

STATE OF ILLINOIS
EDUCATIONAL LABOR RELATIONS BOARD

ANNUAL REPORT

FISCAL YEAR 2020

July 1, 2019 – June 30, 2020

One Natural Resources Way
Springfield, Illinois 62702
217/782-9068 (Phone)
217/782-9331 (Fax)

160 North LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103
312/793-3170 (Phone)
312/793-3369 (Fax)

TTY: 1-800-526-0844 (Relay)
<http://www2.illinois.gov/elrb>
ELRB.Mail@illinois.gov



ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

February 16, 2021

Dear Governor Pritzker:

Thank you for allowing the Illinois Educational Labor Relations Board the opportunity to present our statement of operations to you, the General Assembly and the citizens of Illinois for Fiscal Year 2020. The attached report summarizes the work performed by the IELRB during the previous Fiscal Year.

Fiscal Year 2020 ended in a productive year for the Illinois Educational Labor Relations Board. We maintained substantial levels of productivity as we underwent work assignment transitions with the retirement of some long-term employees and addition of new staff. Our technological advancements, spearheaded by the management team, advanced our ability to process cases and meet production goals in a timely manner. Moreover, IELRB management team underwent significant training in the SAP-ERP systems conversion of fiscal operations provided by the Illinois Department of Innovation and Technology (DoIT).

The number of Opinion and Orders issued by the Board increased from the previous fiscal year. Case productivity of Unfair Labor Practice cases, including Injunctive Relief Requests and Representation cases were effectively managed by staff attorneys through the investigatory process. During this fiscal year, the Board initiated Rule changes through filing requests with the Legislative Joint Committee on Administrative Rules (JCAR) as we moved toward streamlining and expediting case management procedures for our practitioners.

The Board intends to continue administering the Illinois Educational Labor Relations Act in a fair, prompt and efficient manner, as it seeks new and innovative ways to better provide services to the educational labor relations community that it serves. The Board will continue to produce high quality legal decisions that the parties consistently rely upon to govern their labor relations.

We thank Governor Pritzker, our Honorable State Legislators and the parties we serve for their confidence in using our services as an effective venue to promote and improve labor relations in our public schools.

Sincerely,

Victor E. Blackwell
Executive Director

TABLE OF CONTENTS

Executive Director's Message	
History and Funding Sources	1
Agency Mission and Structure	2
Board Members and Biographies	3
Agency Activities	8
Representation Cases	9
Unfair Labor Practice Cases	10
Impasse Cases/Strike Activity	12
Major Board and Court Decisions	14

HISTORY AND FUNDING SOURCES

The 83rd Illinois General Assembly created the Illinois Educational Labor Relations Board on January 1, 1984 by enactment of House Bill 1530, the Illinois Educational Labor Relations Act, in order to secure orderly and constructive relationships between all educational employees and their employers. The Board is the sole administrative body to resolve collective bargaining disputes, representation questions and allegations of unfair labor practices.

The Illinois Educational Labor Relations Board's had an appropriated budget of \$1,940,700 during Fiscal Year 2020. The Illinois Educational Labor Relations Board receives its funding from the Personal Property Tax Relief Fund.

The IELRB is comprised of five members who are appointed by the Governor and confirmed by the Illinois Senate. By statute, Board members must be residents of Illinois and have a minimum of five years of direct experience in labor and employment relations. Each Board Member must devote his entire time to the duties of the office and engage in no other work. During FY20, the Board was comprised of Chair Andrea Waintroob and Board Members Judy Biggert, Gilbert O'Brien, Lynne Sereed and Lara Shayne.

AGENCY MISSION AND STRUCTURE

The Board's primary mission is to maintain, develop and foster stable and harmonious employment relations between public educational employees and their employers. To accomplish this mission, the Board investigates all charges and petitions filed by either a representative union, an individual or by a school district. Besides an extensive review and hearing process, the Board also offers mediation and arbitration services to interested parties as an informal forum to resolve their labor disputes. The adjudication process is threefold. The Executive Director, the Agency's Administrative Law Judges and the Board issue decisions on all cases that come before the Agency. The Board has the final appellate review of agency decisions. Its' final rulings set forth the legal standards for the interpretation of the Illinois Educational Labor Relations Act and Rules and establishes legal precedent through its decisions. Agency Attorneys and Investigators manage the case decisions under the direction of the General Counsel and Executive Director. The support staff process files and the paperwork associated with the claims and the Board oversees all operations and policy, including the budget.

