

STATE OF ILLINOIS  
EDUCATIONAL LABOR RELATIONS BOARD

Charles M. Zak,	)	
	)	
Charging Party	)	
	)	
and	)	Case No. 2019-CA-0078-C
	)	
Chicago Board of Education,	)	
	)	
Respondent	)	

**OPINION AND ORDER**

**I. Statement of the Case**

On May 23, 2019, Charles M. Zak (Zak) filed a charge with the Illinois Educational Labor Relations Board (Board or IELRB) alleging that Chicago Board of Education (CBE) committed unfair labor practices within the meaning of Section 14(a) of the Illinois Educational Labor Relations Act (Act or IELRA), 115 ILCS 5/14(a) (2018). Following an investigation, the Board’s Executive Director issued a Recommended Decision and Order (EDRDO) wherein he dismissed Zak’s charge because it was untimely filed. Zak filed exceptions to the EDRDO. For the reasons discussed below, we affirm the EDRDO dismissing the unfair labor practice charge.

**II. Factual Background**

We adopt the facts as set forth in the underlying EDRDO. Because the EDRDO comprehensively sets forth the factual background of the case, we will not repeat the facts herein.

**III. Discussion**

Zak does not address the timeliness issue in his exceptions. Rather, his exceptions repeat the arguments he made in his charge that CBE was being dishonest and that it treated him differently than his coworker.

Section 15 of the Act provides that “[n]o order shall be issued upon an unfair labor practice occurring more than 6 months before the filing of the charge alleging the unfair labor practice.” The six-month period begins to run when the charging party knows or has reason to know that an unfair labor practice has occurred. *Wapella Education Association v. Illinois Educational Labor Relations Board*, 177 Ill. App. 3d 153, 531 N.E.2d 1371 (4th Dist. 1988). Only acts that occur within the six-month time period can serve as the basis for a timely charge. *Jones v. Illinois Educational Labor Relations Board*, 272 Ill. App. 3d 612, 650 N.E.2d 1092 (1st Dist. 1995); *City Colleges of Chicago/Johnson*, 12 PERI 1004, Case No. 95-CA-0047-C (IELRB Opinion and Order, December 8, 1995). In this case, Zak knew or had reason to know that he was given low ratings on his performance evaluations and that he was treated differently than his coworker by the time he retired on September 8, 2017. Yet he did not file the instant charge until May 23, 2019. For this reason, his charge was clearly untimely.

#### **IV. Order**

For the reasons discussed above, IT IS HEREBY ORDERED that the Executive Director’s Supplementary Recommended Decision and Order on Remand from the Board dismissing the charge is affirmed.

#### **V. Right to Appeal**

This is a final order of the Illinois Educational Labor Relations Board. Aggrieved parties may seek judicial review of this Order in accordance with the provisions of the Administrative Review Law, except that, pursuant to Section 16(a) of the Act, such

review must be taken directly to the Appellate Court of the judicial district in which the IELRB maintains an office (Chicago or Springfield). Petitions for review of this Order must be filed within 35 days from the date that the Order issued, which is set forth below. 115 ILCS 5/16(a). The IELRB does not have a rule requiring any motion or request for reconsideration.

Decided: **December 19, 2019**

Issued: **Chicago, Illinois**

/s/ Andrea R. Waintroob

Andrea R. Waintroob, Chairman

/s/ Judy Biggert

Judy Biggert, Member

/s/ Gilbert F. O'Brien

Gilbert F. O'Brien, Member

/s/ Lynne O. Sered

Lynne O. Sered, Member

/s/ Lara D. Shayne, Member

Lara D. Shayne, Member