through an administrative adjudicative process whether certain police officers have committed perjury in homicide proceedings that could result in decertification.

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

During FY 04, two legislative mandates amending the Act were signed into law. On August 5, 2003, Governor Blagojevich signed Public Act 93-444 known as the "card check" law which allows unions to become certified, without an election, by showing through signed cards or petitions that they represent a majority of any bargaining unit.

On January 20, 2004, Governor Blagojevich signed Public Act 93-0655, which constitutes the state's most comprehensive death penalty reform package. Part of this law made amendments to Section 6.1 of the Illinois Police Training Act. Under these amendments the ILRB State Panel has been mandated to determine cause for police decertification.

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

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

Together with the Illinois Educational Labor Relations Act (ILCS, ch. 48, pars. 1701 *et seq.*), the Illinois Public Labor Relations Act is the first comprehensive statutory regulation of public sector collective bargaining in Illinois history. It has many similarities to the National Labor Relations Act, which regulates collective bargaining matters in the private sector, and to the laws of numerous other states which regulate collective bargaining in the public sector.

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

1. Rendering determinations on all charges alleging unfair labor practices under the Act, after either investigation or hearing;

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

# Illinois Labor Relations Board

Jackie Gallagher, Chairman  
Arlington Heights

## *STATE PANEL*

Michael Hade  
Springfield

Charles Hernandez  
Batavia

Rex Piper  
Energy

Letitia Taylor  
Chicago

## *LOCAL PANEL*

Donald Hubert  
Chicago

Edward Sadlowski  
Chicago

## **ILLINOIS LABOR RELATIONS BOARD STAFF**

*EXECUTIVE DIRECTOR*  
John Brosnan

*GENERAL COUNSEL*  
Jacalyn J. Zimmerman

*PERSONNEL OFFICER*  
Carla Stone

*FISCAL OFFICER*  
Nicole Hildebrand (SP)

*ATTORNEYS*  
John Clifford  
Philip Kazanjian  
Jennifer Niemiec  
Colleen O'Keefe  
Matt Pavich  
William Waechter (SP)  
Sharon Wells

*INVESTIGATORS*  
Hans de Kok  
Michael Dunne  
Mike Provines (SP)  
Fred Wickizer

*INFORMATION TECHNOLOGY*  
Jodi M. Marr (SP)

*ADMINISTRATIVE STAFF*  
Mary Brickford  
Melissa McDermott  
Dawn Robinson  
Lori Schroll (SP)

(SP) based in Springfield office

# FUNCTIONS OF THE BOARD

## I – CASE PROCESSING

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

### A. Representation Petitions

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

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

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

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

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

- Petitions to Amend Certification (AC) are filed by an exclusive collective bargaining representative seeking to amend its certification whenever there is a change in its name or structure.
- Declaration of Disinterest Petitions (DD) are filed by an exclusive collective bargaining representative to declare its disinterest in further representation of that bargaining unit.

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

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

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

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

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

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

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

Following the filing of a Majority Interest Petition, the petition is investigated to ensure that the labor organization has provided evidence that a non-coerced majority of the employees in the appropriate unit want to be represented for the purposes of collective bargaining. If the employer objects to the petition because it believes that specific positions are not eligible to be represented in a bargaining unit because the positions are either confidential or managerial employees or supervisors, the Board will nevertheless certify the labor organization if the



number of contested positions are not sufficient to affect the labor organization's evidence of majority support. The disputed positions inclusion in the bargaining unit will be resolved by utilizing the Board's unit clarification procedures. If a majority interest petition seeks to represent a bargaining unit that combines both professional and nonprofessional employees, the Board will first conduct an election to determine whether both the professional and nonprofessional employees want to be represented in such a combined unit. If both the professional and nonprofessional employees do not vote to be represented in a combined unit, the Board will certify separate professional and nonprofessional units if the labor organization has demonstrated majority support for the separate units. If a party or individual provides evidence demonstrating a material issue of fact or law that the labor organization's majority support was obtained by fraud or through coercion, the Board will conduct a hearing to determine whether there is a clear and convincing evidence of fraud or coercion, the Board will conduct an election to determine majority support for the labor organization in the appropriate unit. If the Board finds that there is not clear and convincing evidence of fraud or coercion, the Board will certify the unit based on the labor organization's evidence of majority support.

## **B. Unfair Labor Practice Charges**

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

- Charge Against Employer (CA) alleges that an employer has violated one of the provisions under Section 10(a) of the Act;
- 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, the Executive Director issues a complaint and the case is set for hearing before an administrative law judge. Unlike the National Labor Relations Board, once a complaint is issued, the Board does not perform the prosecutorial function. Instead, prosecution of unfair labor practice cases is undertaken by the charging parties or their representatives. 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. Thereafter, after considering the hearing's record and briefs, the administrative law judge issues a "recommended decision and order".

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

### **C. Mediation/Arbitration Cases**

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

### **D. Strike Investigations**

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

### **E. Declaratory Rulings**

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

### **F. Police Decertification Cases**

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

law judge will make a recommendation to the ILRB State Panel as to whether certain police officers have committed perjury in homicide proceedings such that they should be decertified. The Administrative Law Judge's decision may be appealed to the Board and the Board decision may be further appealed to court.

## **II - RULE MAKING**

The Labor Relations Board is authorized to promulgate rules and regulations governing its activity. ILCS, ch. 48, pars. 1605 (i), (j) and (k). It takes a vote of four of the seven Board members to enact or amend rules.

The Board has adopted regulations governing its internal structures (2 Ill. Adm. Code 2500), implementation of the Illinois Freedom of Information Act (2 Ill. Adm. Code 2501), general provisions applicable to all Board proceedings (80 Ill. Adm. Code 1200), procedures in representation cases (80 Ill. Adm. Code 1210), procedures in unfair labor practice cases (80 Ill. Adm. Code 1220), and procedures for resolving collective bargaining impasses (80 Ill. Adm. Code 1230). The latter four sets of rules governing Board proceedings are available from the Board in a handy pamphlet form.

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

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

Updates and additions to Board rules were adopted during both FY2003 and 2004 to reflect the many statutory and regulatory changes that had occurred since the 1990 revisions.

## **III - REFERRALS TO OTHER AGENCIES**

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

## **IV - LAW LIBRARY/CONTRACT REPOSITORY**

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

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

## **STATUTORY AMENDMENTS**

Public Act 93-1006, effective August 24, 2004, amended the Illinois Public Labor Relations Act to specify the need for perjury complaints under the Uniform Peace Officer Disciplinary Act, against sworn peace officers, to be supported by sworn affidavit.

Public Act 93-0854, effective January 1, 2005, amended Section 6 of the IPLRA, and provides that when a collective bargaining agreement is terminated, or continues in effect beyond its scheduled expiration date pending the negotiation of a successor agreement, the employer shall continue to honor and abide by the agreement's dues deduction or fair share clause. This amendment also applies to any successor exclusive representative certified under the Act, provided the successor representative: (1) certifies to the employer the amount constituting each non-member's proportionate share; or (2) presents the employer with employee written authorizations for the deduction of dues, assessments, and fees.

Public Act 93-1080, effective June 1, 2005, amended Section 20 of the Act to give the Board jurisdiction over units of local government that employ five or more public employees. Under the amendment, the Act does not apply to units of local government employing less than five employees except with regard to bargaining units in existence on the effective date of the Act and fire protection districts required by the Fire Protection District Act to appoint a Board of Fire Commissioners.

# ILRB CASE SUMMARIES

## I. Jurisdiction

### A. In general

In American Federation of State, County and Municipal Employees, Council 31 v. Illinois Labor Relations Board, Wexford Health Sources, Inc., and State of Illinois, Department of Central Management Services (Department of Corrections), 351 Ill. App. 3d 707, 814 N.E.2d 601, 20 PERI ¶112 (2004), the Illinois Appellate Court for the Fifth District, in a published opinion, reversed the State Panel's decision that the State of Illinois was not an employer, along with private sector employer Wexford Health Sources, Inc. (Wexford), because it did not have significant control over the Wexford employees' employment conditions so as to be able to engage in meaningful collective bargaining under the Act. The Union, which had previously been certified as the Wexford employees' exclusive representative pursuant to the National Labor Relations Act, 29 U.S.C. §§151-69 (2001) (NLRA), sought an additional certification for the State as an employer. The court found that the State was an employer of the petitioned-for employees and remanded the case so that the Board could consider whether the NLRA preempted the Board's jurisdiction in this matter.

### B. Joint employer status

In American Federation of State, County and Municipal Employees, Council 31 v. Illinois Labor Relations Board, State Panel, 216 Ill. 2d. 569, 839 N.E.2d479, 298 Ill.Dec.156, 21 PERI ¶171 (2005), the Illinois Supreme Court reversed the Illinois Appellate Court for the Fifth District and found that the petitioned-for individuals were not public employees. The Illinois Department of Corrections (DOC) contracted with Wexford Health Services, a private company, to provide medical services at its correctional facilities. The Union was the exclusive bargaining representative of Wexford's employees pursuant to a National Labor Relations Board certification, and sought an additional Board certification of the State as a joint employer. The Supreme Court reinstated the original Board decision, concluded that the State was not a joint employer, and dismissed the petition.

### C. The six-month time limitations period

In Cook County Department of Corrections and Sheriff of Cook County, 20 PERI ¶104 (IL LRB LP 2004), the Local Panel upheld the Executive Director's dismissal of an unfair labor practice charge as untimely.

In Michael Huff v. Illinois Labor Relations Board, State Panel, et al., 20 PERI ¶172 (2005), the Illinois Appellate Court for the Third District, in an unpublished opinion, upheld the Board's dismissal of the unfair labor practice charges as untimely, agreeing with the Board that the limitations period started to run when Huff first became aware of the potential back pay amount, which was less than he believed appropriate, not when he actually received the back pay check.

In Chicago Transit Authority, 20 PERI ¶143 (IL LRB LP 2004), the Board upheld the Acting Executive Director's dismissal of an unfair labor practice charge as untimely, finding that Charging Party knew or should have known of the alleged unfair labor practice when she was not allowed to return to work.

In addition, the following non-precedential decision dismissing a charge on the basis of timeliness issued this past year: Village of Wilmette, 20 PERI ¶131 (IL LRB SP ALJ 2004).

## **II. Card check certification issues**

In Champaign-Urbana Public Health District v. Illinois Labor Relations Board, State Panel and the American Federation of State, County and Municipal Employees, Council 31, AFL-CIO, 354 Ill. App. 3d 482, 821 N.E.2d 691, 20 PERI ¶185 (2004), the Illinois Appellate Court for the Fourth District ruled that the Board improperly adopted emergency rules based on Public Act 93-427, which amended the Act to provide for certification of bargaining agents without elections upon a showing of majority support. The court found no threat to the public interest sufficient to justify adoption of the Board's emergency rules. The Board's petition for leave to appeal to the Illinois Supreme Court was denied.

