

STATE OF ILLINOIS
EDUCATIONAL LABOR RELATIONS BOARD

Rockford School District 205,)	
)	
Employer)	
)	
and)	Case No. 2025-RS-0002-C
)	
Rockford Education Support)	
Professionals Association, IEA-NEA,)	
)	
Petitioner)	

OPINION AND ORDER

I. Statement of the Case

On July 10, 2024, Rockford Education Support Professionals Association, IEA-NEA (Union) filed a majority interest petition (MIP) with the Illinois Educational Labor Relations Board (IELRB or Board) pursuant to Section 7 of the Illinois Educational Labor Relations Act (IELRA or Act), 115 ILCS 5/1, *et seq.*, seeking to add employees of Rockford Public Schools District 205 (District or Employer) in the titles or classifications of Parent Liaison, Behavioral Intervention Specialist, Textbook Services Technician, and Attendance Support Professional to its existing bargaining unit of employees. There are approximately 94 employees in the petitioned-for titles and approximately 142 employees in the existing unit. The District objected to the petition based on its contention that the employees in the petitioned-for titles do not share a community of interest with the existing unit or, in the alternative, that it would only be appropriate to add the petitioned-for titles if the Attendance Specialist title was also included in the unit. The petition does not seek to include the Attendance Specialist title.

Following a hearing, an Administrative Law Judge (ALJ) issued a Recommended Decision and Order (ALJRDO) finding that the petitioned-for unit was appropriate for the purposes of collective bargaining, even without the Attendance Specialist title. The

District filed a timely exception to the ALJRDO.¹ The Union filed a timely response to the exception, asserting therein that the unit is appropriate without the inclusion of the Attendance Specialist and requesting the Board affirm the ALJRDO.

II. Factual Background

We adopt the facts as set forth in the underlying ALJRDO. Because the ALJRDO comprehensively sets forth the factual background of the case, we will not repeat the facts herein except where necessary to assist the reader.

III. Discussion

The District divides its exception into two parts. First, the Attendance Specialists must be included in the bargaining unit because they have a substantial community of interest with the petitioned-for positions. Second, once the Attendance Specialist is included, a supplemental showing of interest is necessary.

The District cites two cases in support of its argument that a petitioned-for unit is inappropriate where there is such an intense community of interest between the petitioned-for positions and an excluded position that the petitioned-for unit would be arbitrary because of that exclusion. In *Bethalto Community Unit School District No. 8*, the Board's Executive Director ordered the petitioner to submit an additional showing of interest after a hearing officer's Recommended Decision and Direction of Election substantially altered the bargaining unit to add a group of employees not originally petitioned-for and deleting a group of employees originally petitioned-for. 1 PERI 1027, Case No. 84-RC-0086 (IELRB Executive Director's Order, November 27, 1984).

¹ The District's exception was limited to the ALJ's determination that the exclusion of the Attendance Specialist did not render the petitioned-for unit inappropriate. That is, the District did not except to the ALJ's finding that a bargaining unit consisting of the Parent Liaison, Behavioral Intervention Specialist, Textbook Services Technician, and Attendance Support Professional, as well as the titles already in the unit, was appropriate for the purposes of collective bargaining. Instead, District argued that the ALJ's error was not including the four titles actually petitioned-for, but failing to include the Attendance Specialist, the absence of which rendered the unit inappropriate. Thus, our decision in this case is limited to whether the petitioned-for unit is inappropriate without the Attendance Specialist.

Jacksonville District No. 117 is an ALJRDO stating that if a group of excluded employees constituted a small residual group of unrepresented employees or if the only alternative to grouping them together would be a separate unit for each classification of employees, it would be inappropriate to sever them from the larger unit. 1 PERI 1033, Case No. 84-RC-0147 (IELRB ALJ's Recommended Decision and Order, December 3, 1984). Neither of these cases cited by the District was a Board decision, and thus, are non-precedential and not binding on the Board. Additionally, they were decided less than a year after the IELRA was enacted and the IELRB was created. Since that time, as discussed in the paragraph below, a multitude of binding cases have been decided by this Board and the Courts that do not support the District's argument that the unit is not appropriate without the Attendance Specialist.

The District made the same argument less than two years ago in *Rockford Public Schools Dist. 205*, 40 PERI 60, Case No. 2023-RS-0017-C (IELRB Opinion and Order, November 15, 2023), *aff'd on other grounds*, 2025 IL App (4th) 231542 (unpublished order). In that case, the Board was unmoved by the District's contention that it would only be appropriate to add the Field Tech position to an existing unit of building maintenance employees if the Help Desk Specialist position was also included in the unit. Similar to the Attendance Specialist position in this case, the petition did not seek to include the Help Desk Specialist.

The District's argument in this case fails for the same reasons it did in *Rockford Public Schools Dist. 205*, 40 PERI 60. More than one appropriate bargaining unit may cover the same employees. *Rockford Public Schools Dist. 205*, 40 PERI 60; *Edwardsville Community Unit School Dist. No. 7*, 8 PERI 1003, Case Nos. 91-RC-0022-S, 91-RC-0023-S (IELRB Opinion and Order, November 21, 1991). The Board has rejected any requirement of maximum coherence or selection of a most appropriate unit if more than one potential configuration would be appropriate. *Rockford Public Schools Dist. 205*, 40 PERI 60; *Edwardsville Community Unit School Dist. No. 7*, 8 PERI 1003. The Act does not require that a petitioned-for unit be the most appropriate unit, but rather an appropriate unit.