The Executive Director investigates all unfair labor practice charges, conducts all necessary investigations of voluntary recognition and representation petitions including Majority Interest Petitions, advises the Board on legal issues, trains arbitrators and mediators, implements the Board's Labor Mediation Roster, administers the Board's Public Information Officer program and serves as the Board's Freedom of Information Officer and Ethics Officer. The Executive Director is responsible for administering all financial transactions, preparing the agency's proposed budget and testifying before the Illinois Legislature as a proponent of the proposed budget. The Executive Director also assigns all clerical and administrative staff within the offices of the IELRB.

The General Counsel serves as the Chief Legal Officer of the Agency and chief legal advisor to the Board. The General Counsel supervises the Board's Administrative Law Judges and Board Attorneys; reviews all recommended decisions of its hearing officers and Executive Director; drafts and issues all unfair labor practice and representation decisions of the Board; advises the Board on legal issues arising in the course of the Board's official duties; assists the Office of the Attorney General in representing the Board in all legal matters pending in the courts; represents the Board in legal proceedings before other agencies and courts; conducts representation and unfair labor practice hearings; and reviews and revises the Board's Rules and Regulations.

After all unfair labor practice charges are fully investigated and reviewed by the Executive Director, the charge is either dismissed in the form of an Executive Director's Recommended Decision and Order, or sent to Complaint to be heard by an Administrative Law Judge (ALJ). The ALJ will conduct a full evidentiary hearing on the Complaint and at the conclusion of the hearing, issue a Recommended Decision and Order. All formal decisions issued by the Executive Director and an Administrative Law Judge are subject to review by the Board pursuant to a party filing exceptions or by the Board upon its own motion. The Board will review and discuss cases on its docket in open session. Thereafter, the Board will vote on the disposition of each case in open session. A Board decision may be appealed to the Illinois Appellate Court.

The current Board Members are:

Andrea Waitroob, Chair
Appointment 04/06/15 to 06/01/20

Judy Biggert
Appointment 04/06/15 to 06/01/20

Gilbert O'Brien
Appointment 08/01/16 to 06/01/22

Lynne O. Sered
Appointment 04/13/15 to 06/01/20

Lara Shayne
Appointment 09/19/16 to 06/01/22

Andrea R. Waitroob, Chair

Andrea R. Waitroob was appointed to serve as Chairman of the Illinois Educational Labor Relations Board by Governor Bruce Rauner in April, 2015.

Prior to her appointment, Chairman Waitroob represented Illinois public and private sector employers in all aspects of labor and employment law for over thirty-five years, including negotiating many collective bargaining agreements for educational employers in the State of Illinois. Additionally, she taught public sector labor relations, government regulation of the employment relationship and employment discrimination courses at the University of Chicago Booth School of Business and the University of Chicago Law School.

Ms. Waitroob began her legal career at Vedder, Price Kaufman and Kammholz in 1978, becoming a partner at that firm in 1984. In 1994, she was one of twelve founding partners of Franczek Radelet where she worked until her appointment to the Board.

Ms. Waitroob was a member of the Illinois Council of School Lawyers and served a term as Chair of the Council. She has been recognized as an Illinois Leading Lawyer, a Top Woman Lawyer and an Illinois Super Lawyer.

Ms. Waitroob received her BA, Magna Cum Laude from Brown University. She graduated with honors from the University of Chicago Law School where she was a member of the Law Review.

Ms. Waitroob is married and has two children. She resides in Deerfield.

Judy Biggert, Member

Judy Biggert was appointed to the Illinois Educational Labor Relations Board in 2015 by Governor Bruce Rauner. She brings to the Board decades of experience as an elected representative, community leader and attorney.

Prior to her appointment to the Board, she served Illinois for fourteen years as a member of the U.S. House of Representatives and for six years as a member of the Illinois House of Representatives.

In Congress, she served on the House Education and Workforce Committee, overseeing federal education programs and initiatives from preschool through higher education. During her tenure, the Committee produced major reforms of the Elementary and Secondary Education Act (ESEA), the Higher Education Act, Early Childhood Education including Head Start, the Individuals with Disabilities Education Act (IDEA), and many others.