The Illinois Appellate Court for the Second District reached the same result in County of DuPage and the DuPage County Sheriff v. Illinois Labor Relations Board, State Panel and Metropolitan Alliance of Police, DuPage County Sheriff's Police Chapter No. 126, 358 Ill. App. 3d 174, 830 N.E.2d 709, 21 PERI ¶77 (2005.) The Board's petition for leave to appeal to the Supreme Court was denied.

In Champaign-Urbana Public Health District v. Illinois Labor Relations Board, State Panel, et. al., 20 PERI ¶185 (2005), the Illinois Appellate Court for the Fourth District ordered that the Board pay the Employer's attorneys' fees as a result of its successful attempt to invalidate the emergency rules. The court analyzed the community rate for such fees in approving an hourly rate of \$125 per hour.

## **III. Representation issues**

### **A. Bar to representation proceedings**

#### **Blocking charges**

In County of Cook, 21 PERI ¶53 (IL LRB LP 2005), the Board upheld the Acting Executive Director's refusal to block an election where the complained of conduct was not so egregious as to interfere with a free and fair election.

#### **Contract bar**

In City of Calumet City, 21 PERI ¶98 (IL LRB SP 2005), the Board held that a tentative agreement between the Employer and the incumbent union did not bar a rival union's representation petition because that agreement was not signed by the parties' representatives.

In Cook County (Bureau of Health Services), 21 PERI ¶51 (IL LRB LP 2005), the Board affirmed the decision of the Acting Executive Director that the representation petition filed by the Petitioner was timely and directed an election, finding that a contract expires on the last day of the stated term, not the day following.

The following non-precedential decision regarding contract bar issued this past year: State Employee Nurses Association, et. al., 21 PERI ¶184 (IL LRB SP 2005).

**B. Unit determination/appropriateness**

In City of Naperville, 20 PERI ¶184 (IL SLRB SP 2004), the Board upheld the Administrative Law Judge's finding that a petitioned-for unit of police sergeants was an appropriate unit, despite the Employer's argument that a separate bargaining unit for sergeants was inappropriate due to its police department's centralized job classification system and a strong community of interest between the sergeants and its police officers.

In City of Galena, 20 PERI ¶182 (IL LRB SP 2004), the Board upheld the Acting Executive Director's dismissal of a representation petition on the basis that the petitioned-for unit consisted of one person.

**C. Majority interest**

In Champaign-Urbana Public Health District, Case Nos. S-VR-04-002 and S-VR-04-006, the Board issued a Certification of Representative pursuant to the Board's emergency rules implementing Section 9(a)(5) of the Act. Specifically, Section 9(a)(5) provides that a labor organization can be certified as an exclusive bargaining representative without a secret ballot election by demonstrating a majority showing of interest. On December 24, 2003 the Employer filed a petition for review in the Illinois Appellate Court for the Fourth District, Case No. 4-03-1081.

In County of DuPage and DuPage County Sheriff, Case No. S-RC-04-119, the Acting Executive Director issued a Certification of Representative pursuant to the Board's emergency rules implementing Section 9(a)(5) of the Act. On April 22, 2004, the Employer filed a petition for review in the Illinois Appellate Court for the Second District, Case No. 2-04-0392. The primary issue was whether the Board's reliance on its emergency rules to process the Union's representation petition was proper.

**D. Unit clarification**

In State of Illinois, Department of Central Management Services (Department of Corrections), 21 PERI ¶49 (IL LRB SP 2005), the Board reversed the Acting Executive Director's unit clarification order excluding employees as confidential because they had been inadvertently included in the unit, finding that the employees had been intentionally included in the unit. The matter is pending appeal in the Illinois Appellate Court for the Fourth District, Docket No. 4-05-0277.

In State of Illinois, Department of Central Management Services (Department of Corrections), 21 PERI ¶48 (IL LRB SP 2005), the Board reversed the Acting Executive Director's decision to issue a unit clarification order because the parties had no basis for claiming that the initial inclusion of the objector was a mistake. The matter is pending appeal in the Illinois Appellate Court for the Fourth District, Docket No. 4-05-0276.

In Forest Preserve District of Cook County, 21 PERI ¶43 (IL LRB LP 2005), the Board affirmed the Acting Executive Director's decision to issue a unit clarification when the evidence clearly showed that the parties had stipulated to the clarification.

The following non-precedential decisions regarding unit clarification issued this past year: City of Bloomington, 21 PERI ¶47 (IL LRB SP ALJ 2005); Chicago Transit Authority, 21 PERI ¶95 (IL LRB LP ALJ 2005).

#### **E. Labor organization status**

In County of Cook (Oak Forest Hospital), 21 PERI ¶94 (IL LRB LP 2005), the Board remanded proceedings on the union's representation petition where the incumbent union challenged the petitioning union's status as a labor organization within the meaning of Section 3(i) of the Act. The Board affirmed the Executive Director's decision to proceed with the election, but ordered the ballots impounded pending a determination as to the petitioner's status.

#### **F. Section 3(n) independent contractors**

The following non-precedential decision regarding independent contractor status issued this past year: State of Illinois, Department of Central Management Services, 21 PERI ¶41 (IL LRB SP ALJ 2005).

#### **G. Section 3(c) confidential employees**

In State of Illinois, Department of Central Management Services, 20 PERI ¶105 (IL LRB SP 2004), the State Panel found that where the Employer asserted that its internal auditors were confidential employees based on what their future duties in revamped positions might be, it could not apply the reasonable expectation test to determine the employees' confidential status.

In Village of Bolingbrook and Illinois Labor Relations Board and Metropolitan Alliance of Police, 20 PERI ¶186 (2004), the Illinois Appellate Court for the Third District, in an unpublished decision, upheld the Board's finding that the Employer's lieutenants were not confidential employees due to their role in the grievance procedure.

In City of Naperville, 20 PERI ¶184 (IL LRB SP 2004), the Board upheld the Administrative Law Judge's finding that the internal affairs sergeant was not a confidential employee under either the authorized access or the labor nexus test.

The following non-precedential decisions regarding confidential employee status issued this past year: City of Alton, 21 PERI ¶108 (IL LRB SP ALJ 2005); Village of Hoffman Estates, 21 PERI ¶15 (IL LRB SP ALJ 2005).



## H. Section 3(j) managerial employees

### The traditional test

In County of Cook (Oak Forest Hospital) v. Illinois Labor Relations Board, Local Panel and Service Employees International Union, Local 74-HC, 351 Ill. App. 3d 379, 813 N.E.2d 1107, 286 Ill.Dec. 414, 20 PERI ¶113 (2004), the Illinois Appellate Court for the First District, in a published opinion, affirmed the Board's finding that the attending physicians employed by Oak Forest Hospital were not managerial employees pursuant to section 3(j) of the Act.

### Managerial "as a matter of law"

In County of Cook (Oak Forest Hospital) v. Illinois Labor Relations Board, Local Panel and Service Employees International Union, Local 74-HC, 351 Ill. App. 3d 379, 813 N.E.2d 1107, 286 Ill.Dec. 414, 20 PERI ¶113 (2004), the Illinois Appellate Court for the First District, in a published decision, affirmed the Board's finding that the attending physicians employed by Oak Forest Hospital were not managerial employees "as a matter of law" within the meaning of the rationale set forth in Chief Judge of the 16<sup>th</sup> Judicial Circuit Court v. Illinois State Labor Relations Board, 178 Ill. 2d 333, 687 N.E.2d 795, 13 PERI ¶4014 (1997) and Office of the Cook County State's Attorney v. Illinois Local Labor Relations Board, 166 Ill. 2d 296, 652 N.E.2d 301, 11 PERI ¶4011 (1995).

The following non-precedential decision regarding managerial employee status issued this past year: City of Alton, 21 PERI ¶108 (IL LRB SP ALJ 2005).

## I. Section 3(r) supervisory employees

In County of Cook (Oak Forest Hospital) v. Illinois Labor Relations Board, Local Panel and Service Employees International Union, Local 74-HC, 351 Ill. App. 3d 379, 813 N.E.2d 1107, 286 Ill. Dec. 414, 20 PERI ¶113 (2004), the Illinois Appellate Court for the First District, in a published decision, affirmed the Board's finding that the attending physicians in the Hospitals' Department of Rehabilitative Medicine were not supervisory employees within the meaning of Section 3(r) of the Act because they did not have the authority to discipline or direct their subordinates, as their recommendations were not adopted as a matter of course.

In Village of Woodridge, 20 PERI ¶125 (IL LRB SP 2004), the State Panel upheld the Administrative Law Judge's determination that the Employer's police sergeants were supervisors. In 1999, an administrative law judge held that the sergeants were supervisors. The Board found that it was not appropriate to reconsider a prior decision unless there had been a substantive change in the relevant facts (i.e., a substantial change in the duties and functions of an existing title), or a significant change in the controlling statutory or case law. The Board found that the Union had demonstrated a sufficient change in the circumstances surrounding the sergeants' employment such that it was appropriate to reconsider their public employee status. However, having considered the changed circumstances, the Board still found the sergeants to be statutory supervisors. On September 13, 2004, the Union filed a petition for review in the Illinois Appellate Court for the First District, Case No. 1-04-2637. Shortly thereafter, the court granted the Respondent's motion to transfer to the Second District.

In Metropolitan Alliance of Police v. Illinois Labor Relations Board and Village of Bellwood, 354 Ill. App. 3d 672, 820 N.E.2d 1107, 21 PERI ¶162 (2004), the Illinois Appellate Court for the First District affirmed the Board's ruling that the Employer's sergeants and lieutenants were supervisory employees because they had the authority to discipline subordinates through the issuance of personal incident reports which were recorded in the employees' personnel files and affected future discipline levels for similar violations.

In State of Illinois, Department of Central Management Services, 21 PERI ¶46 (IL LRB SP 2005), the Board upheld the Administrative Law Judge's finding that two employees were not supervisory because they did not perform any supervisory functions with the requisite independent judgment. The Board found that the employees lacked disciplinary authority because neither had ever disciplined a subordinate, nor had they been informed that they had disciplinary authority.

In Village of Bolingbrook v. Illinois Labor Relations Board and Metropolitan Alliance of Police, 20 PERI ¶186 (2004), the Illinois Appellate Court for the Third District, in an unpublished order, upheld the Board's finding that the Employer's lieutenants were not supervisory employees as defined by the Act. Although the employees' principal work was substantially different from that of their subordinates, the court upheld the Board's finding that the employees did not exercise supervisory authority with independent judgment.

In City of Naperville, 20 PERI ¶184 (IL SLRB SP 2004), the Board upheld the Administrative Law Judge's determination that police sergeants were not supervisory because they did not exercise any supervisory authority with the requisite independent judgment. Although the sergeants could issue verbal reprimands and counseling letters, those did not have any effect on their subordinates' terms and conditions of employment.