Board of Trustees of the University of Illinois v. Illinois Educational Labor Relations Board, 2015 IL App (4th) 140557, ¶40; *Black Hawk College Professional Technical Unit v. IELRB*, 275 Ill. App. 3d 189, 655 N.E.2d 1054 (1st Dist. 1995); *Rockford Public Schools Dist. 205*, 40 PERI 60; *University of Illinois*, 7 PERI 1103, Case No. 90-RS-0017-S (IELRB Opinion and Order, September 13, 1991), *rev'd on other grounds*, 235 Ill. App. 3d 709, 600 N.E.2d 1292 (4th Dist. 1992). To refuse to find a bargaining unit appropriate because of the possible existence of a more appropriate alternative unit would not serve the statutory purpose of ensuring employees the fullest freedom in exercising the rights guaranteed them by the Act. *Rockford Public Schools Dist. 205*, 40 PERI 60; *Board of Trustees of the University of Illinois*, 21 PERI 119, Case No. 2005-RC-0007-S (IELRB Opinion and Order, July 14, 2005), *aff'd*, No. 4-05-0713 Ill. App. Ct. (4th Dist. 2006) (unpublished order). It is true that the Board may also consider whether the employees in the petitioned-for unit share such an intense community of interest with another group of employees as to render the petitioned-for unit inappropriate. *Rockford Public Schools Dist. 205*, 40 PERI 60; *School District U-46*, 13 PERI 1071, Case No. 97-RC-0009-C (IELRB Opinion and Order, May 16, 1997); *Thornton Township High School Dist. No. 205*, 2 PERI 1103, Case No. 85-UC-0008-C (IELRB Opinion and Order, August 20, 1986). Yet this consideration is for the purpose of prohibiting bargaining units that are arbitrary and artificial and whose parameters are determined solely by the extent of organization. *Rockford Public Schools Dist. 205*, 40 PERI 60; *School District U-46*, 13 PERI 1071. The occurrence of future representation petitions can be characterized as speculative and not enough to find a petitioned-for unit inappropriate. *Rockford Public Schools Dist. 205*, 40 PERI 60; *University of Illinois, Chicago*, 38 PERI 31, Case No. 21-RS-0015-C (IELRB Opinion and Order, August 19, 2021). Whatever similarities the petitioned-for positions have to the Attendance Specialist do not render the petitioned-for unit inappropriate without it.

The second part of the District's exceptions is that a supplemental showing of interest is necessary because the Attendance Specialist must be included. That is, if we decided that the Attendance Specialist must be added to the unit along with the rest of the

petitioned-for positions, the District believes that would require the Union to submit cards from a majority of the employees in the Attendance Specialist position indicating their support for the Union. Because the unit as petitioned-for without the Attendance Specialist is an appropriate unit, we do not need to address this argument. However, we will do so for the purposes of clearing up any misunderstanding of the MIP process and preventing unnecessary objections in response to future petitions.

The petition in this case, a self-determination or RS petition, seeks to add unrepresented employees to an existing bargaining unit. Pursuant to Section 1110.180(a)(2) of the Board's Rules and Regulations (Rules), 80 Ill. Admin. Code §§1100-1135, "[a] majority interest self-determination petition shall be accompanied by a showing of majority interest among the employees sought to be added to the existing unit." That is, the union must demonstrate majority status only among the employees sought to be added to the existing unit. 80 Ill. Admin. Code 1110.105(x). A petitioner's showing of interest in support of its majority interest petition shall demonstrate that more than 50 percent of the petitioned-for employees wish to be represented for collective bargaining by the petitioning union. 80 Ill. Admin. Code 1110.80(a)(3). For petitions that seek to represent multiple titles or positions, like the instant case, there is no requirement that the petitioner demonstrate majority support from employees in each separate title or position.² Instead, the petitioner must demonstrate majority support from the employees in the petitioned-for titles or positions combined as a group. Purely hypothetically speaking, even if the Attendance Specialist were to be added to the petitioned-for unit, it

² For petitions seeking to represent a unit that includes professional and nonprofessional employees or craft and noncraft employees (combined unit), a majority of both groups must indicate that they wish to be represented by the petitioner in a combined unit. 115 ILCS 5/7 (Board must make certain that bargaining units it recognizes do not include professional employees and nonprofessional employees unless a majority of employees in each group vote for inclusion in a combined unit); 80 Ill. Admin. Code 1110.105 (v) – (y). The petition in this case does not seek to represent a combined unit, so the aforementioned requirements do not apply.

is conceivable that the number of cards the Union submitted when it filed the petition could satisfy the requisite showing of interest.