Mrs. Biggert was appointed Vice Chairman of the Committee's Subcommittee on Workforce Protections, and helped to oversee its work on the Fair Labor Standards Act (FLSA), the Workforce Investment Act (WIA), workers compensation, retirement security, and all matters related to employee-employer relationships.

She also served as a senior member of the Financial Services Committee, House Committee on Science and Technology, and Standards of Official Conduct "Ethics" Committee. She was voted by her colleagues as one of the "Top Ten Most Bipartisan" members of Congress.

In the Illinois House of Representatives, Mrs. Biggert served as the Minority Spokesman on the Judiciary – Civil Committee, and as a member of the Financial Institutions, Insurance, and Labor and Commerce Committees. She was appointed to House leadership at the start of her second term.

As a member of the Hinsdale Township High School District 86 Board of Education, Mrs. Biggert chaired the committee that negotiated contracts with the District's teachers. After serving five years as a member, she was elected and served one term as President of the Board.

Her work on behalf of the Chicago area community has included service as President or Chairman of: the Junior League of Chicago, Visiting Nurse Association, Hinsdale Assembly of the Hinsdale Hospital, Village of Hinsdale Plan Commission, Junior Board of Travelers Aid Society, Hinsdale Antique Show, and the Oak School PTA.

Mrs. Biggert served as law clerk to the Hon. Luther M. Swygert, U.S. Court of Appeals for the Seventh Circuit. Prior to her election to public office, she practiced law, specializing in real estate, estate planning and probate.

She received her BA from Stanford University and JD from the Northwestern University School of Law, where she was a member of the Law Review. She and her husband Rody are the parents of four children and the grandparents of nine. They reside in Hinsdale.

Gilbert O'Brien, Member

Gilbert F. O'Brien was appointed to the Illinois Educational Labor Relations Board in 2011 by Governor Pat Quinn. Mr. O'Brien comes to the Board with thirty years of experience in government and labor law. In 1991 he was appointed by Secretary of State George Ryan to serve on his transition team as labor policy liaison, thereafter he was hired as Chief Labor Liaison for the Office. Mr. O'Brien served in this capacity for eight years negotiating contracts and collective bargaining agreements with Union representatives working for the Illinois Secretary of State. Mr. O'Brien acted as a Governmental Affairs Consultant for the Teamsters Local 705, advising their Secretary-Treasurer on governmental operations that potentially affected their interest.

In January of 2000, Jesse White appointed Mr. O'Brien as Executive Labor Liaison to negotiate collective bargaining agreements and advise the Secretary on labor policy issues. He participated in labor negotiations between various unions and the State of Illinois. He is a resident of Glen Ellyn.

Lynne O. Sered, Member

Lynne O. Sered was re-appointed to serve as a Board Member in April 2015. She previously served as Board Chairman of the Illinois Educational Labor Relations Board from June 2004 until stepping down immediately prior to her most recent re-appointment by Governor Bruce Rauner. Prior to assuming the Board Chair's responsibilities in 2004, she served as a Board Member since her initial appointment to the Board in October 2000.

Ms. Sered's legal background includes serving as Counsel to the Honorable Wilford W. Johansen, Member of the National Labor Relations ("NLRB") in Washington, D.C. In that capacity, she prepared analyses for and made recommendations to Board Member Johansen and drafted decisions and orders for publication in the areas of collective bargaining, discriminatory hiring and termination practices, union organizing activities and elections, and other unfair labor practice and representation issues under the National Labor Relations Act. During her tenure at the NLRB, Ms. Sered also represented the NLRB in cases before the Second and Sixth Circuit Courts of Appeals.

As an attorney in private practice with the law firm of Scariano, Kula, Elch & Himes, Chtd., Chicago and Chicago Heights, Illinois, she counseled school districts, private employers and labor clients regarding litigation, legal strategies and policy issues pertaining to labor law and collective bargaining issues.

Ms. Sered also practiced with the law firm of Katz and Buhai in South Barrington, Illinois, where she represented clients in labor and employment discrimination matters in state and federal courts and administrative agencies. She also served as staff counsel for the Attorney Registration and Disciplinary Commission, where her duties included the review, analysis and investigation of professional misconduct within the legal profession in Illinois.