The following non-precedential decisions regarding supervisory status issued this past year: Village of Winnetka, 20 PERI ¶132 (IL LRB SP ALJ 2004); City of Alton, 21 PERI ¶108 (IL LRB SP ALJ 2005); City of Bloomington, 21 PERI ¶47 (IL LRB SP ALJ 2005); City of Harvey, 21 PERI ¶39 (IL LRB SP ALJ 2005); Village of Hoffman Estates, 21 PERI ¶15 (IL LRB SP ALJ 2005); State of Illinois, Department of Central Management Services, 20 PERI ¶171 (IL LRB SP ALJ 2004); Chicago Transit Authority, 20 PERI ¶173 (IL LRB LP ALJ 2004).

#### **IV. Employer unfair labor practices**

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

In Chicago Transit Authority v. Illinois Labor Relations Board and Amalgamated Transit Union, 358 Ill. App. 3d 83, 830 N.E.2d 630, 21 PERI ¶76 (2005), the Illinois Appellate Court for the First District vacated and remanded the Board's ruling that the Employer violated Section 10(a)(1) of the Act by threatening employees and denying the union access to its property to conduct an election, in retaliation for the union's strike authorization vote.

In Palatine Rural Fire Protection District (Delatorre), 21 PERI ¶107 (IL LRB SP 2005), the Board reversed the Administrative Law Judge's finding that the Respondent's refusal to allow the Charging Party to return to work for two weeks was retaliation for his grievance filing.

In Rockford Township Highway Department (Rivera), 21 PERI ¶37 (IL LRB SP 2005), the Board upheld the Acting Executive Director's dismissal of an unfair practice charge that the Employer

violated the Act when it discharged Charging Party, as she alleged that the Employer discharged her on the basis of her sex. Therefore, the Director found that the Board lacked jurisdiction over the case and dismissed the charge. On March 10, 2005, Charging Party filed a petition for review in the Illinois Appellate Court for the Second District, Docket No. 2-05-0242.

In Pace Heritage Division (Ento), 21 PERI ¶70 (IL LRB LP 2005), the Board upheld the Acting Executive Director's dismissal of the Charging Party's charge that the Employer violated the Act by discriminating against her and ignoring her seniority while distributing extra work assignments. It agreed that while the Charging Party was disciplined, there was no evidence of anti-union animus or that the manner in which the Employer made the assignments constituted an unfair practice.

In City of Chicago (Cooper), 20 PERI ¶138 (IL LRB LP 2004), the Board upheld the Acting Executive Director's dismissal of an unfair labor practice charge when the Charging Party failed to state a cause of action under the Act and did not supply the Board with sufficient information in support of his charge.

The following non-precedential decisions regarding Section 10(a)(1) restraint, interference and coercion issued this past year: State of Illinois, Department of Central Management Services (Department of Human Services) (Bottoms), 20 PERI ¶109 (IL LRB SP ALJ 2003); Village of Elk Grove Village, 21 PERI ¶13 (IL LRB SP ALJ 2005); County of Vermillion, 21 PERI ¶12 (IL LRB SP ALJ 2005); City of Effingham, 21 PERI ¶11 (IL LRB SP ALJ 2005); Chicago Transit Authority, 21 PERI ¶95 (IL LRB LP ALJ 2005); County of Cook, Cook County Hospital, 21 PERI ¶50 (IL LRB LP ALJ 2005); Chicago Transit Authority, 21 PERI ¶38 (IL LRB LP ALJ 2005).

## **B. Section 10(a)(2) discrimination**

In City of Evanston, 20 PERI ¶167 (IL LRB SP 2004), the State Panel upheld the Executive Director's dismissal of the Charging Party's charge, which alleged that the Employer discharged him for his union-related activity, finding that Charging Party presented no evidence of suspicious timing or disparate treatment to raise an issue of law or fact for hearing.

In Sarah D. Culbertson Memorial Hospital, 21 PERI ¶6 (IL LRB SP 2005), the Board upheld the Acting Executive Director's dismissal of the unfair labor practice charge where the Charging Party failed to present sufficient evidence that bargaining unit members were treated in a disparate fashion.

In City of Evanston, 20 PERI ¶167 (IL LRB SP 2004), the Board upheld the dismissal of a police officer's charge that his discharge was motivated by retaliation for his union activities. Instead, the Board found that the Charging Party was discharged after he was arrested for driving under the influence of marijuana and attempted to commit suicide.

In Pace Heritage Division (Ento), 21 PERI ¶70 (IL LRB LP 2005), the Board upheld the Acting Executive Director's dismissal of the Charging Party's unfair labor practice charge. The Director found that while the Charging Party was disciplined, there was no evidence indicating that the discipline was based on her grievance filing activity.

In County of Cook, 21 PERI ¶53 (IL LRB LP 2005), the Board upheld the dismissal of an Incumbent Union's charge that the Employer, in an effort to assist a challenger, restricted its

access to the facility, changed the locks on the Incumbent's on-site office, and provided access to the challenger's representatives.

The following non-precedential decisions regarding Section 10(a)(2) employer discrimination issued this past year: Village of Bolingbrook, 20 PERI ¶140 (IL LRB SP ALJ 2004); County of Winnebago (Kramp), 20 PERI ¶141 (IL LRB SP 2004), *consolidated with*, County of Winnebago (Ricotta); State of Illinois, Department of Central Management Services (Human Services) (Davis), 21 PERI ¶86 (IL LRB SP ALJ 2005); Village of Elk Grove Village, 21 PERI ¶13 (IL LRB SP ALJ 2005); County of Winnebago (Kramp), and County of Winnebago (Ricotta); 20 PERI ¶141 (IL LRB SP ALJ 2004); Village of Bolingbrook, 20 PERI ¶140 (IL LRB LP ALJ 2004).

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

#### **(1) In general**

In Sarah D. Culbertson Memorial Hospital, 21 PERI ¶6 (IL LRB SP 2005), the Board upheld the dismissal of a charge alleging that the Employer violated the Act by unilaterally changing bargaining unit members' health and dental benefits during the time period between the filing of majority interest petitions and the Board's certification of the units, finding that in majority interest as well as traditional representation cases, the duty to bargain attaches upon certification by the Board.

In County of Cook, 21 PERI ¶53 (IL LRB LP 2005), the Board upheld the dismissal of the Incumbent Union's charge that by locking out its representatives, the Respondent prevented the Incumbent from fulfilling its grievance functions.

The following non-precedential decisions regarding Section 10(a)(4) refusal to bargain issued this past year: Village of Wilmette, 20 PERI ¶131 (IL LRB SP ALJ 2004); State of Illinois, Department of Central Management Services (Department of Revenue), 21 PERI ¶45 (IL LRB SP 2005); City of Effingham, 21 PERI ¶11 (IL LRB SP ALJ 2005); Chicago Transit Authority, 21 PERI ¶95 (IL LRB LP ALJ 2005); County of Cook (Cook County Hospital), 21 PERI ¶50 (IL LRB LP ALJ 2005).

#### **(2) Subjects of bargaining**

In Chicago Park District v. Illinois Labor Relations Board and Service Employees International Union, Local 73, Case No. 1-02-3752, 20 PERI ¶110 (IL LRB LP 2004) and Chicago Park District v. Illinois Labor Relations Board and Service Employees International Union, Local 73, Case No. 1-03-1931, 20 PERI ¶145 (IL LRB LP 2004), the Illinois Appellate Court for the First District upheld the Local Panel's findings, in two cases presenting essentially identical parties, facts and issues, that the Employer's decision to reduce the hours of its part-time hourly employees concerned a mandatory subject of bargaining. In agreement with the Board, the court found that the reduction in hours involved the employees' terms and conditions of employment in that it affected their wages, benefits, number of work hours, and departed from the Employer's past practice of consistently offering the employees a set number of hours each week. In both instances, the court found that the benefits of bargaining over the Employer's decision to reduce the hourly employees' hours of work outweighed the burdens that bargaining would have imposed upon the Employer's authority.

In City of Marengo, 20 PERI ¶99 (IL LRB SP 2004), the State Panel upheld the Administrative Law Judge's finding that the Employer violated Section 10(a)(4) of the Act when it transferred work out of the bargaining unit composed of full-time patrol officers to non-bargaining unit, part-time officers without giving notice to and affording the Union an opportunity to bargain.

In Village of Orland Park, 21 PERI ¶42 (IL LRB SP 2004), the State Panel upheld the Administrative Law Judge's determination that the Employer violated the Act when it implemented a new system of project evaluations for its public works employees without bargaining with the Union, finding that the procedural aspects of the project evaluation system were mandatory subjects of bargaining but the substantive criteria used in those evaluations were not.

In City of Chicago (Department of Police), 21 PERI ¶83 (IL LRB LP 2005), the Board upheld the Administrative Law Judge's determination that the Employer violated the Act when it failed to bargain with the representative of its police officers over its decision to grant traffic control assignments for certain Soldier Field events to the Chicago Park District and the Metropolitan Pier and Exposition Authority. On June 1, 2005, the Employer filed a petition for review in the Illinois Appellate Court for the First District, Docket No. 1-05-1713.

In Forest Preserve District of Cook County, 21 PERI ¶43 (IL LRB LP 2005), the Board upheld the Administrative Law Judge's finding that the Employer's decision to lay off bargaining unit members was a mandatory subject of bargaining. The Employer contended that the layoffs were necessitated by financial concerns, but the Board noted well established case law that economically motivated layoffs are amenable to resolution through the collective bargaining process and that the Employer had not demonstrated a sudden or immediate situation which would obviate the need to bargain. On March 30, 2005, the Employer filed a petition for review in the Illinois Appellate Court for the First District, Docket No. 1-05-0813.

### **(3) Unilateral change**

The following non-precedential decision regarding unilateral change issued this past year: Village of Wilmette, 20 PERI ¶131 (IL LRB SP ALJ 2004).

### **(4) Waiver of the right to bargain**

In Chicago Park District v. Illinois Labor Relations Board and Service Employees International Union, Local 73, Case No. 1-02-3752, 20 PERI ¶110 (IL LRB LP 2004) and Chicago Park District v. Illinois Labor Relations Board and Service Employees International Union, Local 73, Case No. 1-03-1931, 20 PERI ¶145 (IL LRB LP 2004), the Illinois Appellate Court for the First District upheld the Local Panel's determinations that the Union did not waive its right to bargain over a reduction in work hours. The court agreed with the Board that the parties' agreement did not contain clear and unmistakable language evidencing the parties' intention to waive the right to bargain over a reduction in employee work hours.