In cases where the Board approves a bargaining unit that is not sufficiently similar to the petitioned-for unit so that the original showing of majority interest is no longer sufficient, the petitioner may submit a supplemental showing of interest. 80 Ill. Admin. Code 1110.105(p). However, the sufficiency of the showing of interest, or the need for a supplemental showing of interest, is determined internally by the IELRB. It is not determined by or conducted at the demand of an employer. The IELRB's Executive Director determines whether the evidence submitted demonstrates the appropriate level of showing of interest pursuant to its Rules. 80 Ill. Admin. Code 1110.80(g). Except in cases where fraud or coercion in obtaining the showing of interest is alleged, the showing of interest shall not be subject to collateral attack and shall not be an issue at hearing. *Id.*; cf. *County of Du Page v. Illinois Labor Relations Board*, 231 Ill. 2d 593, 616 (2008) (public employer's role in the Illinois Labor Relations Board's majority interest determination procedure limited to submitting clear and convincing evidence that the majority interest evidence is fraudulent or was obtained through coercion and public employers are precluded from litigating the Illinois Labor Relations Board's determination that a union enjoys majority status).

IV. Order

We find that the bargaining unit as petitioned-for is appropriate under Section 7 of the Act and affirm the ALJRDO in its entirety. The Executive Director is directed to process the petition in accordance with this opinion and order.

V. Right to Appeal

This Opinion and Order is not a final order of the Illinois Educational Labor Relations Board subject to appeal. Under Section 7(d) of the Act, "[a]n order of the Board dismissing a representation petition, determining and certifying that a labor organization has been fairly and freely chosen by a majority of employees in an appropriate bargaining unit, determining and certifying that a labor organization has not been fairly and freely

chosen by a majority of employees in the bargaining unit or certifying a labor organization as the exclusive representative of employees in an appropriate bargaining unit because of a determination by the Board that the labor organization is the historical bargaining representative of employees in the bargaining unit, is a final order.” Pursuant Section 7(d) of the Act, aggrieved parties may seek judicial review of this Opinion and Order in accordance with the provisions of the Administrative Review Law upon the issuance of the Board’s certification order through the Executive Director. Section 7(d) also provides that such review must be taken directly to the Appellate Court of a judicial district in which the Board maintains an office (Chicago or Springfield), and that “[a]ny direct appeal to the Appellate Court shall be filed within 35 days from the date that a copy of the decision sought to be reviewed was served upon the party affected by the decision.” The IELRB does not have a rule requiring any motion or request for reconsideration.

Decided: **June 16, 2025**

Issued: **June 16, 2025**

/s/ Lara D. Shayne

Lara D. Shayne, Chairman

/s/ Steve Grossman

Steve Grossman, Member

/s/ Chad D. Hays

Chad D. Hays, Member

/s/ Michelle Ishmael

Michelle Ishmael, Member

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Rockford Education Support Professionals
Association, IEA-NEA,

and

Employer

Case No. 2025-RS-0002-C

I. BACKGROUND

The hearing in this matter was conducted on WebEx, before the undersigned, on November 13 and 14, 2024, pursuant to Section 1110.105 of the Board's Rules and Regulations (Rules), 80 Ill. Admin. Code §§1100-1135. Both parties filed post-hearing briefs on February 21, 2025.²

Petitioner: The Union currently represents a bargaining unit consisting of District employees who are in various non-certificated titles or classifications. The Union seeks to represent in this bargaining unit, the persons employed by the District in the titles or classifications of Parent Liaison, Behavioral Intervention

²Pursuant to Section 7(c-5) of the Act and Section 1110.105 of the Rules, the Union and District thrice executed limited waivers of the Board's obligation in the above-captioned case, to ascertain the petitioned-for employees' choice of labor organization within 120 days of the filing of the instant majority interest petition, and to commence a hearing within 30 days of service of the petition. The parties' waiver extends the deadline to May 30, 2025.

Specialist, Textbook Services Technician, and Attendance Support Professional. The Union asserts, as configured, the petitioned-for unit is appropriate.

Employer: The District opposes the Union's petition, asserting the unit it seeks is inappropriate under Section 7(a) of the Act, due to significant and fundamental differences in the terms and conditions of employment as compared between the petitioned-for employees and the personnel in the existing bargaining unit. However, the District contends should the petitioned-for unit be found appropriate for purposes of collective bargaining, a new title, that of "Attendance Specialist", must also be added to the unit.

III. FINDINGS OF FACT

The parties stipulated and I find as follows:

1. On July 22, 2022, in Case No. 2022-RS-0001-C, the Board last certified the Union as the exclusive representative of a bargaining unit of persons employed by the District, as follows:

Included: All full-time and regular part-time secretaries and clerical employees of Rockford School District 205, including the following job titles or classifications: Data Entry Operator, Range 1; Clerk-Typist, Range 1; Switchboard Operator/Receptionist, Range 1; Offset Press Operator, Range 2; Senior Clerk-Typist, Range 3; Secretary, Range 3; Account Clerk, Range 4; Senior Secretary, Range 5; Office Manager, Range 6; Prevention Initiative Support Professional, Grade 8; Translator/Interpreter, Grade 8.

Excluded: All persons employed in the following job titles or classifications: Administrative Secretaries to the Superintendent of Schools; Senior Secretaries to the Assistant Superintendents for Instruction, Planning and Operations, Elementary Education, Secondary Education, and Support Services; Controller; Treasurer; Director of Personnel; all supervisory, managerial, confidential, and/or short-term employees as defined in Section 2 of the Illinois Educational Labor Relations Act, 115 ILCS 5/1, et seq.