In addition, Ms. Sered served as Legal Director of the American Jewish Congress, Midwest Region, in Chicago, where she managed the organization's not-for-profit legal program, focusing on civil liberties and civil rights and oversaw its pro bono clinic providing legal services to the indigent. Her professional experience is also highlighted by her roles as a domestic policy specialist with the Jewish Community Relations Council and as Midwest regional director of the Jewish Labor Committee.

Ms. Sered received her law degree from DePaul University College of Law and her Bachelor of Arts degree from Indiana University. She is admitted to practice law in Illinois and the District of Columbia and is a member of the Illinois State Bar Association, the Chicago Bar Association and the Women's Bar Association. She has served on the Board of Chicago Volunteer Legal Services and the Government Affairs Committee of the Jewish Federation of Metropolitan Chicago.

Ms. Sered lives with her husband Jeff Schoenberg and their two children in Evanston, Illinois.

Lara Shayne, Member

Lara Shayne was appointed to the Illinois Educational Labor Relations Board by Governor Bruce Rauner in September 2016.

Ms. Shayne has been a labor and employment attorney since 1996 and has worked in all labor and employment practice areas, including negotiating and implementing collective bargaining agreements with numerous public employee unions, and handling grievance arbitrations and IELRB litigation. She began her legal career as an Assistant Corporation Counsel for the Labor/Employment Division of the City of Chicago Department of Law. In 2002, she left the City to join the labor practice group of the Board of Education of the City of Chicago's Law Department. In 2012 Ms. Shayne was selected to help run the Board of Education's Labor Relations unit, where she remained until her appointment to the IELRB.

Ms. Shayne received her BA from the University of Michigan and her J.D. from Chicago-Kent College of Law, where she was a member of Moot Court.

Ms. Shayne is married with two children. She resides in Chicago.

Victor E. Blackwell, Executive Director

Victor E. Blackwell was appointed Executive Director of the Illinois Educational Labor Relations Board in February, 1996. Prior to his appointment, Mr. Blackwell served as Chief of Prosecutions at the Illinois Department of Professional Regulations for five years. He was also Chicago Personnel Manager for the Illinois Secretary of State from 1987 to 1991. He was Personnel Analyst for the Illinois Secretary of State, an Adjudicator for the Illinois Department of Rehabilitation Services, and a Securities Legal Intern and Reference Library Intern for the Illinois Secretary of State. Mr. Blackwell received his Juris Doctorate degree from Loyola University's School of Law where he graduated with honors, and his Bachelor of Arts degree from the University of Illinois in Political Science with triple minors in Economics, Sociology and Spanish.

Ellen Strizak, General Counsel

Ellen Maureen Strizak is the General Council of the Illinois Educational Labor Relations Board. She began working for the Illinois Educational Labor Relations as a Board Writer in 2002. Ms. Strizak was Staff Counsel for the Illinois Labor Relations Board from 2006 until 2010. She returned to the Illinois Educational Labor Relations Board in 2010 as Associate General Counsel and became General Counsel in 2019. Ms. Strizak received her B.A. in Psychology from the University of Iowa and her J.D. from the John Marshall Law School. Prior to law school, Ms. Strizak organized tenants as an AmeriCorps VISTA volunteer in Austin, Texas.

AGENCY ACTIVITIES

The Agency processes three categories of cases: representation cases, unfair labor practice cases and mediation cases.

Representation Cases

The most common types of representation cases are petitions for representation and petitions for unit clarification. Petitions for representation are generally filed by a labor organization seeking to be certified as the exclusive bargaining representative of a unit of educational employees or seeking to add employees to a unit which is already represented. The Act provides for a majority interest procedure to expedite certification if the petition is supported by more than 50 percent of the proposed bargaining unit and there are no objections or other issues which could affect majority status. The Act also provides for representation elections to be conducted if the unit sought will contain professional and nonprofessional employees; the unit is an historical one; if the petition seeks to decertify an exclusive representative or, if the petition is supported by at least 30 percent of the proposed bargaining unit.

The second major category of representation cases are petitions for unit clarification. The unit clarification process is used primarily to add or remove statutorily excluded employees from a bargaining unit; to resolve ambiguities concerning the unit placement of individuals who come within a newly-established classification or who fall

within an existing job classification that has undergone recent, substantial changes; and to resolve unit ambiguities resulting from changes in statutory or case law.