In Village of Orland Park, 21 PERI ¶42 (IL LRB SP 2004), the State Panel upheld the Administrative Law Judge's determination that the Union did not waive its right to bargain over the implementation of a new system of project evaluations when it agreed to the management rights clause in the parties' collective bargaining agreement.

In City of Chicago (Department of Police), 21 PERI ¶83 (IL LRB SP 2005), the Board upheld the Administrative Law Judge's determination that the Union did not waive its right to bargain over the Employer's decision to subcontract certain traffic control assignments at Soldier Field events. On June 1, 2005, the Employer filed a petition for review in the Illinois Appellate Court for the First District, Docket No. 1-05-1713.

In Forest Preserve District of Cook County, 21 PERI ¶43 (IL LRB LP 2005), the Board upheld the Administrative Law Judge's finding that the Union did not waive bargaining over layoffs of bargaining unit members. The Employer contended that a management rights clause constituted such a waiver, but the Board upheld the Administrative Law Judge's conclusion that the contract clause did not mention layoffs, or the right to relieve employees due to lack of work, and therefore was not a clear and unmistakable waiver. On March 30, 2005, the Employer filed a petition for review in the Illinois Appellate Court for the First District, Case No. 1-05-0432.

### **(5) Declaratory rulings**

In Village of Libertyville (Fire Department), 20 PERI ¶163 (IL LRB SP G.C. 2004), the Acting General Counsel issued a declaratory ruling concerning whether a contract proposal regarding promotions to a non-bargaining unit position constituted a mandatory subject of bargaining. The Acting General Counsel found that the Union's proposal regarding promotions to the non-bargaining unit position of Lieutenant was a permissive subject of bargaining.

In Village of Elk Grove Village, 21 PERI ¶87 (IL LRB SP GC 2005), the General Counsel issued a declaratory ruling concerning whether the Union's proposal regarding provisions of the Illinois Fire Department Promotion Act was a mandatory subject of bargaining.

In Village of Elk Grove Village, 21 PERI ¶14 (IL LRB SP GC 2005), the General Counsel issued a declaratory ruling concerning whether an Employer proposal that would require a waiver of certain provisions of the Illinois Fire Department Protection Act was a mandatory subject of bargaining, finding that the Employer's proposal, to the extent that it concerned topics long held to be mandatorily negotiable such as promotional criteria, minimum eligibility requirements, order of promotion from a final eligibility list and posting of exam scores, was mandatorily negotiable because the language of the FDPA established a minimum set of guidelines for promotions and was meant to authorize negotiations between employers and exclusive bargaining representatives.

In City of Chicago, 20 PERI ¶183 (IL LRB LP GC 2004), the General Counsel issued a declaratory ruling that Union proposals that the Employer award employee health care coverage contracts to the lowest bidder, pursuant to a competitive bid process, and that the factors used to select the health care administrator be developed by a joint labor-management committee were mandatory subjects of bargaining.

## **D. Remedies**

### **Cost of living increases**

In Pleasantview Fire Protection District, 21 PERI ¶19 (IL LRB SP 2005), the Board affirmed the Administrative Law Judge's finding that the Board's compliance officer erred in including a cost of living adjustment in a make whole remedy awarding back pay. On February 2, 2005, Charging Party filed a petition for review in the Illinois Appellate Court for the First District, Docket No. 1-05-0432.

## **V. Union unfair labor practices**

### **A. Section 10(b)(1) duty of fair representation**

In National Nurses Organizing Committee-California Nurses Association, 21 PERI ¶52 (IL LRB LP 2005), the Board upheld the dismissal of a Section 10(b)(1) charge because the majority of the complained-of conduct was not directed at public employees.

In International Brotherhood of Teamsters, Local 714 (Solava), 20 PERI ¶167 (IL LRB SP 2004), the State Panel upheld the Executive Director's dismissal of a charge that the Union violated its duty of fair representation when it failed to pursue the Charging Party's discharge grievance to arbitration.

In Fraternal Order of Police, Chicago Lodge #7 (LeMond), 20 PERI ¶101 (IL LRB LP 2004), the Local Panel upheld the Executive Director's dismissal of a charge that the Union violated its duty of fair representation when it refused to process the Charging Party's grievance regarding her discharge, because she was a probationary employee, she was not entitled to participate in the grievance procedure as defined by the collective bargaining agreement.

In Amalgamated Transit Union, Local 241 (Wilson), 20 PERI ¶108 (IL LRB LP 2004), the Local Panel upheld the Executive Director's dismissal of a bargaining unit member's unfair labor practice charge against the Union, concluding that Charging Party's claim that the Union failed to respond to her concerns might show negligence, however, intentional conduct as required by 10(b)(1) could not be inferred from such negligence alone.

The Board dismissed the following cases because the charging parties failed to present evidence of union intentional misconduct sufficient to warrant a hearing: International Brotherhood of Teamsters Local 325 (Rivera), 21 PERI ¶37 (IL LRB SP ALJ 2005), where, on March 10, 2005, the Charging Party filed a petition for review in the Illinois Appellate Court for the Second District, Docket No. 2-05-0242; International Brotherhood of Teamsters, Local 714 (Solava), 20 PERI ¶166 (IL LRB SP ALJ 2004); Amalgamated Transit Union (Chatman), 21 PERI ¶96 (IL LRB LP 2005); Amalgamated Transit Union, Local 241 (Ento), 21 PERI ¶69 (IL LRB LP 2005); Amalgamated Transit Authority (Merriweather), 21 PERI ¶54 (IL LRB LP 2005); International Association of Machinists (Shameley), 20 PERI ¶142 (IL LRB LP 2004), where, on November 10, 2004, the Charging Party filed a petition for review in the Illinois Appellate Court for the First District, Docket No. 1-04-3328; American Federation of State, County and Municipal Employees, Council 31 (Cooper), 20 PERI ¶137 (IL LRB LP 2004).

The following non-precedential decisions regarding Section 10(b)(1) duty of fair representation issued this past year: American Federation of State, County and Municipal Employees, Council 31 (Bryant), 21 PERI ¶97 (IL LRB SP ALJ 2005); Palos Heights Professional Firefighters, IAFF, Local 4254, 21 PERI ¶85 (IL LRB SP ALJ 2005).

## **B. Section 10(b)(5) conduct of representation elections**

In City of Greenville, 21 PERI ¶109 (IL LRB SP 2005), the Board upheld the Executive Director's decision to direct an election on a certain date, finding that the Director had adequately considered the needs of all the parties and that the primary concern was to ensure that the employees were able to expeditiously resolve the question of representation.

In National Nurses Organizing Committee-California Nurses Association, 21 PERI ¶52 (IL LRB LP 2005), the Board upheld the Acting Executive Director's dismissal of a Section 10(b)(1) and (5) charge, finding that the Charging Party had failed to submit sufficient evidence to support its claim that the Respondent violated any provision of Section 1210 of the Board's Rules and Regulations.

In County of Cook and Sheriff of Cook County, 21 PERI ¶10 (IL LRB LP 2005), the Board upheld the decision by the Acting Executive Director to conduct a mail ballot election in a unit of approximately 2800 potential voters.

## **VI. Procedural issues**

### **A. Replacement of Administrative Law Judges**

In State of Illinois, Department of Central Management Services and American Federation of State, County and Municipal Employees, 21 PERI ¶46 (IL LRB SP 2005), the Board rejected the Employer's argument that the Board was not authorized to assign an Administrative Law Judge who had not presided over the hearing on a case, to draft a recommended decision and order.

### **B. Summary judgment motions**

In State and Municipal Teamsters, Chauffeurs and Helpers, Local 726 and Forest Preserve District of Cook County consolidated with International Brotherhood of Teamsters, Local 726 and Forest Preserve District of Cook County, 21 PERI ¶43 (IL LRB LP 2005), the Board rejected the Respondent's argument that the Administrative Law Judge incorrectly denied its motion for summary judgment.

### **C. Default**

In Village of Bolingbrook v. Bolingbrook Firefighters Association, Local 3005 and Firefighter Jerry Carley and the Illinois Labor Relations Board, State Panel, 209 Ill. 2d 575, 808 N.E.2d 1006, 283 Ill.Dec. 718, 20 PERI ¶186 (2004), the Illinois Supreme Court, in a supervisory order, vacated the decision of the Illinois Appellate Court for the Third District, which had upheld the State Panel's default judgment against the Employer for failing to file an answer to an unfair



labor practice complaint within 15 days of service thereof, as required by the Board's rules and regulations.

The following non-precedential case involving default judgment issued in the past year: County of Vermilion, 21 PERI ¶12 (IL LRB SP ALJ 2005).

**D. Deferral to arbitration**

**Pre-arbitration**

In Village of Bolingbrook, 20 PERI ¶139 (IL LRB SP 2004) the Board found that deferral of the Union's unfair labor practice charge, which alleged that Employer violated Section 10(a)(4) and (1) of Act when it refused to bargain over promotion considerations for bargaining unit members, was not appropriate.

**E. Filing period for exceptions to recommended orders**

In Illinois Nurses Association, 21 PERI ¶41 (IL LRB SP 2005), the Board rejected the Employer's exceptions to the Administrative Law Judge's recommended order and decision because the exceptions were not timely filed. The Employer had filed a motion to extend the period to file, and the Board's General Counsel had granted the Employer's request for the extension, even though time for filing had already run. The Board overruled the General Counsel and dismissed the Employer's exceptions as untimely.

