

STATE OF ILLINOIS
EDUCATIONAL LABOR RELATIONS BOARD

Joanne Maloney,)	
)	
Charging Party)	
)	
and)	Case No. 2025-CA-0002-C
)	
Cook County School No. 130,)	
)	
Respondent)	

OPINION AND ORDER

I. Statement of the Case

On July 1, 2024, Joanne Maloney (Maloney or Charging Party) filed a charge with the Illinois Educational Labor Relations Board (IELRB or Board) alleging that Cook County School District No. 130 (District or Respondent) committed unfair labor practices within the meaning of Section 14(a) of the Illinois Educational Labor Relations Act (Act or IELRA), 115 ILCS 5/1, *et seq.*, when it delayed her return to work from medical leave and failed to provide her with a restroom equipped for handicapped use. Following an investigation, the Board’s Executive Director issued a Recommended Decision and Order (EDRDO) dismissing her charge in its entirety. Maloney filed timely exceptions to the EDRDO.¹

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 except as necessary to assist the reader.

III. Discussion

Section 1100.20(e) of the Board’s Rules and Regulations (Rules), 80 Ill. Admin. Code 1100-1135, requires documents filed with the Board to be accompanied by a certificate of service. A certificate of service is “a written statement, signed by the party effecting service, detailing the name of the party served and the date and manner of service.” Section 1100.20(e). Per Section 1100.20(f), failure of a party to serve a document or failure to attach a certificate of service may be grounds to strike the document if the failure results in prejudice to another party or

¹ Maloney filed another charge against the District, Case No. 2025-CA-0001-C. It was likewise dismissed. Maloney’s exceptions only reference 2025-CA-0002-C, so that is the only charge we address herein.

demonstrates disregard of the Board's processes. Section 1120.30(c) of the Rules states that when a charging party files exceptions to an EDRDO, "copies of all exceptions and supporting briefs shall be served upon all other parties and a certificate of service shall be attached." The Board has consistently stricken exceptions where a party has failed to provide a certificate of service or otherwise demonstrate that the exceptions have been served on the other parties. *Int'l Union of Operating Engineers, Local 143-143-B*, 21 PERI 23, Case No. 2004-CB-0013-C (IELRB, February 17, 2005). The Appellate Court approved this practice in *Jones v. IELRB*, 272 Ill.App.3d 612, 650 N.E.2d 1092 (1st Dist. 1995). In *Cahokia Federation of Teachers*, 19 PERI 1098, Case No. 2002-CB-0001-S (IELRB Opinion and Order, February 27, 2003), the Board found that the charging party's cc at the end of her exceptions listing names and addresses of respondent's representatives met the certificate of service requirement because it had all the characteristics listed in Section 1100.20(e). Under certain circumstances, exceptions filed by an email to the Board's general email address that is simultaneously cc'd to the other party's representative could meet the certificate of service requirement. See *Ortega/Des Plaines Educational Personnel Association, IEA-NEA*, 41 PERI 13, Case No. 2022-CB-0007-C (IELRB Opinion and Order, June 18, 2024).

In this case, Maloney filed her exceptions with the Board via email and did not attach a certificate of service to her exceptions or otherwise demonstrate that she served her exceptions upon the District. Maloney was informed of this requirement in the "Right to Exceptions" section of the EDRDO, instructing her that:

[E]xceptions 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." [emphasis in original]

The District did not file a response to Maloney's exceptions. That could be because she did not serve her exceptions on the District, prejudicing them because she denied them an adequate opportunity to respond. Or it could be because Maloney served her exceptions on the District, but it elected not to respond. Then, Maloney's failure to attach a certificate of service would demonstrate a disregard for the Board's processes that were clearly specified to her in the EDRDO. Therefore, we strike Maloney's exceptions.

Even if Maloney had attached a certificate of service, nothing in her exceptions warrants overturning the Executive Director's dismissal of the charge. Maloney's exceptions repeat the

assertions she made in her charge that the District failed to accommodate her in a manner that would have allowed her to return to work after her medical leave. While unfortunate if true, the complained-of conduct does not violate the IELRA absent some showing of a causal connection to her engaging in activity protected by the IELRA.

IV. Order

For the reasons discussed above, IT IS HEREBY ORDERED that the exceptions are stricken. The Executive Director’s Recommended Decision and Order 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: **January 7, 2025**
Issued: **January 7, 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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Cook County School District No. 130,)	
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EXECUTIVE DIRECTOR'S RECOMMENDED DECISION AND ORDER

I. THE UNFAIR LABOR PRACTICE CHARGE

On July 1, 2024, Charging Party, Joanne Maloney, filed an unfair labor practice charge with the Illinois Educational Labor Relations Board (IELRB or Board) in the above-captioned case, alleging Respondent, Cook County School District No. 130, violated Section 14(a) of the Illinois Educational Labor Relations Act (Act), 115 ILCS 5/1, *et seq.* After an investigation conducted in accordance with Section 15 of the Act, the Executive Director issues this dismissal for the reasons set forth below.

