

STATE OF ILLINOIS
EDUCATIONAL LABOR RELATIONS BOARD

Lori Cramer,)	
)	
Charging Party)	
)	
and)	Case No. 2026-CB-0003-C
)	
Education Association of Round Lake,)	
IEA-NEA,)	
)	
Respondent)	

OPINION AND ORDER

I. Statement of the Case

On August 13, 2025, Lori Cramer (Cramer or Charging Party) filed a charge with the Illinois Educational Labor Relations Board (Board or IELRB) in the above-captioned matter alleging that Education Association of Round Lake, IEA-NEA (Union or Respondent) committed unfair labor practices within the meaning of Section 14(b) of the Illinois Educational Labor Relations Act (Act or IELRA), 115 ILCS 5/1, *et seq.* Following an investigation, the Board’s Executive Director issued a Recommended Decision and Order (EDRDO) dismissing the charge on December 31, 2025. Cramer filed exceptions to the EDRDO on January 15, 2026. The Union filed a timely response to Cramer’s exceptions on January 16, 2026.

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 except as necessary to assist the reader.

III. Discussion

The Board agent assigned to investigate the charge served the EDRDO on Cramer’s attorney via email at 2:01 p.m. on December 31, 2025. Exceptions to an EDRDO must be filed no later than 14 days after service of the EDRDO. 80 Ill. Adm. Code 1120.30(c). “[D]ocuments shall be considered filed with the Board on the date they are received by the Board Documents, including but not limited to documents filed electronically, must be received by the close of business in order to be considered to have been filed that day.” 80 Ill. Adm. Code 1100.20(a).

The Board's office is open during normal business hours from 8:30 a.m. to 5:00 p.m. on weekdays that are not legal holidays. 2 Ill. Adm. Code 2675.10 & 2676.500(c). Therefore, in order to be timely filed, the Board must have received Cramer's exceptions no later than 5:00 p.m. on January 14, 2026. Cramer's attorney filed her exceptions by email at 5:13 p.m. on January 14, 2026, so they are considered to have been filed the following business day, January 15, 2026. Consequently, Cramer filed her exceptions after the date on which they were due.

The Appellate Court has found that a charging party waives their right to contest a recommended decision and order by failing to file timely exceptions to that recommended decision and order. *Pierce v. IELRB*, 334 Ill. App. 3d 25, 777 N.E.2d 570 (1st Dist. 2002); *Board of Education of the City of Chicago v. IELRB*, 289 Ill. App. 3d 1019, 682 N.E.2d 398 (1st Dist. 1997). In accordance with the Appellate Court, the Board routinely strikes untimely exceptions. *Rochester Community Sch. Dist. No. 3A*, 35 PERI 7, Case No. 2017-CA-0059-C (IELRB Opinion and Order, June 19, 2018); *Proviso Township High Sch. Dist. #209*, 34 PERI 64, Case No. 2017-CA-0065-C (IELRB Opinion and Order, September 15, 2017); *Peoria School District 150*, 23 PERI 46, Case Nos. 2006-CA-0006-S, 2006-CA-0008-S, 2006-CA-0032-S (IELRB Opinion and Order, April 19, 2007). The Board rarely considers exceptions filed after 5:00 p.m. on their due date. In *Ross*, 41 PERI 116, Case No. 2025-CB-0001-C (IELRB Opinion and Order, February 19, 2025), the Board considered exceptions filed one minute after 5:00 p.m. The Board based its decision on the charging party's pro se status, the time given on her certificate of service indicated timeliness, the time stamp on the email was a mere minute late, and the respondent did not raise the timeliness issue in its response. None of those factors are present in this case. Here, Cramer's exceptions were filed by her attorney. The attached certificate of service is silent as to the time the exceptions were filed. The exceptions were a full thirteen minutes late and the Union argues in its response that the Board should strike the exceptions as untimely. The circumstances surrounding the exceptions filing in this case are similar to *Reitman*, 41 PERI 65, Case No. 2024-CB-0011-C (IELRB Opinion and Order, October 16, 2024), where the Board struck exceptions filed by an attorney at 11:59 p.m. as untimely. Likewise, we strike Cramer's exceptions as untimely filed.