## **FY 2005 INTEREST ARBITRATION AWARDS**

### **VILLAGE OF ALSIP and INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 3074, S-MA-03-235 (11/12/04, Wolff) #291**

1. Residency (Union's offer)
2. Hours of Work (Employer's offer)
3. Wages (Union's offer)

### **CITY OF ALTON and ALTON FIRE FIGHTERS ASSOCIATION, IAFF, LOCAL 1255, S-MA-05-155 (4/5/05 – Meyers) #299**

1. Residency (Employer's offer)

### **VILLAGE OF BOLINGBROOK and METROPOLITAN ALLIANCE OF POLICE, CHAPTER 4, S-MA-04-277 (4/7/05 – Cox) #301**

1. Insurance Benefits (Union's offer)

### **VILLAGE OF BROOKFIELD and ILLINOIS FRATERNAL ORDER OF POLICE LABOR COUNCIL, S-MA-04-151 (4/6/05 – Benn) #300**

1. Wages (Arbitrator doesn't specify parties' offers)
2. Cost of Health Insurance (Arbitrator doesn't specify parties' offers)

### **VILLAGE OF CAHOKIA and ILLINOIS FRATERNAL ORDER OF POLICE LABOR COUNCIL, S-MA-00-215 (1/20/03 – Perkovich) #253**

1. Residency (Union's offer)

#### **Supplementary Award (7/2/04):**

Original award confirmed

### **VILLAGE OF CARPENTERSVILLE and METROPOLITAN ALLIANCE OF POLICE CHAPTER 378, No ILRB case number (3/15/05 – Cox) #298**

1. Wages (Employer's offer)
2. Personal Day (Employer's offer)
3. Insurance (Union's offer)

### **CITY OF CHICAGO and FRATERNAL ORDER OF POLICE, LODGE NO. 7, L-MA-03-005 (02/28/05 - Benn) #296**

1. Duration of Contract
2. Wages
3. Salary schedule compression
4. Health care premiums
5. Health care plan design changes
6. Competitive bidding for health care
7. Changes in health care coverage for retirees
8. Exchange of compensatory time
9. Duty availability allowance
10. Uniform allowance
11. Medical roll issues
12. I.O.D. procedures, benefits and remedies
13. Vocational retraining for duty or occupational disability
14. Processing medical grievances
15. Special details
16. Fees for promotional examination
17. Bargaining over BIS D-2A exam

18. Random alcohol testing
19. Interest on retroactive payments
20. More favorable benefits granted in other bargaining units

**COUNTY OF COOK (SHERIFF) and ILLINOIS FRATERNAL ORDER OF POLICE LABOR COUNCIL, L-MA-03-002 (09/15/04 – Nathan) #287**

1. Wages (Employer's offer)

**VILLAGE OF DEERFIELD and ILLINOIS FOP LABOR COUNCIL, (6/5/05 -- Benn) #304**

1. Wages
2. Insurance Costs
3. Career Development Program

**EASTERN ILLINOIS UNIVERSITY and ILLINOIS FRATERNAL ORDER OF POLICE LABOR COUNCIL, S-MA-03-241 (1/13/05 – Wolff) #293**

1. Wages and Shift Selection (Union's offer)
2. Shift Selection (Union's offer)

**COUNTY OF EFFINGHAM AND SHERIFF OF EFFINGHAM COUNTY and AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, COUNCIL 31, S-MA-03-264 (12/8/04 – Benn) #292**

1. Wages (Employer's offer)
2. Health Insurance (Employer's offer)
1. Additional Pay Raises (Employer's offer)

**CITY OF ELGIN and INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 439, S-MA-04-112 (06/17/05 - Krinsky) #305**

1. Salary Ranges (Employer's offer)
2. Longevity Pay (Employer's offer)
3. Health Insurance Premiums (Employer's offer)
4. Retroactivity of Health Insurance Premiums (Union's offer)
5. Holiday Pay (Union's offer)
6. Sick Leave Conversion (Employer's offer)
7. Drug and Alcohol Testing (Union's offer)
8. Subcontracting (Employer's offer)

**CITY OF GALESBURG & PUBLIC SAFETY EMPLOYEES' ORGANIZATION, S-MA-03-197 (1/27/05 – Goldstein) #294**

1. Salary Issue (Employer's final offer)
2. Residency (Arbitrator's ruling)
2. Standby Pay (Union's final offer)

**CITY OF HARVARD and ILLINOIS FRATERNAL ORDER OF POLICE LABOR COUNCIL, S-MA-03-161 (8/1/04 - Cox) #290**

1. Insurance (Employer's final offer)
2. Sick Leave Buy Back (Employer's final offer)
3. Paid Days Off (Employer's final offer)
4. Wage and Scheduling Paid days Off (Union's final offer)

**CITY OF HIGHWOOD and METROPOLITAN ALLIANCE OF POLICE, CHAPTER 105,  
S-MA-99-202 (7/16/04 - Kossoff) #289**

1. Retroactivity (Employer's final offer)
2. Wage Schedule (Employer's final offer)
3. Wage Increase (Employer's final offer)
4. Health Insurance (Union's final offer)
5. Health Insurance Premium (Union's final offer)
6. Dependent's Health Insurance Premium (Employer's final offer)
7. Life Insurance (Employer's final offer)
8. Workday and Shift (Employer's final offer)
9. Overtime Pay and Scheduling (Employer's final offer)
10. Compensatory Time (Union's final offer)
11. Court Time (Employer's final offer)
12. Call Back Pay (Union's final offer)
13. Shift Maximum and Turn-around (Employer's final offer)
14. Meal Times (Employer's final offer)
15. Eligibility and Allowances (Employer's final offer)
16. Vacation Time Requests (Employer's final offer)
17. Police Personnel Holiday Provisions (Employer's final offer)
18. Personal Days (Employer's final offer)
19. Sick Leave (Union's final offer)
20. Sick Leave Use (Employer's final offer)
21. Bereavement Leave (Employer's final offer)
22. Reimbursement for Expenses (Employer's final offer)
23. Training Reimbursement (Union's final offer)
24. Purge of Personnel Files (Employer's final offer)
25. Termination Date of Contract (Employer's final offer)

**COUNTY OF OGLE AND OGLE COUNTY SHERIFF and ILLINOIS FRATERNAL ORDER OF  
POLICE LABOR COUNCIL, S-MA-03-051, S-MA-03-053, S-MA-03-204 (5/2/05 – Goldstein)  
#302**

1. Wages (Union's offer)
2. Insurance (Union's offer)
3. Retiree's Health Insurance Benefits (Union's offer)

**CITY OF PEKIN and ILLINOIS FRATERNAL ORDER OF POLICE LABOR COUNCIL,  
LODGE #105, S-MA-03-180 (10/04 - Yaffe) #308**

1. Health Insurance (Employer's offer)
2. Retiree Health Insurance (Employer's offer)
3. Hours and Overtime (Union's offer)
4. Residency (Compromised)

**COUNTY OF ST. CLAIR (SHERIFF) and ILLINOIS FRATERNAL ORDER OF POLICE  
LABOR COUNCIL, S-MA-03-067 (10/04 – McAlpin) #303**

1. Wages (Union's offer)
2. Scheduling (Employer's offer)
3. Negotiations Pay (status quo)

**COUNTY OF WARREN AND SHERIFF OF WARREN COUNTY and ILLINOIS FRATERNAL  
ORDER OF POLICE LABOR COUNCIL, S-MA-04-069 (2/2/05 – Callaway) #295**

1. Hours of Work/Overtime
2. Insurance and Pension
3. Wages  
(Stipulated agreement)

## STATE PANEL CASELOAD STATISTICS

Unfair Labor Practice Charges		
Charges Against Employer	201	
Charges Against Labor Organization	<u>43</u>	
TOTAL		244
Representation Cases		
Amendment to Certifications	3	
Representation/Certification Petitions	193	
Majority Interest Petitions		
Employer's Representation Petitions	0	
Decertification Petitions	5	
Voluntary Recognition Petitions	7	
Unit Clarification Petitions	75	
Declaration of Disinterest Petitions	<u>3</u>	
TOTAL		286
Mediation/Arbitration		228
Grievance Arbitration		9
Declaratory Ruling		2
Strike Investigation		<u>0</u>
GRAND TOTAL OF CASES		769

## STATE PANEL REPRESENTATION CASES CERTIFIED

Representation Cases Certified			105
Cases Certified (Election)			31
Number of Units Certified		32	
Labor Organization Prevailed	29		
"No Representation"	3		
Prevailed			
Majority Interest Cases Certified			74
Voluntary Recognition Cases Certified			6
Number of Units Certified		6	
Majority Interest Cases			1
Decertification Cases Certified			3
Number of Units Certified		3	
Labor Organization Prevailed	1		
No Representation Prevailed	2		
Declaration of Disinterest Petitions Certified			4

## STATE PANEL CASES BY EMPLOYER ENTITY

	<u>NUMBER OF CASES</u>	<u>NUMBER OF ACTUAL ENTITIES</u>
REPRESENTATION/DECERTIFICATION CASES		
State	47	9
County	47	27
Municipalities	94	73
Other	10	9
VOLUNTARY RECOGNITION CASES		
State	1	1
County	0	0
Municipalities	5	5
Other	1	1
UNIT CLARIFICATION PETITIONS		
State	39	4
County	17	11
Municipalities	13	12
Other	6	4
AMENDMENT TO CERTIFICATION PETITIONS		
State	0	0
County	0	0
Municipalities	3	3
Other	0	0
DECLARATION OF DISINTEREST PETITIONS		
State	0	0
County	1	1
Municipalities	2	2
Other	0	0
CHARGE AGAINST EMPLOYER		
State	41	7
County	33	19
Municipalities	116	62
Other	12	12
CHARGE AGAINST LABOR ORGANIZATION		
State	1	1
County	4	3
Municipalities	2	2
Individuals	36	35

## STATE PANEL DISPOSITION OF CASES ACTIVE IN FY 2005

I.	BOARD DECISIONS		
	(A)	With Exceptions Filed/Board Motion	
		CA	12
		CB	3
		RC	8
		UC	<u>2</u>
			25
	(B)	No Exceptions Filed (Non Precedential Recommendations)	
		CA	9
		CB	2
		RC	5
		UC	<u>2</u>
			18
	(C)	Strike Investigation	0
	(D)	Declaratory Ruling	<u>3</u>
		Total Decisions	46
II.	EXECUTIVE DIRECTOR DISMISSED (Not Appealed to the Board)		
		CA	8
		CB	2
		RC	5
		UC	<u>1</u>
			16
III.	CERTIFIED		
		AC	2
		DD	4
		RC	107
		RD	3
		UC	55
		VR	<u>6</u>
			177
IV.	WITHDRAWN		
		CA	169
		CB	17
		RC	38
		RD	2
		UC	10
		VR	<u>1</u>
			237



**STATE PANEL  
REPRESENTATION PETITIONS  
FILED BY LABOR ORGANIZATIONS**

Amalgamated Transit Union	1
American Federal of First Responders	3
American Federation of Professionals Union	4
American Federation of State, County and Municipal Employees Council 31	39
Illinois Conference of Teamsters	2
Illinois Council of Police and Sheriffs	5
Illinois Federation of Public Employees/IFT	1
Illinois Fraternal Order of Police Labor Council (IFOPLC)	26
Illinois State Employees Association	1
International Association of Firefighters (IAFF)	4
International Brotherhood of Electrical Workers	3
International Brotherhood of Teamsters	28
International Union of Operating Engineers (IUOE)	23
Laborers International Union of North American (LIUNA)	16
Metropolitan Alliance of Police (MAP)	20
Midwest Union of Public Employees	3
Paid On-Call Firefighters of Lansing	1
Policemen's Benevolent Labor Committee	2
Service Employees International Union (SEIU)	5
United Association of Plumbers and Pipe Fitters	1
United Automobile Workers	5

## STATE PANEL UNFAIR LABOR PRACTICE CHARGES

	<u>CA</u> <sup>1</sup>	<u>CB</u> <sup>2</sup>
Amalgamated Transit Union	0	2
American Federation of Professional Union	8	1
American Federation of State, County and Municipal Employees	33	20
Illinois Federation of Public Employees	1	0
Illinois Fraternal Order of Police Labor Council	8	2
Illinois Nurses Association	1	1
Individuals	30	0 <sup>3</sup>
International Association of Firefighters	26	0
International Brotherhood of Electrical Workers	7	0
International Brotherhood of Teamsters	10	4
International Union of Operating Engineers	19	2
Laborers International Union of North America	16	4
Lake Forest Employees Association	0	1
Metropolitan Alliance of Police	10	0
Mid-Central Illinois Regional Council of Carpenters	1	1
Office and Professional Employees International Union	0	1
Policemen's Benevolent and Protective Association	5	1
Policemen's Benevolent Labor Council	5	0
Service Employees International Union	16	2
Transportation Communications International Union	0	1
United Steelworkers of America	5	0

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<sup>1</sup> Parties which filed charges against Employers.

