

**STATE OF ILLINOIS  
EDUCATIONAL LABOR RELATIONS BOARD**

In the Matter of:	)	
	)	
Support Council of District 39,	)	
Wilmette Local 1274, IFT-AFT, AFL-CIO,	)	
	)	
Petitioner and Exclusive Representative	)	
	)	
and	)	Case No. 2005-UC-0005-C
	)	
Wilmette School District No. 39,	)	
	)	
Respondent	)	

**ORDER**

On September 15, 2004, the Support Council of District 39, Wilmette Local 1274, IFT/AFT, AFL-CIO (IFT or Union) filed a unit clarification petition with the Illinois Educational Labor Relations Board (Board or IELRB) seeking to clarify its bargaining unit to include the newly created position of Network Manager. On January 7, 2005, the Executive Director issued a Recommended Decision and Order (EDRDO) denying the unit clarification petition for the reason that the Network Manager is a confidential employee under Section 2(n)(ii) of the Act. The Union filed exceptions to the EDRDO and the Wilmette School District No. 39 (District or Employer) filed a response to the Union's exceptions.

**I.**

Board Member Lamont recused herself from the Board's decision in this case. When there is no majority, as in this case, the Executive Director's Recommended Decision and Order becomes the final order of the agency but does not have precedential effect. Board of Education of Community Consolidated High School District No. 230 v. IELRB, 165 Ill. App. 3d 41, 518 N.E.2d 713 (4<sup>th</sup> Dist. 1987). Therefore, the Executive Director's Order in this case is that the unit clarification petition is denied stands as the final Order of the Agency.

**II. Right to Appeal**

This is a final order of the IELRB. Aggrieved parties may seek judicial review of this Order in accordance with the provisions of the Administrative Review Law, except that, pursuant to 115 ILCS 5/16(a), such review must be taken directly to the appellate court of the judicial district in which the IELRB maintains an office (Chicago or Springfield). "Any 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.” 115 ILCS 5/16(a).

Decided: August 9, 2005  
Issued: August 11, 2005  
Chicago, Illinois

/s/ Lynne O. Sered  
Lynne O. Sered, Chairman

/s/ Ronald Ettinger  
Ronald Ettinger, Member

/s/ Michael H. Prueter  
Michael H. Prueter, Member

/s/ Jimmie Robinson  
Jimmie Robinson, Member

*NOTE: Member Lamont recused from the Board’s discussion and deliberation of this case, and in no way participated in the Board’s consideration of this matter.*

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