The Board also processes several other types of representation petitions, including petitions for voluntary recognition by an employer of an exclusive bargaining representative; petitions to amend certification due to a minor change in the name or organization of the exclusive bargaining representative; and petitions filed by an employer to determine whether a labor organization or exclusive representative represents a majority of the bargaining unit.

All representation petitions are investigated by the Board's agents. If a question concerning representation is raised during the course of the investigation, the case is scheduled for hearing and assigned to an Administrative Law Judge for resolution.

If an election is to be held, the Board Agent works with the parties to reach agreement on the date, time, place and other details of the election. Elections are conducted by secret ballot at a time and place when the majority of employees in the bargaining unit are working. Parties may file objections to the election within five days after the election. Objections are investigated, and if the objections are found to have affected the outcome of the election, a new election will be held. When the election procedures have concluded, a certification is issued by the Board.

Representation Cases FY 2020

Representation Cases Filed in FY 2020:

Petition to Determine Representative (RC)	9
Petition to Decertify Representative (RD)	3
Petition to Determine Unit (RS)	29
Petition to Determine Unit/Employer Filed (RM)	0
Voluntary Recognition Petition (VR)	0
Unit Clarification Petition (UC)	28
Amendment to Certification Petition (AC)	5
MIP Cases (includes RC and RS figures above/not added to total)	(37)
Total	74

Agency Activity on Representation Cases for FY 2020:

Certification of Representation	1
Certification of Results	2
Certification of Voluntary Representation	0
MIP Order of Certification	31
Withdrawal	6
Executive Director's Recommended Decision & Order	23
ALJ's Recommended Decision & Order	2
Elections/polls	3
Cases mediated by Board Agents	0
Total	68

Unfair Labor Practice Cases

Unfair labor cases are charges alleging that the conduct of an employer or a union, or both, constitute conduct prohibited by the Act. Unfair labor practice charges can be filed by educational employers, unions, or employees. After a charge is filed, it is assigned to a Board agent who conducts an investigation by contacting both the charging party and the charged party to obtain statements and documents from each to support their position. At the conclusion of the investigation, the Executive Director may either dismiss the charge or issue a complaint. A charging party whose charge has been dismissed by the Executive Director may appeal that decision to the Board. When the Executive Director issues a complaint, the matter is set for hearing before an Administrative Law Judge. During the hearing, the parties have the opportunity to present witnesses to testify and present documentary evidence. After the hearing, the Administrative Law Judge issues a Recommended Decision and Order in which the Administrative Law Judge

either finds that an unfair labor practice charge has been committed and orders an appropriate remedy or dismisses the charge. The Administrative Law Judge's Recommended Decisions and Orders are appealable to the Board.

Mediation Cases

The Board offers mediation in all unfair labor practice cases. Mediations most frequently occur after the Executive Director issues a complaint, but before the date of the scheduled hearing. However, Board agents can conduct mediations with the parties at all times during the unfair labor practice charge process. During mediation, both the charging party and the respondent meet with a Board agent to attempt to resolve the dispute and withdraw the unfair labor practice charge. Mediation is an important case processing tool. The Illinois Educational Labor Relations Board has successfully used mediation to resolve disputes in an amicable manner often avoiding the more costly and adversarial process of litigation.

Unfair Labor Practice Cases FY 2020

Unfair Labor Practice Cases Filed in FY 2020:

Unfair Labor Practice Charge Against Employer (CA)	66
Unfair Labor Practice Charge Against Labor Organization or Agents (CB)	12
Unfair Labor Practice Charge Contesting Fair Share Fees (FS)	0
Total	78

Agency Activity on Unfair Labor Practice Cases for FY 2020:

Withdrawn (including w/d by settlement)	51
Executive Director's Recommended Decision and Order	37
ALJ's Recommended Decision and Order	8
Complaints issued	31
Cases mediated by Board Agents	3
Total	130

Board Activity FY 2020

Board Opinion and Orders	11
Board Final Orders	59
Total	70

IM Cases

In IM cases, parties engaged in collective bargaining may initiate the public posting process. The parties then submit their most recent offers to the Board and the Board subsequently posts the offers on its website pursuant to Section 12(a-5) of the Act.