2. At all times material, the Union and District have been parties to a collective bargaining agreement (CBA) for the unit referenced in paragraph 1, with a term from July 1, 2022 to June 30, 2026.³ Dist. Ex. J.
3. The job descriptions in District Exhibit A, for the following job titles or classifications, are accurate: Office Professional Level I; Office Professional Level II; Office Professional Level III.⁴
4. The job description in District Exhibit B, for the following job title or classification, is accurate: Prenatal-to-Three Parent Educator (Specialist).⁵

³Reference to exhibits in this matter will be as follows: Union exhibits, "Un. Ex. ____"; District exhibits, "Dist. Ex. ____." References to the transcript of proceedings will be "Tr. ____."

⁴The parties stipulated all the secretarial and clerical employees in the existing bargaining unit are titled and referred to as Office Professional Level I, Office Professional Level II, or Office Professional Level III.

⁵The parties stipulated the "Prevention Initiative Support Professional, Grade 8," title in the existing bargaining unit is now titled "Prenatal-to-Three Parent Educator (Specialist)", and referred to as "EC Parent Educator."

5. The job description in District Exhibit C, for the following job title or classification, is accurate:
Translator/Interpreter, Grade 8.
6. District employees in the job titles or classifications of Office Professional Level I, II, or III, are not assigned to a particular department, but rather work in various District buildings or in the District's administration building, report to the departmental or building principals, supervisors, or administrators whom they assist, and are supervised by the administration in the building in which they work.
7. District employees in the job title or classification of Prenatal-to-Three Parent Educator (Specialist), also known as EC Parent Educator, work in the District's Early Childhood Department, regularly conduct home visits, in-person and virtually, with the parents or guardians of students in District schools, and are supervised by the early childhood administrator.
8. The titles or classifications the Union proposes to add to its existing bargaining unit—Parent Liaison, Behavioral Intervention Specialist, Textbook Services Technician, and Attendance Support Professional—have not previously been included in its existing bargaining unit.
9. The job description in District Exhibit D, for the following job title or classification, is accurate:
Attendance Support Professional.
10. District employees in the job title or classification of Attendance Support Professional, work in its Student Services and Alternative Learning Department, and are supervised by the director of alternative education programming.
11. The job description in District Exhibit E, for the following job title or classification, is accurate:
Parent Liaison.
12. District employees in the job title or classification of Parent Liaison, work in various District school buildings, and are supervised by the principal of the school to which they are assigned.
13. The job description in District Exhibit G, for the following job title or classification, is accurate:
Behavioral Intervention Specialist.
14. Beginning with the 2024-2025 school year, the District reallocated some duties previously performed by the employees in the Attendance Support Professional title, to employees in the newly created title of Attendance Specialist.
15. All District employees have access to, and are eligible for, the same health insurance benefits. The costs of such benefits for bargaining unit employees are set by the applicable collective bargaining agreement, while the costs of such benefits for non-unit employees are set by the District. However,

as of the date of the hearing in this matter, the costs of such benefits for unit and non-unit employees were the same.

16. All non-certified District staff may become eligible for retirement benefits from the Illinois Municipal Retirement Fund (IMRF).

On the basis of the testimony of the witnesses, my observation of their demeanors, and the documentary evidence in the record, I make the following findings of fact:

The District is located in the City of Rockford, approximately seventy-eight miles northwest of the City of Chicago. Rockford School District 205 is an educational employer within the meaning of Section 2(a) of the Act and subject to the jurisdiction of the Board. Rockford Education Support Professionals Association, IEA-NEA, is a labor organization within the meaning of Section 2(c) of the Act and likewise, subject to the jurisdiction of the Board.

A. The Office Professional title

Within the existing bargaining unit, there are approximately one hundred thirty (130) employees in the Office Professional title, assigned throughout District schools and offices. Tr. 26-27, 43. The District pays office professionals on an hourly basis and the position may be for ten, eleven, or twelve months each school year, depending on the specific role assigned. Tr. 44, 60; Dist. Ex. A. Office professionals work in the District's administration building, its various schools, and in its offices for special education, finance, transportation, operations, and early childhood. Tr. 26, 43-44. In general, office professionals perform secretarial and clerical functions, such as answering phones, greeting visitors, inputting data, registering students, acquiring needed items, and doing mailings. Tr. 26-27, 85, 154, 315-16, 323, 406-07. Office professionals assigned to school buildings are usually stationed in the main office, near the front doors, and they regularly receive calls from parents of students notifying of absences or late arrivals, requesting early dismissals, seeking appointments with school administrators, and inquiring regarding student discipline, student placement, registration, fees, and fines. Tr. 26-27, 54, 70-71, 274, 320-21, 323. In conjunction with call-taking, office professionals update and edit as necessary, the District's student information system known as "eSchool." Tr. 55-56, 243, 267, 273-74, 323, 331; Dist. Ex. A. Office professionals assist parents and guardians who arrive at schools to sign for students who are late or leaving early. Tr. 123-24. Teachers dealing with misbehaving students, on occasion, contact office professionals working in the main office to relay calls for assistance to security officers, behavioral intervention specialists, or parent liaisons. Tr. 276-77, 407-09.

Depending on their work location, office professionals input into various systems, different types of data, including time card information, staff attendance, and purchase requisitions. Tr. 59, 69-71, 85-86, 89.