Even if Cramer's exceptions had been timely, nothing in her exceptions warrants overturning the dismissal of her charge. Cramer's charge was dismissed primarily because it was untimely. That is, it was filed more than six months after she knew or should have known of the alleged misconduct.¹ Yet Cramer's exceptions do not address the Executive Director's determination that her charge was untimely. Instead, she devotes the bulk of her exceptions to the Executive Director's finding that any conduct that occurred within the six-month time period before her charge did not meet the standard necessary for a complaint to issue alleging the Union breached its duty of fair representation in violation of Section 14(b)(1) through intentional misconduct. Nothing in her exceptions indicates that the Union acted outside of the wide range of discretion it has in representing the bargaining unit by failing to take all the steps it might have taken to achieve the results Cramer desired.²

Cramer's remaining exception is that the Executive Director incorrectly framed her claim that the Union restrained her right to relief under the Family Medical Leave Act (FMLA) as outside of the Board's jurisdiction. This Board has repeatedly found that whether a charging party has rights protected by a code or statute other than the IELRA, such as the FMLA, is beyond the scope of its authority to assess. *Chicago Teachers Union*, 40 PERI 26, Case No. 23-CB-11-C (IELRB Opinion and Order, August 17, 2023); *Northern Illinois University*, 37 PERI 104, Case No. 20-CA-46-C (April 16, 2021); *General George S. Patton School Dist. 133*, 10 PERI 1118, Case No. 94-CA-0050-C (IELRB Opinion and Order, August 19, 1994). Accordingly, the

¹ 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*, 12 PERI 1004, Case No. 95-CA-0047-C (IELRB Opinion and Order, December 8, 1995).

² Unions have a wide range of discretion in representing the bargaining unit and a union's failure to take all the steps it might have taken to achieve the results desired by a particular employee does not violate the Act unless the union's conduct appears to have been motivated by vindictiveness, discrimination, or enmity. *Jones*, 272 Ill. App. 3d 612, 650 N.E.2d 1092.

Executive Director correctly determined that the Board has no jurisdiction to consider Cramer's FMLA claims.

IV. Order

For the reasons discussed above, IT IS HEREBY ORDERED that 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: **March 18, 2026**

Issued: **March 19, 2026**

/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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EXECUTIVE DIRECTOR’S RECOMMENDED DECISION AND ORDER

I. THE UNFAIR LABOR PRACTICE CHARGE

On August 13, 2025, Lori Cramer, filed an unfair labor practice charge with the Illinois Educational Labor Relations Board (IELRB or Board) in the above-captioned case, alleging Respondent, Education Association of Round Lake, IEA-NEA, violated Section 8 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

Round Lake Schools Community Unit School District 116 (District) is an educational employer within the meaning of Section 2(a) of the Act and subject to the jurisdiction of the Board. Lori Cramer (Cramer) is an educational employee within the meaning of Section 2(b) of the Act employed by the District in the title or classification of Social Worker. Education Association of Round Lake, IEA-NEA (Union or Respondent) is a labor organization within the meaning of Section 2(c) of the Act and is the exclusive representative within the meaning of Section 2(d) of the Act of a bargaining unit comprised of certain District employees including those in the title or classification of social worker.

B. Facts Relevant to the Unfair Labor Practice Charge

Cramer's charge alleged that the Union failed to represent her fairly in challenging alleged violations of the Union and Employer's collective bargaining agreement (CBA) and failed to assist her in addressing discrimination, harassment, and retaliation attempts by her employer. On January 9, 2025, the District asked Cramer to complete a behavior intervention plan (BIP) for one of her students within a three-week timeline. Following this directive, Cramer reached out to Union President, Krissi Gatlin (Gatlin), with concerns regarding the timeline. In response, Gatlin confirmed that she would attend a meeting with Cramer and the District where the parties would discuss Cramer's concerns.

On January 10, 2024, following the scheduled meeting between Cramer, the Union, and the District, Assistant Principal, Citlali Flores (Flores) emailed Cramer in an effort to address concerns regarding an incident of alleged unprofessional behavior involving Cramer toward another faculty member. Ultimately, Flores did not issue discipline and instead advised Cramer that unprofessional behavior would not be tolerated, and that any further actions would result in formal disciplinary action. Six days later, on January 16, 2025, Cramer, along with Union representative Erin Petterson (Petterson) met with the District regarding new allegations of alleged unprofessional behavior concerning Cramer. The behavior in question related to a separate incident of another faculty member witnessing Cramer conduct herself unprofessionally while at work. On January 22, 2025, the District issued Cramer a one-day suspension for inappropriate behavior regarding a conversation she had with the principal's secretary. Having previously received a written reprimand on February 27, 2024, the District stated that the one-day suspension related to the principal secretary incident was the next step in the progressive discipline process.

On February 7, 2025, Cramer attended another meeting, this time with Principal Brittany Howard, Flores, and Union Representative Petersen, regarding further concerns of unprofessional conduct. The focus of this investigation concerned Cramer's interactions with her students—specifically, when and how often she met with them. According to the disciplinary document issued on February 13, 2025, during the investigatory interview, Cramer acknowledged that she did not know how many core classes some of her

students had missed due to their absences associated with Cramer pulling them out of class. Moreover, the District alleged that Cramer had previously been informed that students were not to be pulled from core classes unless absolutely necessary, as when such conduct constituted a direct violation of District policy. As a result of the alleged violation, the District went to the next step in the progressive discipline process and issued Cramer a nine-day suspension.

