

CASE SUMMARIES

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Labor and Employment Law

Telecommunication Supervisors allowed to Unionize

The Illinois Department of central Management Services v. The Illinois Labor Relation Board (No. 4-07-0344) 4/24/08

Summary: Pursuant to section 9(a-5) of the Illinois Public Labor Relations Act (Act) (5 ILCS 315/9(a-5) (West 2006)), the American Federation of State, County and Municipal Employees, Council 31 (union), filed a petition to represent telecommunications supervisors, employed by the State of Illinois, Department of Central Management Services, State Police (employer). The employer opposed the petition on the grounds that telecommunications supervisors were "supervisors" within the meaning of section 3(r) (5 ILCS 315/3(r) (West 2006)), "managerial employees" within the meaning of section 3(j) (5 ILCS 315/3(j) (West 2006)), or both. The ILRB Board found that telecommunications supervisors were neither "supervisors" nor "managerial employees" and, therefore, ordered their inclusion in the RC-14 bargaining unit. American Federation of State, County & Municipal Employees, Council 31, 23 Pub. Employee Rep. (Ill.) par. 38, - 2 -at 98, No. S-RC-04-108 (Illinois Labor Relations Board, State Panel, March 19, 2007) (2007 PERI (LRP) LEXIS 37 at *7-8) (hereinafter 23 Pub. Employee Rep. (Ill.) par. 38). The employer appeals, contending only that telecommunications supervisors are "supervisors" and, as such, are ineligible for inclusion in the bargaining unit. See 5 ILCS 315/3(s)(1) (West 2006).

Holding: The Appellate Court held that the ILRB Board could reasonably find that the employer failed to prove two propositions: (1) the principal work of telecommunications supervisors is substantially different from that of lead call-taker, and (2) telecommunications supervisors perform a supervisory function. See 5 ILCS 315/3(r) (West 2006). With those propositions unproved, telecommunications supervisors are not "supervisors" in the statutory sense. Therefore, we affirm the Board's decision.