In addition to handling calls, office professionals have responsibilities in connection with District finances, payroll, purchasing, special education, and bilingual services. Tr. 315, 428. Office professionals assigned to the District's warehouse sort mail, pull together bulk mailings, update its "BusinessPlus" computer system to track and account for all items purchased by the District and delivered to its warehouse, and resolve discrepancies or other problems with purchases as necessary. Tr. 69-71, 428. Office professionals report to and are supervised by the principal of the school building they work in, or if not detailed to a school, the head of the department to which they are assigned. Tr. 27, 44, 69, 218, 409.

B. The Translator/Interpreter, Grade 8, title

District employees in the existing bargaining unit, in the job title or classification of Translator/Interpreter, Grade 8, deliver language translation services for various school meetings and written materials. Tr. 29-30; Dist. Ex. C. Within the existing bargaining unit, there are approximately five to seven employees in the Translator/Interpreter, Grade 8, title or classification. Dist. Ex. L, p. 6. The District pays translators/interpreters on an hourly basis. Tr. 45. The immediate supervisor of the translators/interpreters is the bilingual translator supervisor, who in turn reports to the director of bilingual multi-cultural services, who in turn reports to the executive director of bilingual/multi-cultural services, who reports to the chief academics officer, who then reports to the District superintendent. Tr. 45-46; Dist. Ex. L. Translators/interpreters are located on the seventh floor of the District's administration building, but provide services throughout the District, primarily to assist parents/guardians of students. Tr. 29-30, 45-46, 195-96. To obtain such services, employees complete a request form and submit it to the District's Bilingual and Multicultural Services Department. Tr. 367-68. Translators/interpreters provide services at school functions such as special education meetings, disciplinary meetings, parent-teacher conferences, and Bilingual Parent Advisory Committee meetings. Dist. Ex. C. Additionally, translators/interpreters provide written translations of District documents and publications, such as student handbooks, discipline referrals, special education documents, flyers, brochures, newsletters, and various curriculum materials. Dist. Ex. C. At times, translators/interpreters provide their services by means of three-way conference calls between District staff and parents/guardians of students. Dist. Ex. C. Occasionally, translators/interpreters will set-up and assist on three-way conference calls among District staff, parents/guardians, and contracted language specialists, for languages beyond their capabilities. Dist. Ex. C.

Translators/interpreters assist employees in the Parent Liaison and Attendance Specialist titles as needed, when working with families with language barriers. Tr. 116, 329-330. Additionally, parent liaisons will request the help of translators/interpreters when hosting events which they expect will draw bilingual families. Tr. 116-17. Similarly, as necessary, translators/interpreters likewise aid employees in the

Attendance Support Professional and Behavioral Intervention Specialist titles. Tr. 160-61, 329-330. At times, translators/interpreters accompany District employees on home visits, if a need for their services is expected. Tr. 330. Translators and interpreters are not part of the District's Multi-Tiered Systems of Support (MTSS) team, but they attend MTSS meetings as needed, to provide translation services. Tr. 149-50.

C. The Prevention Initiative Support Professional, Grade 8, title

Within the existing bargaining unit, there are approximately twelve employees in the Prevention Initiative Support Professional, Grade 8, title or classification. Dist. Ex. L, p. 11. As noted earlier, at some point, the title was changed to "Prenatal-to-Three Parent Educator (Specialist)", and later still to "EC Parent Educator." Hereinafter, I will refer to the title as "EC Parent Educator." Generally, EC parent educators work with the families of very young children who have been identified as having issues with their development which will have an adverse impact on their future education. Tr. 28. EC parent educators provide the parents and guardians of such children with skills and practical interventions to overcome barriers to learning. Tr. 28. Although the EC parent educators work out of the District's administration building, they regularly go to the homes of children with developmental difficulties to provide support, and at other times, the parents/guardians and their children go to the administration building for assistance. Tr. 28, 44. The essence of the EC parent educators work is to assist parents/guardians in preparing their children to be as successful as possible once they enter the District's early childhood programs. Tr. 28; Dist. Ex. B. During home and District visits, EC parent educators conduct child screenings and family assessments, monitor child development and health, and make available referrals or connections to community resources and parent/child activities. Dist. Ex. B. EC parent educators also will complete the required enrollment activities and paperwork for eligible families and children, and plan and implement parent education workshops, group connections, and family engagement activities. Dist. Ex. B. Additionally, EC parent educators must maintain timely and accurate case management notes. Dist. Ex. B. The District pays EC parent educators on a salary basis and employs them on a twelve month calendar. Tr. 45; Dist. Ex. B. The immediate supervisor of the EC parent educators is the parent educator coordinator, who in turn reports to the early childhood administrator, who in turn reports to the executive director of early childhood, who reports to the chief academics officer, who then reports to the District superintendent. Tr. 45; Dist. Ex. L.

D. The Behavioral Intervention Specialist title

Among the four titles the Union has petitioned for inclusion in its existing unit is that of Behavioral Intervention Specialist. There are forty-eight (48) employees in the Behavioral Intervention Specialist title, assigned mainly throughout the District's elementary and middle schools, however at least one behavioral intervention specialist works in the same department as the EC parent educators. Tr. 143-45, 162.