<sup>2</sup> Labor Organizations who had charges filed against them.

<sup>3</sup> 36 Individuals filed charges against the labor organizations.

## STATE PANEL ELECTIONS CERTIFIED

Case Number	Employer	Labor Organization	Date Certified	Prevailing Party	No. in Unit	Unit Type
S-RC-05-028 <i>majority interest</i>	State of Illinois, DCMS, RC-62	American Federation of State, County and Municipal Employees, Council 31	07/20/04	AFSCME	1	Local Historical Services Representative
S-RC-04-162 <i>majority interest</i>	State of Illinois, DCMS, RC-62	American Federation of State, County and Municipal Employees, Council 31	07/20/04	AFSCME	1	Insurance Company Claims Examiner II
S-RC-04-160 <i>majority interest</i>	State of Illinois, DCMS, RC-62	American Federation of State, County and Municipal Employees, Council 31	07/20/04	AFSCME	1	Historical Exhibit Designer
S-RC-04-063 <i>majority interest</i>	City of West Chicago	International Union of Operating Engineers #150	7/21/04	IUOE	48	Multi unit
S-RC-04-158 <i>majority interest</i>	State of Illinois, DCMS, RC-62	American Federation of State, County and Municipal Employees, Council 31	7/22/04	AFSCME	1	Administrative Coordinator, ICC
S-RC-04-154 <i>majority interest</i>	State of Illinois, DCMS, RC-63	American Federation of State, County and Municipal Employees, Council 31	7/22/04	AFSCME	1	Technical Assistant, ICC
S-RC-04-171 <i>majority interest</i>	Village of Bellwood	Bellwood Professional Firefighters Association, Local 4232, IAFF	7/28/04	IAFF	3	Firefighters and Lieutenants
S-RD-04-007	DuPage County Public Works	International Union of Operating Engineers #399	8/3/04	IUOE	54	Public Works
S-RC-04-161 <i>majority interest</i>	City of Crest Hill	International Union of Operating Engineers #150	8/3/04	IUOE	26	Multi-unit
S-RC-05-002 <i>majority interest</i>	Chief Judge of the 7 <sup>th</sup> Judicial Circuit (Macoupin County)	American Federation of State, County and Municipal Employees, Council 31	8/10/04	AFSCME	2	Court employees
S-RC-04-129	Chief Judge of the 17 <sup>th</sup> Judicial Circuit	International Brotherhood of Teamsters #325 And Illinois Fraternal Order of Police Labor Council	8/10/04	FOP	127	Court employees
S-RC-05-036 <i>majority interest</i>	County of White (Highway Department)	Laborers' International Union of North America #1197	8/11/04	LIUNA	6	Clerical and Maintenance
S-RC-04-136	Jersey County Emergency Telephone Systems Board/E911	Teamsters #525	8/11/04	Teamsters	6	Telecommunications
S-RC-04-150 <i>majority interest</i>	Macoupin County Circuit Court Clerk	American Federation of State, County and Municipal Employees, Council 31	8/13/04	AFSCME	10	Nonprofessionals
S-RC-05-010 <i>majority interest</i>	State of Illinois, DCMS, RC-62	American Federation of State, County and Municipal Employees, Council 31	8/19/04	AFSCME	10	Consumer Counselors I & II
S-RC-04-183 <i>majority interest</i>	Hoffman Estates Park District	International Union of Operating Engineers #150	8/20/04	IUOE	12	Park District employees
S-RC-05-040 <i>majority interest</i>	City of Murphysboro	Laborers' International Union of North America #773	8/23/04	LIUNA	5	Clerical employees
S-RC-04-140	County of Fayette and Sheriff of Fayette County	Illinois Fraternal Order of Police Labor Council	8/25/04	FOP	1	Sworn police
S-RC-04-049	County of LaSalle and Sheriff of LaSalle County	Metropolitan Alliance of Police #366	9/2/04	MAP	33	Sworn police
S-RD-04-011	Village of Wilmette (Public Works)	Service Employees International Union #73	9/2/04	No rep	29	

Case Number	Employer	Labor Organization	Date Certified	Prevailing Party	No. in Unit	Unit Type
S-RC-04-148 <i>majority interest</i>	County of Macoupin, Treasurer, Clerk and Recorder of Macoupin County	American Federation of State, County and Municipal Employees, Council 31	9/3/04	AFSCME	19	
S-RC-04-185 <i>majority interest</i>	Village of Mt Prospect	International Association of Fire Fighters #4119	9/3/04	IAFF	51	Sworn police
S-RC-04-191 <i>majority interest</i>	Village of Deerfield	International Union of Operating Engineers #150	9/10/04	IUOE	24	Maintenance
S-RC-04-181	Village of Dolton	Metropolitan Alliance of Police #405 and Illinois Fraternal Order of Police Labor Council	9/13/04	FOP	30	Sworn police
S-RC-04-187	Woodford County ETSB	Illinois Fraternal Order of Police Labor Council	9/13/04	FOP	7	Telecommunica tors
S-RC-05-011 <i>majority interest</i>	Chief Judge of Cook County	American Federation of State, County and Municipal Employees, Council 31	9/13/04	AFSCME	4	
S-RC-05-046 <i>majority interest</i>	State of Illinois, DCMS, (CDB) RC-62	American Federation of State, County and Municipal Employees, Council 31	9/15/04	AFSCME	3	Contract Executive
S-RC-05-003 <i>majority interest</i>	City of Zion (Building Department)	International Union of Operating Engineers #150	9/17/04	IUOE	4	Maintenance
S-RC-04-179 <i>majority interest</i>	City of Rockford	American Federation of State, County and Municipal Employees, Council 31	9/20/04	AFSCME	66	Multi unit
S-RD-04-009	City of Naperville (Public Buildings)	International Brotherhood of Electrical Workers #196	9/20/04	No Rep	18	
S-RC-04-156	Logan County ETSB	Illinois Fraternal Order of Police Labor Council	9/22/04	FOP	8	Dispatcher, Assistant Supervisor
S-RC-05-072 <i>majority interest</i>	State of Illinois, DCMS, (DOR, DPR) RC-10	American Federation of State, County and Municipal Employees, Council 31	9/23/04	AFSCME	38	TA I, II, III; ALJ; PSA
S-RC-05-024	Sangamon County Central Dispatch System	International Brotherhood of Electrical Workers #193 and American Federation of State, County and Municipal Employees, Council 31/International Brotherhood of Electrical Workers #193	9/28/04	IBEW	40	Dispatcher
S-RC-04-146	City of Marseilles	Illinois Fraternal Order of Police Labor Council	9/28/04	FOP	4	Telecommuni- cators
S-RC-04-037	Board of Trustees of the University of Illinois at Chicago	Metropolitan Alliance of Police #381 and University Police Association	9/30/04	MAP	43	Police officer I
S-RC-05-007 <i>majority interest</i>	Village of Berkeley	International Union of Operating Engineers #150	10/5/04	IUOE	4	Laborers
S-RC-05-025 <i>majority interest</i>	County of Jo Daviess	International Union of Operating Engineers #150	10/5/04	IUOE	7	Maintenance
S-RC-04-114	City of Peoria	Teamsters, Chauffeurs & Helpers #627	10/5/04	Teamsters	7	Maintenance
S-RC-04-177 <i>majority interest</i>	City of Aurora	American Federation of State, County and Municipal Employees, Council 31	10/12/04	AFSCME	2	Sec Typist I, II

Case Number	Employer	Labor Organization	Date Certified	Prevailing Party	No. in Unit	Unit Type
S-RC-05-019	County of Kendall, Assessment Office and County Clerk/Recorder Office	International Brotherhood of Teamsters #330	10/25/04	IBT	12	Multi-dept
S-RC-05-086 <i>majority interest</i>	Wayne County Circuit Clerk	Laborers' International Union of North America/ Southern & Central IL District Council #1197	10/25/04	LIUNA	5	
S-RC-05-165	City of Galena	Illinois Fraternal Order of Police Labor Council	10/25/04	FOP	1	Police Sergeant
S-RC-04-157 <i>majority interest</i>	County of DuPage (Sheriff)	Metropolitan Alliance of Police #174	10/25/04	MAP	8	Deputy coroner
S-RC-05-032	Illinois Secretary of State (Securities Dept)	Illinois Fraternal Order of Police Labor Council	10/28/04	FOP	3	Special Agent
S-RC-03-076	State of Illinois, DCMS, RC-62	American Federation of State, County and Municipal Employees	11/1/04	AFSCME	19	Internal Auditor I
S-RC-05-009 <i>majority interest</i>	City of Palos Hills (Parks Dept)	Service Employees International Union #73	11/8/04	SEIU	5	Maintenance worker
S-RC-05-080 <i>majority interest</i>	State of Illinois, DCMS, RC-62	American Federation of State, County and Municipal Employees	11/17/04	AFSCME	5	Capital Program Analyst I, II; Senior Capital Program Analyst
S-RC-05-031 <i>majority interest</i>	Village of North Aurora	International Union of Operating Engineers #150	11/17/04	IUOE	7	Laborers
S-RC-05-027 <i>majority interest</i>	Village of North Aurora	Illinois Council of Police and Sheriffs	11/18/04	ICOPS	19	Police officers
S-RC-05-033 <i>majority interest</i>	Village of Westmont	Illinois Fraternal Order of Police Labor Council	11/29/04	FOP	8	Dispatchers
S-RC-05-014	Johnson County State's Attorney	International Brotherhood of Teamsters #347	11/24/04	IBT	4	
S-RC-05-016	Johnson County EMT and Ambulance	International Brotherhood of Teamsters #347	11/24/04	IBT	17	
S-RC-05-056	County Clerk of Johnson County	International Brotherhood of Teamsters #347	11/24/04	No Rep	3	
S-RC-05-060	Sheriff of Johnson County	International Brotherhood of Teamsters #347	11/24/04	No Rep	5	
S-RC-05-092 <i>majority interest</i>	City of Paris	Teamsters #26	11/24/04	Teamsters	32	Multi-department
S-RC-05-037 <i>majority interest</i>	Boone County Animal Control	Teamsters #325	11/24/04	Teamsters	3	
S-VR-04-007 <i>majority interest</i>	State of Illinois, DCMS, RC-62	American Federation of State, County and Municipal Employees, Council 31	12/2/04	AFSCME	86	Out of State Revenue Auditor I, II, III
S-RC-05-017 <i>majority interest</i>	Village of Island Lake	International Union of Operating Engineers #150	12/2/04	IUOE	17	Multi-department
S-RC-05-051 <i>majority interest</i>	Village of Willow Springs	Illinois Fraternal Order of Police Labor Council	12/14/04	FOP	4	Dispatchers
S-RC-05-026 <i>majority interest</i>	State of Illinois, DCMS, RC-62	American Federation of State, County and Municipal Employees, Council 31	12/16/04	AFSCME	14	Public Information Officer III and IV
S-RC-05-039	Sheriff of Boone County	Illinois Fraternal Order of Police Labor Council and United Auto Workers #1761	12/27/04	FOP	27	Sworn police