Parties engaged in collective bargaining shall notify the Board concerning the

status of negotiations if they have not reached an agreement by 90 days before the school year starts and again if they have not reached agreement by 45 days before the school year starts. Upon request of a party, the Board will invoke mediation if mediation has not already been initiated.

Strike Activity FY 2020
(July 1, 2019 – June 30, 2020)

<u>School County</u>	<u>Union Unit /No.</u>	<u>Notice Filed Date Settled</u>	<u>Strike Date Strike Days</u>
Triton College	CCCTU, #1600, IFT-AFT (mid managers; non-instructional support) 60 employees	10/8/19	11/06/19 1 day
Decatur SD 61	Decatur Fed of Teaching Asst, #4324, IFT-AFT (teaching, LPN, sign lang., hearing, special ed, etc. assistants) 275 employees	10/16/19	10/29/19 10/31/19 3 days
Evergreen Park Elem School Dist 124	Evergreen Park Fed of Teachers, SWSFT, #943, IFT-AFT (teachers, social workers, nurses, Speech/lang. path, secretaries, inst. aides, health aide, office clerks) 206 employees	09/19/19 10/30/19	
Carbondale Elem SD 95	Carbondale Ed Assn., IEA-NEA (licensed professional staff) 137 employees	09/24/19 09/25/19	
Murphysboro CUSD 186	Murphysboro Ed Assn., IEA-NEA (licensed professional staff) 152 employees	09/18/19	10/03/19 10/09/19 5 days
Governors State Univ.	UPI, #4100, IFT-AFT (faculty & academic support professionals) 250 employees	10/09/19 10/15/19	
Blue Ridge CUSD 178	Blue Ridge Fed. of Teachers, IFT-AFT (all employees in unit) 118 employees	10/10/19 10/27/19	

Addison School Dist. 4	Addison Teachers' Assoc., IEA-NEA Certified staff (all staff requiring a PEL as a condition of employment) 326 employees	10/10/19 10/28/19	
Mendota Elem SD 289	Mendota Ed Assoc., IEA-NEA (teachers) 76 employees	09/17/19 10/29/19	10/16/19 10/25/19 8 days
Chicago Board of ED	SEIU, Local 73 (security officers, storekeepers, Attendants, custodians, etc.) 7,000 employees	09/30/19 10/30/19	10/17/19 10/25/19 7 days
Chicago Board of ED	CTU, Local 1, IFT-AFT (teachers, aides, clerks, etc.) 25,000 employees	09/27/19 11/15/19	10/17/19 10/31/19 11 days (5 make up days)
Grayslake CCSD 46	Grayslake Fed of Teachers, LCFT, Local 504, IFT-AFT (employees in positions requiring Certification) 307 employees	10/24/19 11/21/19	11/07/19 11/07/19 1 day
Grayslake CCSD 46	Grayslake PSRP Council, LCFT Local 504, IFT-AFT (educational support personnel) 185 employees	10/24/19 11/21/19	11/07/19 11/07/19 1 day
Bremen Community High Schools	Joint Faculty Assoc., IEA-NEA (licensed professional HS staff) 348 employees	11/01/19 02/18/20	

Total Notices Filed for FY2020: 14
Total Strikes for FY2020: 8

MAJOR BOARD AND COURT CASES

UNFAIR LABOR PRACTICES

Union Unfair Labor Practices

Bowles/Elmhurst Teachers Council, IFT-AFT, AFL/CIO, 36 PERI 58, Case No. 2019-CB-0008-C (IELRB Opinion and Order, October 19, 2019)

The Board affirmed the Executive Director's dismissal of a charge alleging that the Union committed unfair labor practices within the meaning of Section 14(b) of the Act when it refused to file a grievance or unfair labor practice charge against the Charging Party's employer after she was disciplined. The Board found that the evidence did not support the Charging Party's contention that the Union refused to meet with her and that the Union's alleged failure to meet and to discuss the issue of the discipline did not establish that it breached its duty of fair representation.