Behavioral intervention specialists are part of the District's MTSS Department and work with the MTSS team to address primarily student misbehavior in the classroom. Tr. 40. They provide behavior interventions and work directly with identified students to use plans, strategies, and activities to adopt behaviors consistent with the classroom environment, with the goal of bettering students' academic performance. Tr. 40, 148; Dist. Ex. G. As part of their duties, behavioral intervention specialists develop intervention plans and communicate them to the involved students, administrators, teachers, and parents/guardians. Tr. 267; Dist. Ex. G. In so doing, behavioral intervention specialists will request the help of translators/interpreters when communicating with a parent or guardian who only speaks a language they are unable to speak. Tr. 164. Behavioral intervention specialists document student performance and progress in District databases, eSchool and Panorama, to provide the MTSS team with information for decision-making, which they also actively participate in on the MTSS team. Tr. 265-66; Dist. Ex. G. Additionally, behavioral intervention specialists establish and maintain contact with community providers who work with students, and collaborate with the school support staff to make referrals to mental health, substance abuse, and medical providers for appropriate services. Dist. Ex. G. Behavioral intervention specialists are directly supervised by the principals of the schools they work in, however, because they are part of the District's MTSS team, behavior coaches, in collaboration with the principals, also have some authority over them. Tr. 48, 143, 162, 278; Dist. Ex. G. The District pays behavioral intervention specialists on an hourly basis and employs them on a nine month calendar. Un. Ex. 2; Dist. Ex. G.

E. The Parent Liaison title

The second of the four titles the Union has petitioned for inclusion in its existing unit is that of Parent Liaison. There are 42 employees in the Parent Liaison title, assigned throughout District schools, and they are part of the District's MTSS team.⁶ Tr. 96-97, 105. Parent liaisons work to strengthen the role of parents/guardians by increasing opportunities for meaningful engagement in the education of their children. Tr. 39, 95-96; Dist. Ex. F1, F2. To accomplish this goal, parent liaisons organize various events for parents/guardians to attend and interact with school personnel. Tr. 39, 96; Dist. Ex. F1, F2. Additionally, parent liaisons advise parents/guardians about District, school, and community resources to assist them in improving their students' overall success. Tr. 39; Dist. Ex. F1, F2. Parent liaisons develop connections to community partners to bolster support for improvement of school buildings and support for students, and attend conferences and other meetings aimed at furthering the academic success of the students in their schools. Tr. 39-40; Dist. Ex. F1, F2. As necessary, parent liaisons conduct home visits, with the frequency

⁶The District has sub-classified the Parent Liaison job title into two parts: Elementary School Parent Liaison, and Secondary Parent Liaison. Dist. Ex. F1, F2. As there appears to be no substantial distinction between the two titles relevant to the instant matter, I have discussed and referred to both under the Parent Liaison job title.

depending on the need at the school to which the parent liaison is assigned, some are daily and some much less frequently. Tr. 96, 100-01. Parent liaisons will communicate tardiness or absenteeism concerns should it be necessary. Tr. 99-100, 123-24. Parent liaisons attempt to identify students and families who are struggling or are in particular need and connect them to helpful resources. Tr. 95, 99-100, 177; Dist. Ex. F1, F2. As necessary, when working with families with language barriers, parent liaisons will seek the assistance of translators/interpreters, especially when hosting events which they expect will draw bilingual families. Tr. 116-17, 329-330. Parent liaisons work closely with behavior intervention specialists and other support personnel in their assigned schools, including attendance specialists; at least three parent liaisons share an office with their school's behavior intervention specialists. Tr. 104, 288. Parent liaisons are directly supervised by the principals of the schools they work in. Tr. 97-98. The District pays parent liaisons on an hourly basis and employs them anywhere from a nine month through a twelve month calendar. Tr. 102; Un. Ex. 2.

F. The Textbook Services Technician title

The third of the four titles the Union has petitioned for inclusion in its existing unit is that of Textbook Services Technician. There are two employees in the Textbook Services Technician title, assigned to the District's warehouse. Tr. 41, 68; Dist. Ex. L, p. 36. After the District purchases textbooks and other curriculum materials, its vendors ship the purchases to the District's warehouse. Tr. 41, 68, 70-71. The textbook services technicians unpack and sort the textbooks and materials once delivered, ensure the quantities received are correct, affix identifying marks to the books and materials, log the books and materials into the District's inventory system, and cause them to be properly distributed to the District's schools. Tr. 41, 68, 73-75, 427, 430. Should a purchase order and the accompanying books or material not match or is missing information, the textbook services technicians will bring the purchase order to one of the warehouse's two office professionals to be resolved. Tr. 75-76, 428. Textbook services technicians also return purchase orders they have determined correct and accounted for, to the warehouse office professionals, so they may record them into a database and file the hard copies. Tr. 87. In addition, textbook services technicians collect and dispose of obsolete books and information technology inventory from the District's schools, and update the inventory of such material to maintain it in a current, accurate state. Tr. 41; Dist. Ex. H. During the summer, when school is not in session, textbook services technicians are busier than normal, preparing for the upcoming school year, and to provide additional assistance, the District hires its employees in less than twelve-month positions as "summer textbook services technicians," performing duties similar to those regularly performed by the two textbook services technicians. Tr. 82, 189-190, 327-28, 431. Such summer textbook services technicians have included parent liaisons, food service workers, and

infrequently, office professionals. Tr. 82, 189-190, 327-28, 431. The District's director of logistics and support services directly supervises the textbook services technicians and the office professionals employed in the warehouse. Dist. Ex. L, p. 36. The District pays textbook services technicians on an hourly basis and employs them on a twelve month calendar. Tr. 431; Un. Ex. 2.