Case Number	Employer	Labor Organization	Date Certified	Prevailing Party	No. in Unit	Unit Type
S-RC-05-057 <i>majority interest</i>	City of Zion	International Union of Operating Engineers #150	12/27/04	IUOE	9	Support Personnel
S-RC-05-055	PACE River Division	International Brotherhood of Teamsters #330	1/3/05	No Rep	9	
S-RC-05-047	Chief Judge of the Circuit Court of Cook County	Illinois Fraternal Order of Police Labor Council and American Federation of State, County and Municipal Employees, Council 31	1/3/05	AFSCME	415	Adult Probation Officer, Pretrial Officer I and II
S-RC-05-104 <i>majority interest</i>	State of Illinois, DCMS, RC-28	American Federation of State, County and Municipal Employees, Council 31	1/3/05	AFSCME	1	Inhalation Therapist Supervisor
S-RC-05-096 <i>majority interest</i>	State of Illinois, DCMS, RC-63	American Federation of State, County and Municipal Employees, Council 31	1/25/05	AFSCME	7	Dentist II
S-RC-05-094 <i>majority interest</i>	County of Perry (Health Department)	Laborers' International Union of North America #773	1/27/05	LIUNA	6	Professionals
S-RC-05-094 <i>majority interest</i>	County of Perry (Health Department)	Laborers' International Union of North America #773	1/27/05	LIUNA	6	Nonprofessionals
S-RC-05-015	Village of Lisle (Police Dept)	Metropolitan Alliance of Police #87	2/2/05	MAP	28	Sworn police
S-RC-04-173 <i>majority interest</i>	City of Berwyn	American Federation of State, County and Municipal Employees, Council 31	2/9/05	AFSCME	63	Multi-unit
S-RC-05-073 <i>majority interest</i>	Kankakee County Animal Control	Laborers' International Union of North America #751	2/14/05	LIUNA	7	
S-RC-05-059 <i>majority interest</i>	Lake County Sheriff	Laborers' International Union of North America #714	2/18/05	LIUNA	17	Correctional officers
S-RC-03-075	City of Naperville	Metropolitan Alliance of Police #363	2/18/05	MAP	26	Sworn officers
S-RC-05-069 <i>majority interest</i>	South Com Combined Dispatch Center	International Brotherhood of Electrical Workers #134	3/2/05	IBEW	14	Dispatchers
S-RC-05-078	Chief Judge of the 3rd Judicial Circuit	Policemen's Benevolent Labor Committee And American Federation of State, County and Municipal Employees, Council 31	3/3/05	AFSCME	120	Clerical
S-RC-05-084 Unit I	County of Mercer and Sheriff of Mercer County	International Union of Operating Engineers #150	3/8/05	IUOE	10	Sworn police
S-RC-05-084 Unit II	County of Mercer and Sheriff of Mercer County	International Union of Operating Engineers #150	3/8/05	IUOE	9	Telecommunicators
S-RC-03-133	Village of Hoffman Estates	Metropolitan Alliance of Police #97	3/8/05	MAP	11	Sworn sergeants
S-RC-05-114 <i>majority interest</i>	State of Illinois, DCMS RC-62	American Federation of State, County and Municipal Employees, Council 31	3/18/05	AFSCME	2	Oral Health Consultant
S-RC-05-116 <i>majority interest</i>	State of Illinois, Department of Central Management Services RC-62	American Federation of State, County and Municipal Employees, Council 31	3/25/05	AFSCME	1	9-1-1 Analyst
S-RC-05-067 <i>majority interest</i>	County of Lake (Winchester House)	American Federation of State, County and Municipal Employees, Council 31	3/31/05	AFSCME	39	Nurses
S-RC-05-005 <i>majority interest</i>	Chief Judge 12th Judicial Circuit (River Valley Juvenile Detention Center)	Metropolitan Alliance of Police #228	3/31/05	MAP	5	

Case Number	Employer	Labor Organization	Date Certified	Prevailing Party	No. in Unit	Unit Type
S-RC-05-001 <i>majority interest</i>	Village of Channahon	International Union of Operating Engineers #150	3/31/05	IUOE	6	
S-RC-04-072 <i>majority interest</i>	State of Illinois, Department of Central Management Services RC-14	American Federation of State, County and Municipal Employees, Council 31	4/5/05	AFSCME	15	Switchboard Operator III
S-RC-04-038 <i>majority interest</i>	State of Illinois, Department of Central Management Services RC-42	American Federation of State, County and Municipal Employees, Council 31	4/6/05	AFSCME	5	Bldg/Grounds Supervisor
S-RC-04-030 <i>majority interest</i>	State of Illinois, Department of Central Management Services RC-63	American Federation of State, County and Municipal Employees, Council 31	4/20/05	AFSCME	1	Technical Analyst
S-RC-04-034 <i>majority interest</i>	State of Illinois, Department of Central Management Services (ICC) RC-63	American Federation of State, County and Municipal Employees, Council 31	4/20/05	AFSCME	37	Various Analysts
S-RC-04-102 <i>majority interest</i>	State of Illinois, Department of Central Management Services (ICC) RC-63	American Federation of State, County and Municipal Employees, Council 31	4/20/05	AFSCME	1	Water Engineer III
S-RC-05-061 <i>majority interest</i>	North Illinois University	Metropolitan Alliance of Police #414	4/22/05	MAP	7	Security Guards
S-RC-05-095 <i>majority interest</i>	County of Lake, Health Dept and Community Health Center	International Union of Operating Engineers #150	4/25/05	IUOE	12	Maintenance
S-RC-05-099 <i>majority interest</i>	Village of Hazel Crest	International Union of Operating Engineers #150	4/25/05	IUOE	17	Maintenance
S-RC-05-043 <i>majority interest</i>	City of Calumet City	American Federation of Professionals	4/27/05	AFOP	35	Public works
S-RC-05-144 <i>majority interest</i>	State of Illinois (Military Affairs)	General Service Employees Union #73	5/3/05	GSEU	2	Military Security Police II
S-RC-05-097 <i>majority interest</i>	Village of Roselle	International Union of Operating Engineers #150	5/10/05	IUOE	22	Maintenance
S-RC-03-064	State of Illinois, Department of Central Management Services RC-23	Illinois Nurses Association	5/18/05	INA	22	Nurse Supervisor, RN Reviewer
S-RC-05-098 <i>majority interest</i>	State of Illinois, Department of Central Management Services RC-62	American Federation of State, County and Municipal Employees, Council 31	5/19/05	AFSCME	12	Public Health Program Specialist III
S-RC-05-156 <i>majority interest</i>	City of LeRoy (Street, Water and Wastewater Depts.)	United Association of Plumbers	5/23/05	Plumbers	7	
S-RC-05-071 <i>majority interest</i>	City of Waukegan (Fire Department)	Waukegan Firefighters Local 473, IAFF	5/24/05	IAFF	22	Lieutenant
S-RC-05-012 <i>majority interest</i>	State of Illinois, Department of Central Management Services RC-28	American Federation of State, County and Municipal Employees, Council 31	5/26/05	AFSCME	2	Lottery Commodities Distributor II
S-RC-05-158 <i>majority interest</i>	Piatt County Circuit Clerk	International Union of Operating Engineers 965	6/1/05	IUOE	6	Clerical
S-RC-05-148 <i>majority interest</i>	State's Attorney of Knox County	American Federation of State, County and Municipal Employees, Council 31	6/9/05	AFSCME	4	Secretary
S-RC-05-118	City of Benton	Illinois Fraternal Order of Police Labor Council and Laborers' International Union of North America #529	6/22/05	FOP	7	Dispatchers
S-RC-04-142 <i>majority interest</i>	County of Fulton (Clayberg Fulton County Nursing Center)	American Federation of State, County and Municipal Employees, Council 31	6/21/05	AFSCME	49	

Case Number	Employer	Labor Organization	Date Certified	Prevailing Party	No. in Unit	Unit Type
S-RC-05-103 <i>majority interest</i>	Village of Northbrook	Metropolitan Alliance of Police #376	6/24/05	MAP	9	Sworn police
S-RC-05-142	County of Clark and Sheriff of Clark County	Illinois Fraternal Order of Police Labor Council	6/24/05	FOP	1	Chief Deputy
S-RC-05-130	County of Peoria and Sheriff of Peoria County	Illinois Fraternal Order of Police Labor Council and American Federation of State, County and Municipal Employees, Council 31	6/24/05	FOP	90	Security
S-RC-05-091	Village of University Park	International Association of Fire Fighters and Metropolitan Alliance of Police, Chapter 4	6/24/05	IAFF	13	Firefighters
S-RC-05-119 <i>Majority interest</i>	Village of Antioch	International Union of Operating Engineers #150	6/28/05	IUOE	19	Public works
S-RC-05-135 <i>Majority interest</i>	Village of Coal City (Police Department)	Metropolitan Alliance of Police #186	6/28/05	MAP	9	Patrol Officer Police Sergeant
S-RC-05-160 <i>Majority interest</i>	County of Piatt, Treasurer, Supervisor of Assessments, Animal Control	International Union of Operating Engineers #965	6/28/05	IUOE	5	clerical

## CERTIFICATION OF VOLUNTARILY RECOGNIZED REPRESENTATIVE

Case Number	Employer	Labor Organization	Date Certified	No. in Unit	Unit Type
S-VR-05-001	Village of Evergreen Park	Combined Counties Police Association	9/21/04	5	Lock-Up Keepers
S-VR-05-002	City of Paris (Fire Dept)	International Association of Fire Fighters #4393	10/26/04	12	Firefighters
S-VR-01-004	Village of Elizabethtown	Southern and Central Illinois Laborers' District Council Local #803	03/01/05		Multi-Departmental
S-VR-05-003	Village of Brookfield	Service Employees International Union #73	3/8/05	14	Support staff
S-VR-05-004	City of Mascoutah (Public Safety Dept)	International Association of Fire Fighters #4412	5/19/05	5	EMS personnel