Will Walker/Chicago Board of Education, 36 PERI 103, Case No. 2019-CA-0070-C (IELRB Opinion and Order, January 16, 2020) (see below)

TritonCollege/Cook County College Teachers Union, Local 1600, 36 PERI 97, 2020-CB-0006-C & 2020-CB-0007-C (IELRB Opinion and Order, December 19, 2019) (see below)

UNFAIR LABOR PRACTICES

Untimely Filed Charge

Chicago Board of Education/Chicago Teachers Union, 36 PERI 43, Case No. 2019-CA-0048-C (IELRB Opinion and Order, September 23, 2019)

Nine months prior to the charge filing, teachers received letters informing them that their employment was going to be non-renewed because they were not on track to be rated as proficient on their summative evaluations. The teachers subsequently received their ratings less than six months before the charge filing. The IELRB dismissed the charge as untimely, finding that the teachers were put on notice of the alleged unlawful conduct when they received the letters, not when they received the evaluation ratings.

Zak/Chicago Board of Education, 36 PERI 93, Case No. 2019-CA-0078-C (IELRB Opinion and Order, December 19, 2019)

The IELRB affirmed the Executive Director's dismissal of charge as untimely filed. The Charging Party knew or had reason to know of the alleged misconduct more than a year and a half before he filed the charge, well beyond the six-month period set forth in Section 15 of the Act.

Will Walker/Chicago Board of Education, 36 PERI 103, Case No. 2019-CA-0070-C (IELRB Opinion and Order, January 16, 2020)

The Charging party filed exceptions to the Executive Director's Recommended Decision and Order dismissing his unfair labor practice charge. The Board found that the portion of the charge alleging the Employer violated the Act by its evaluation ratings of the Charging Party prior to the 2018 2019 school year, relocation of his classroom and reassignment of his duties was untimely because it alleged the Charging Party was aware of that conduct more than six months prior to his charge filing. The Board dismissed the remainder of the charge because it alleged the Charging Party was terminated in retaliation for participation in activity outside the protections of the Act.

Zak/Chicago Teachers Union, 36 PERI 117, Case No. 2019-CB-0017-C (IELRB Opinion and Order, February 13, 2020)

The IELRB affirmed the Executive Director's dismissal of charge as untimely filed. The Charging Party knew or had reason to know of the alleged misconduct almost a year and a half before he filed the charge, well beyond the six-month period set forth in Section 15 of the Act.

Untimely Exceptions

Decatur Public School District 61/Hayes, et al., 36 PERI 29, Case No. 2018-CA-0049-C (IELRB Opinion and Order, August 15, 2019)

The IELRB struck the Charging Parties' exceptions sent by regular mail as untimely because the IELRB received them two days after their due date.

Injunctive Relief

Triton College/Cook County College Teachers Union, Local 1600, 36 PERI 97, 2020-CB-0006-C & 2020-CB-0007-C (IELRB Opinion and Order, December 19, 2019)

The Board denied the Employer's request for preliminary injunctive relief pursuant to section 16(d) of the IELRA in its two unfair labor practice charges against the Union. The first charge alleged that the Union violated section 14(b)(3) when it unlawfully withdrew from, proposed changes to and attempted to renegotiate the parties' TA regarding a successor collective bargaining agreement, engaged in regressive and bad faith bargaining, failed to designate agents with sufficient authority to engage in meaningful negotiations, failed to affirmatively support the parties' TA and unlawfully failed and refused to bargain in good faith. The Board indicated that although there was reasonable cause to believe that the Act may have been violated, preliminary injunctive relief was not just and proper because the ordinary remedy of cease and desist from refusing to bargain could be applied. The second charge alleged that the Union violated section 14(b)(3) and (1) and section 13(b) of the Act when it announced its intent to engage in a strike prior to completing all of the requirements for a lawful strike in section 13(b) of the Act because it did not serve its notice of intent to strike on the regional superintendent. The Employer subsequently amended its second charge to allege that the Union engaged in a strike prior to completion of all requirements set forth in section 13(b) of the Act. The Board found that the issue of whether there is a regional superintendent with

jurisdiction over the Employer was a issue of fact to be determined by the ALJ, thus the Employer's second charge did not have a significant likelihood of prevailing on the merits. Even if there had been reasonable cause to believe the Act had been violated, the Board stated preliminary relief was not just and proper because the strike was over so there was no further threat of a strike.

Printed by Authority of the State of Illinois
Printed by the IELRB
100 – 2021