G. The Attendance Support Professional title

The last of the four titles the Union has petitioned for inclusion in its existing unit is that of Attendance Support Professional. There are two employees in the Attendance Support Professional title, one assigned to the District's RESA Middle School and the other to its West Middle School. Tr. 46, 381. Attendance support professionals are part of the District's MTSS team. Tr. 209, 399. The role of the attendance support professionals is to work with the District's most chronically truant students to ensure they improve their attendance. Tr. 386-87, 397. Attendance support professionals use attendance data from the District's systems, eSchool and Panorama, when determining how to handle students with truancy issues. Tr. 381, 383, 397. They examine student backgrounds, see what has been done previously, and decide on a course of action based thereon, and they enter into Panorama, their plans and processes for aiding each such student, and notes on the outcomes thereof. Tr. 381, 383, 397. If necessary, attendance support professionals will contact the parents/guardians of students with attendance problems, to attempt remedies. Tr. 204-05, 383; Dist. Ex. D. In situations where attendance support professionals are unable to contact the parents/guardians of such students, they will conduct a home visit. Tr. 383; Dist. Ex. D. Almost always, an attendance support professional is accompanied on home visits by another employee, including on various occasions, attendance specialists, parent liaisons, behavior intervention specialists, and translators/interpreters. Tr. 215, 383-85. Additionally, translators/interpreters are with attendance support professionals at MTSS meetings. Tr. 385. Attendance support professionals also arrange individual student and/or parent/guardian conferences to facilitate and monitor detention assignments related to truancy. Dist. Ex. D. Should a student's truancy issues persist and remain unresolved, attendance support professionals initiate more severe consequences through the Youth Services Network, a District contractor, which petitions the appropriate court to enforce Illinois school attendance laws against families with truant students. Tr. 204-05, 387; Dist. Ex. D. Before initiating more drastic measures, however, attendance support professionals regularly and carefully check with the appropriate office professionals to make sure the attendance data they are relying on is accurate. Tr. 382, 387, 391-92. Attendance support professionals are directly supervised by the principals of the schools they work in, but also report to the director of alternative education. Tr. 200, 218, 379, 393; Dist. Ex. D. The District pays attendance support professionals on an hourly basis and employs them on a ten month calendar. Tr. 393; Un. Ex. 2.

H. The Attendance Specialist title

As stipulated by the parties above, beginning with the 2024-2025 school year, the District reallocated some duties previously performed by the employees in the Attendance Support Professional title, to employees in the newly created title of Attendance Specialist. Tr. 31-32. The District has used the title intermittently in earlier years, and in previous iterations, the employees in the title performed many of the duties now performed by the attendance support professionals. Tr. 313. The District began budgeting for and creating the Attendance Specialist title in March or April 2024, and began hiring employees into the title in the late spring or summer of 2024, to begin working in August 2024, at the outset of the 2024-2025 school year. Tr. 32, 241. Thus, on July 10, 2024, when the Union filed the petition in this case, no attendance specialists were yet working.

There are thirty-five (35) employees in the Attendance Specialist title, generally one *per* school, and the District has placed them in its Diversity, Equity, and Inclusion Department, overseen by its director of attendance and family and community engagement, as compared to the attendance support professionals, who are in the Department of Alternative Educational Programming. Tr. 49, 113; Dist. Ex. L, p. 15, 49. Like the attendance support professionals, the attendance specialists are directly supervised by the principals of the schools they work in, are employed on a ten month calendar, and are part of the District's MTSS team. Tr. 94, 112-113, 248. The role of the attendance specialists is to work with data, largely from eSchool, to identify students at risk of being chronically absent, to determine necessary interventions, and to evaluate their progress. Tr. 112, 119, 243-45, 247-48. Generally, attendance specialists work with the chronically absent, rather than the more serious truancy cases, which the attendance support professionals deal with. Tr. 112.

IV. DISCUSSION AND ANALYSIS

Section 7(a) of the Act provides the following with regard to determining whether a petitioned-for unit is appropriate:

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

Herein, the Union seeks to represent in its existing unit of employees who are in various non-certificated titles or classifications, the persons employed by the District in the titles or classifications of Parent Liaison, Behavioral Intervention Specialist, Textbook Services Technician, and Attendance Support Professional.

The District opposes the Union's petition as inappropriate under Section 7(a), because of the significant and fundamental differences in the terms and conditions of employment as compared between the petitioned-for employees and the personnel in the existing bargaining unit. Should the petitioned-for unit be found appropriate for purposes of collective bargaining, however, the District contends the Attendance Specialist title must also be added to the unit.