## AMENDMENT OF CERTIFICATION

<b>Case Number</b>	<b>Employer</b>	<b>Labor Organization</b>	<b>Date Certified</b>	<b>No. of Employees</b>	
S-AC-05-001	City of McHenry	International Union of Operating Engineers #150	11/30/04	27	Changed name from Public Works and Parks Association
S-AC-05-003	Village of Schaumburg	International Union of Operating Engineers #150	1/27/05	67	Changed name from Schaumburg Public Works Advisory Committee

## REVOCAION OF CERTIFICATION

<b>Case Number</b>	<b>Employer</b>	<b>Labor Organization</b>	<b>Date Certified</b>	<b>Unit Type</b>
S-DD-04-013	City of Crest Hill	Service Employees International Union #73	7/13/04	Public works
S-DD-05-001	Village of Lisle	Policemen's Benevolent and Protective Association Labor Committee	12/2/04	Peace Officers
S-DD-05-002	County of Scott (Nursing Center)	International Union of Operating Engineers #965	1/3/05	
S-DD-05-003	Village of Mokena	International Union of Operating Engineers #150	4/28/05	

# LOCAL PANEL

## CASELOAD STATISTICS

Unfair Labor Practice Charges		
Charges Against Employer	75	
Charges Against Labor Organization	<u>29</u>	
TOTAL		104
Representation Cases		
Amendment to Certifications	4	
Representation/Certification Petitions	19	
Majority Interest Petitions		
Employer's Representation Petitions	0	
Decertification Petitions	2	
Voluntary Recognition Petitions	0	
Unit Clarification Petitions	5	
Declaration of Disinterest Petitions	<u>0</u>	
TOTAL		30
Mediation/Arbitration		10
Declaratory Ruling		2
Strike Investigation		<u>0</u>
GRAND TOTAL OF CASES		146

## LOCAL PANEL DISPOSITION OF CASES ACTIVE IN FY 2005

I.	BOARD DECISIONS		
	(A) With Exceptions Filed/Board Motion		
	CA	9	
	CB	8	
	RC	3	
	UC	<u>1</u>	
			21
	(B) No Exceptions Filed (Non Precedential Recommendations)		
	CA	3	
	CB	0	
	RC	0	
	UC	<u>1</u>	
			4
	(C) Declaratory Ruling		<u>2</u>
	Total Decisions		27
II.	EXECUTIVE DIRECTOR DISMISSED (Not Appealed to the Board)		
	CA	17	
	CB	26	
	UC	<u>1</u>	
			44
III.	CERTIFIED		
	RC	6	
	VR	0	
	UC	<u>4</u>	
			10
IV.	WITHDRAWN		
	CA	32	
	CB	3	
	RC	<u>3</u>	
			38

**LOCAL PANEL  
REPRESENTATION PETITIONS  
FILED BY LABOR ORGANIZATIONS**

AFSCME Council 31	1
American Federation of Professionals	1
Illinois Council of Police and Sheriffs	2
Illinois FOP Labor Council	3
International Brotherhood of Teamsters Local 714	2
Laborers' International Union of North America Local 1001	1
Local 200 RWDSU	2
Metropolitan Alliance of Police	1
National Nurses Organizing Committee	2
Policemen's Benevolent and Protective Association	2
Service Employees International Union Local 20	1

## LOCAL PANEL UNFAIR LABOR PRACTICE CHARGES

	<u>CA</u> <sup>4</sup>	<u>CB</u> <sup>5</sup>
American Federation of State, County and Municipal Employees	7	1
Amalgamated Transit Union 241	6	2
Amalgamated Transit Union 308	1	3
CTA Trade Coalition	2	0
Fraternal Order of Police Lodge No. 7	0	2
House Staff Association, Local 803	1	0
Illinois FOP Labor Council	0	2
Illinois Nurses Association	4	4
Individuals	22	0 <sup>6</sup>
International Brotherhood of Electrical Workers Local 134	4	1
International Union of Elevator Constructors	1	0
International Union of Operating Engineers Local 150	1	0
International Union of Operating Engineers Local 399	0	1
Laborers International Union of North America	5	1
Metropolitan Alliance of Police, Agency Police No. 222	1	0
Metropolitan Alliance of Police, Cook County Correctional Officers No. 222	3	0
Painters District Council No. 14	0	1
Pipe Fitters Association Local 597	0	1
Service Employees International Union Local 20	9	0
Service Employees International Union Local 73	9	2
Sheet Metal Workers International Local 73	0	2
Teamsters Local 714	0	2
Teamsters Local 726	0	1
Water Pipe Extension, Bureau of Engineering Laborers, Local Union 1092	1	0

<sup>4</sup> Parties which filed charges against Employers.

<sup>5</sup> Labor Organizations who had charges filed against them.

<sup>6</sup> 26 Individuals filed charges against the labor organizations.

## LOCAL PANEL ELECTIONS CERTIFIED

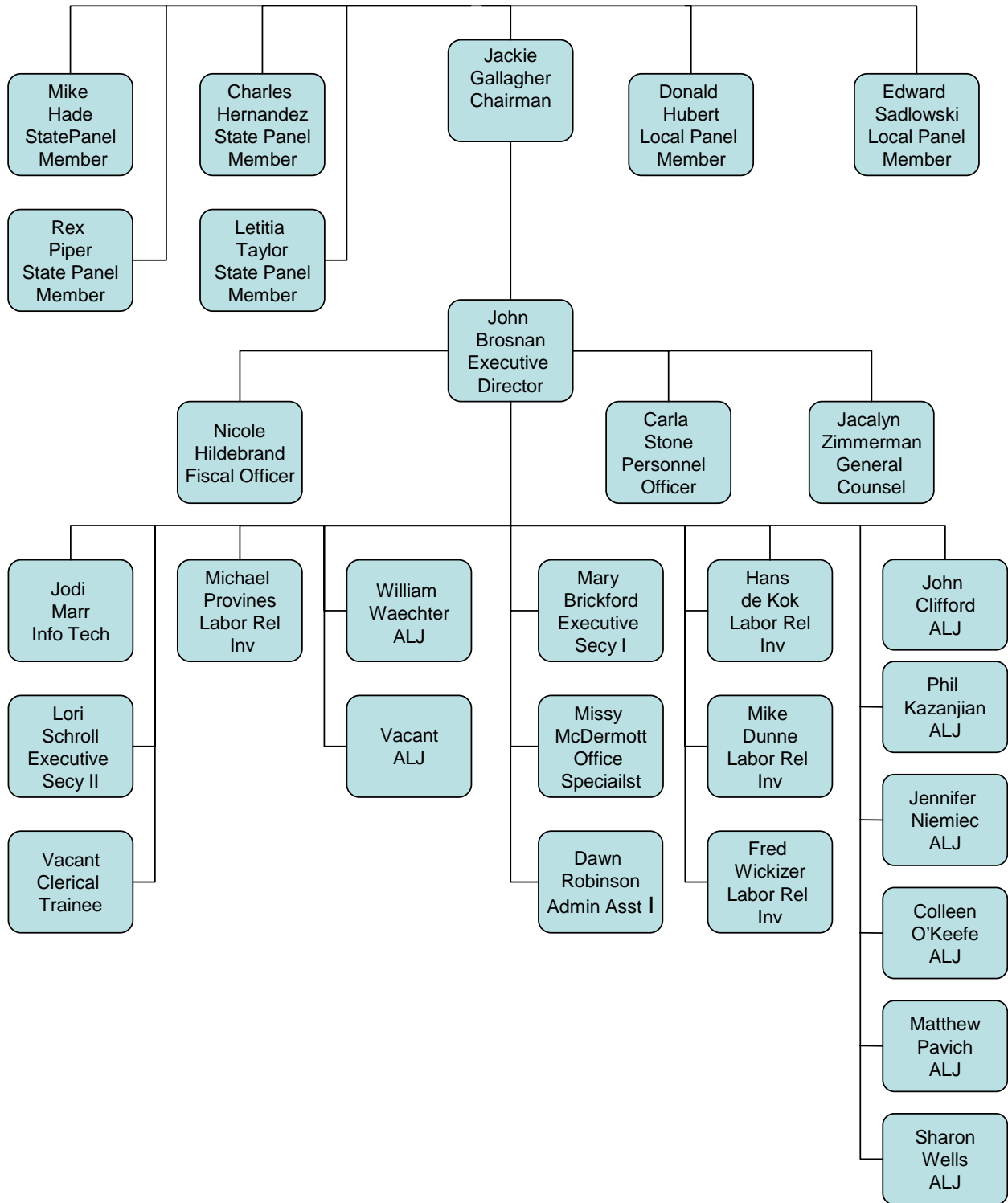
Case Number	Employer	Labor Organization	Date Certified	Prevailing Party	No. in Unit	Unit Type
L-RC-04-010 <i>majority interest</i>	Chicago Park District	SEIU #73	9/9/04	SEIU	21	Program Specialists
L-RC-04-006 <i>majority interest</i>	Chicago Transit Authority	International Brotherhood of Electrical Workers #134	12/9/04	IBEW	10	Roadmaster II & III
L-RC-05-004	County of Cook	Teamsters #714 and Illinois Fraternal Order of Police Labor Council and American Federation of State, County and Municipal Employees, Council 31	12/14/04	Teamsters	420	
L-RC-04-008 <i>majority interest</i>	County of Cook (Oak Forest Hospital)	Service Employees International Union 73-HC	1/27/05	SEIU	34	
L-RC-05-008	Cook County Sheriff (Corrections)	American Federation of Professionals And Illinois Fraternal Order of Police Labor Council and Metropolitan Alliance of Police	3/16/05	MAP	2800	Correctional officers
L-RC-05-002	Cook County (Bureau of Health Services)	National Nurses Organizing Committee and Illinois Nurses Association	5/23/05	NNOC	1750	Registered nurses

## FISCAL YEAR 2005 BUDGET

The Illinois Labor Relations Board's budget appropriation for Fiscal Year 2005 was

PERSONAL SERVICES	\$1,087,700
RETIREMENT CONTRIBUTIONS	175,000
SOCIAL SECURITY	81,500
CONTRACTUAL SERVICES	161,300
TRAVEL	22,200
COMMODITIES	3,400
PRINTING	3,100
EQUIPMENT	21,700
EDP	20,800
TELECOMMUNICATIONS	44,100
LUMP SUM	<u>320,600</u>
	1,941,400

# Illinois Labor Relations Board FY 2005





**CHICAGO OFFICE**

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

**SPRINGFIELD OFFICE**

320 West Washington Street  
Suite 500  
Springfield, IL 62701  
217-785-3155  
FAX: 217-785-4146

**WEBSITE**

[www.state.il.us/ilrb](http://www.state.il.us/ilrb)