II. INVESTIGATORY FACTS

A. Jurisdictional Facts

Cook County School District No. 130 (District) is an educational employer within the meaning of Section 2(a) of the Act and subject to the jurisdiction of the Board. At all times material, Maloney was an educational employee within the meaning of Section 2(b) of the Act, employed by Respondent in the job title or classification of Teacher.

B. Facts relevant to the unfair labor practice charge

The District hired Maloney in or about 2004. During the 2023-2024 school year, Maloney taught seventh-grade science at the District's Veteran Memorial Middle School. In or about early 2024, Maloney had surgery on one of her ankles, and as a result, was scheduled off for four weeks to recover. Maloney asserts her doctor cleared her to return to work on March 22, 2024, but stipulated she required a restroom equipped for handicapped use—primarily one stall with a handrail on the wall. In mid- to late-February 2024, Maloney contacted Ashley Brink, Veteran's assistant principal, to inform her of her return date and

to ask whether there was a handicapped-equipped restroom on school premises. Brink was unsure as to the restroom question but promised to find out.

In early March, and again in early April 2024, Maloney telephoned Brink, to follow-up, but Brink had no answer as to the restroom question either time. On April 30, 2024, Maloney asserts she first learned she needed a doctor's letter to return to the classroom, which she subsequently obtained. Maloney returned to work on or about May 2, 2024.

III. THE PARTIES' POSITIONS

Herein, Maloney contends the District violated the Act in that it ineptly delayed her return from medical leave thereby causing her economic harm and failed to provide her with a restroom equipped for handicapped use. The District denies it violated the Act, arguing that it treated Maloney no differently than similarly situated employees.

IV. DISCUSSION AND ANALYSIS

Under Section 3 of the Act, educational employees are guaranteed the right of self-organization, the right to form, join or assist any labor organization, and the right to bargain collectively through representatives of their own choosing on questions of wages, hours, and other conditions of employment. Section 14(a)(1) of the Act makes it an unfair labor practice for an employer or its agents to interfere with, restrain or coerce educational employees in the exercise of their Section 3 rights.¹

In order for the Board to issue a complaint for hearing on allegations of a violation of Section 14(a)(1), the charging party, Maloney in this case, must at least be able to make some showing she engaged in protected activity, Respondent knew of that activity, and Respondent took adverse action against her as a result of her involvement in that activity. Neponset Community Unit School District No. 307, 13 PERI ¶1089, 1997 WL 34820232 (IELRB 1997).

Maloney does not claim, nor does the investigatory evidence indicate, Respondent took adverse action against her because she engaged in activity protected by this Act, but rather, her contention is simply the District ineffectually handled her return from medical leave causing her economic harm and failed to provide her with a restroom equipped for handicapped use. On these facts, it is impossible for Maloney to make any showing as to the causation element, as there is no dispute the complained-of acts, the inept

¹In her charge form, Maloney did not indicate which subsection of the Act she was alleging the District had violated, however, the facts presented during investigation related only to a potential violation of Section 14(a)(1).

handling of her return from medical leave and the failure to provide the necessary accommodations, were not because of, or in retaliation for, the exercise of rights protected under the Act. Assuming, without finding, the assertions made by Maloney in this matter are entirely true, the complained-of conduct may be unfair, unjust, or incompetent, but it does not violate the Act. Based on the foregoing, Maloney's claim fails to raise an issue of law or fact sufficient to warrant a hearing.

V. ORDER

Accordingly, the instant charge is hereby dismissed in its entirety.

VI. EXCEPTIONS

In accordance with Section 1120.30(c) of the Board's Rules and Regulations (Rules), 80 Ill. Admin. Code §§1100-1135, parties may file written exceptions to this Recommended Decision and Order together with briefs in support of those exceptions, not later than 14 days after service hereof. Parties may file responses to exceptions and briefs in support of the responses not later than 14 days after service of the exceptions. 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, the exceptions 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 Sections 1100.20 and 1120.30(c) of the Rules, concerning service of exceptions. If no exceptions have been filed within the 14-day period, the parties will be deemed to have waived their exceptions, and unless the Board decides on its own motion to review this matter, this Recommended Decision and Order will become final and binding on the parties.

Issued in Chicago, Illinois, this 13th day of November, 2024.

**STATE OF ILLINOIS
EDUCATIONAL LABOR RELATIONS BOARD**



**Victor E. Blackwell
Executive Director**