Most of the factors listed in Section 7(a)—community of interest, including employee skills and functions, degree of functional integration, interchangeability and contact among employees, common supervision, hours, and other working conditions of the employees involved—tend to favor the petitioned-for unit. Office professionals have contact with nearly all other District employees, as they are assigned throughout the District, in its administration building, its various schools, and in its offices for special education, finance, transportation, operations, and early childhood. Textbook services technicians resolve faulty purchase orders with the office professionals assigned to the warehouse. Office professionals update and edit as necessary, the District's student information system, eSchool, which in turn, is used by the attendance support professionals and the behavioral intervention specialists in their efforts to improve student attendance and behavior, with the ultimate goal of bettering students' academic performance. Before initiating legal action against families of truant students, attendance support professionals regularly check with the appropriate office professionals to make sure the attendance data being relied on is accurate. As needed, when working with families with language barriers, attendance support professionals, parent liaisons, behavioral intervention specialists all work with translators/interpreters. Likewise, while translators/interpreters are not part of the MTSS team, they attend MTSS meetings as needed, with attendance support professionals, behavioral intervention specialists, and parent liaisons. EC parent educators, parent liaisons, and attendance support professionals conduct home visits, and at times, translators/interpreters accompany them.

The hours worked by the petitioned-for employees and the existing bargaining unit members generally coincide with the school day. Likewise, the petitioned-for employees and the existing bargaining unit members are eligible for the District's health insurance plan, contribute the same amount to it, and are eligible for retirement benefits through the same fund. Office professionals, if detailed to a school, behavioral intervention specialists, parent liaisons, and attendance support professionals report to and are supervised by the principal of the school building they work in. Moreover, the primary function of the parent liaisons, behavioral intervention specialists, attendance support professionals, and EC parent educators is to provide District students and their parents/guardians with skills and practical interventions to overcome barriers to learning, with the overall goal of bettering students' academic performance.

As the District asserts, however, there plainly exist differences among the various titles. There are variations in pay between the petitioned-for employees and the existing bargaining unit members. Likewise, the textbook services technicians are slightly more removed from the educational support role occupied by the remainder of the titles. Nonetheless, the differences between the petitioned-for employees and the existing bargaining unit members are not sufficiently significant to make the petitioned-for unit inappropriate. In other words, based on the foregoing, within the proposed unit, there exists a valid community of interest, functional integration, and contact between and among both sets of employees. Likewise, generally, there exists common supervision, hours, and most other working conditions. The "historical pattern of recognition" favors neither the outcome urged by the Union or the District, as the petitioned-for employees are unrepresented, and have never been represented for purposes of collective bargaining. The "desires of the employees" factor tends to favor the unit proposed by the Union, as there is evidence of employee support for it through the majority interest process. The Act does not mandate a petitioned-for unit be the most appropriate unit, only that it be an appropriate unit. Sandburg Faculty Association, IEA-NEA v. Illinois Educational Labor Relations Board, 248 Ill. App. 3d 1028, 1036, 618 N.E.2d 989, 995, 144 LRRM 2543 (1st Dist. 1993). Based on consideration of the 7(a) factors above, the petitioned-for unit is appropriate.

Given the petitioned-for unit is appropriate for purposes of collective bargaining, the District contends the Attendance Specialist title must be added to the unit as well. The Union asserts the District's position lacks merit, as the Attendance Specialist title was not in active use and lacked employees at the time it filed the instant petition on July 10, 2024. Although it would not be inappropriate for the attendance specialists to be added to the petitioned-for unit, the Union does not seek to represent the title, and the exclusion of the title, especially given the timing between its creation and the filing of the petition, does not make the petitioned-for unit inappropriate, as again, more than one unit may be appropriate. Sandburg Faculty Association, IEA-NEA v. Illinois Educational Labor Relations Board, 248 Ill. App. 3d 1028, 1036, 618 N.E.2d 989, 995, 144 LRRM 2543 (1st Dist. 1993).

V. CONCLUSIONS OF LAW

The accretion to the existing bargaining unit as petitioned for herein by the Union is appropriate for purposes of collective bargaining, within the meaning of Section 7(a) of the Act.

VI. ORDER

Unless this order is rejected or modified by the Board, the instant petition shall be remanded to the executive director for processing in accordance with Section 1110.105 of the Board's Rules.

VII. EXCEPTIONS

In accordance with Section 1110.105(k)(2) of the Board's Rules, parties may file written exceptions to this Recommended Decision and Order together with briefs in support of those exceptions, not later than seven (7) days after receipt hereof. Parties may file responses to exceptions and briefs in support of the responses not later than seven (7) days after receipt of the exceptions and briefs in support thereof. Exceptions and responses must be filed, if at all, at **ELRB.mail@illinois.gov** and with the Board's general counsel, 160 North LaSalle Street, Suite N-400, Chicago, Illinois 60601-3103. Pursuant to Section 1100.20(e) of the Rules, exceptions and responses sent to the Board must contain a certificate of service, that is, **"a written statement, signed by the party effecting service, detailing the name of the party served and the date and manner of service."** If any party fails to send a copy of its exceptions to the other party or parties to the case, or fails to include a certificate of service, that party's appeal will not be considered, and that party's appeal rights with the Board will immediately end. See Section 1100.20 of the Rules, concerning service of exceptions. If no exceptions have been filed within the seven (7) day period, the parties will be deemed to have waived their exceptions.

Issued in Chicago, Illinois, this 31st day of March, 2025.

**STATE OF ILLINOIS
EDUCATIONAL LABOR RELATIONS BOARD**

/s/ John F. Brosnan

**John F. Brosnan
Administrative Law Judge**