Shortly before the District issued the nine-day suspension, Cramer emailed Gatlin and asked for a meeting so that she could have assistance in filing a harassment complaint against the District. In response, Gatlin informed Cramer that she was not able to assist her since harassment complaints were covered under District policy and not the CBA. In response, Cramer alleged that she was being retaliated against and accused Gatlin of not being supportive by not assisting her filing her harassment complaint. Thereafter, Gatlin responded to Cramer that she was not aware of any situations that would lead to a finding of retaliation in either of Cramer's investigations. Gatlin further affirmed that she would be present at Cramer's meetings with the District's Human Resources but would not assist her in filing a harassment complaint. After this email exchange with Gatlin, Cramer text messaged IEA UniServ Director Dave Jeliff asking for help. Jeliff responded that he had reached out to Gatlin and that he would speak to Gatlin after the meeting set for February 13 between Cramer and the District. Cramer then responded that she had not found Gatlin helpful and had asked for his help in filing the harassment complaint, which Gatlin refused to do. Jeliff did not respond to Cramer's request.

On February 13, 2025, Cramer received the aforementioned nine-day suspension. In a letter dated February 20, 2025, Cramer wrote a letter of rebuttal to the alleged unprofessional conduct and concluded the letter with her submission of her resignation effective at the end of the 2024-2025 school year which was to be presented at the District's February Board meeting. On February 24, 2025, the District's Board affirmed that Cramer's resignation would be effective May 28, 2025.

On April 9, 2025, following the resignation approval, Cramer emailed Petterson and Gatlin to inform them that she had been scheduled for a pre-disciplinary meeting on April 10 and asked for both Union

representatives to attend. Gatlin responded that she was not able to attend due to a conflict in scheduling, but Petterson confirmed that she would be in attendance. Following the meeting, on April 21, 2025, the District's Board of Education determined that Cramer engaged in unprofessional conduct when she failed to address unmet minutes for students' individual education programs and when she further failed to attempt to make up those unmet minutes. In response, Cramer asserted that she was out on FMLA leave and that employees do not have to secure coverage or make up work while they are out on protected leave. As a result of the alleged failure to follow District Policy, the District issued Cramer a remedial warning on April 22, 2025. Following this discipline, Cramer filed a charge with the Board on August 13, 2025.

III. THE PARTIES' POSITIONS

Herein, Cramer alleged that the Union violated Section 14(b)(1) of the Act by refusing to represent her fairly, restrained her right to academic freedom, and restrained her right to relief for FMLA violations. The Union denies that the complained-of conduct violates the Act.

IV. DISCUSSION AND ANALYSIS

A. Standard for Complaint

In order for the Complaint to issue, "the investigation must disclose adequate credible statements, facts, or documents which, if substantiated and not rebutted in a hearing, would constitute sufficient evidence to support a finding of a violation of the Act." *Lake Zurich School District No. 95*, 1 PERI 1031, Case No. 84-CA-0003-C (IELRB Opinion and Order, November 30, 1984); *Brown County Community Unit School District No. 1*, 2 PERI 1096, Case No. 85-CA-0057-S (IELRB Opinion and Order, July 31, 1986)." As a threshold matter, to survive the investigation and proceed to complaint and hearing, the investigation of an unfair labor practice charge must show material issues of fact and/or law as to whether there was a violation of the Act. *West Chicago School District 33*, 5 PERI ¶ 1091, Case Nos. 86-CA-0061-C, 87-CA-0002-C (IELRB Opinion and Order, May 2, 1989).

B. Unfair Labor Practice Charge

i. Alleged 14(b)(1) Violation

For the Charging Parties to demonstrate that such evidence exists necessary to meet the standard of complaint as set forth in *Lake Zurich*, they must show that the Union breached its duty of fair representation through intentional misconduct, pursuant to Section 14(b)(1) of the Act. 115 ILCS 5/14(b)(1) (2022). *Lake Zurich*, supra. To show that the Union committed intentional misconduct, the Charging Parties must identify a right or rights that she has been restrained or coerced from exercising, and demonstrate that the Union acted in a fraudulent, deceitful, or deliberately hostile manner and that the alleged misconduct (1) was aimed at the Charging Parties, and (2) occurred because of one's status (race, gender, national origin, etc.) or because of animosity between one or more of the Charging Parties and the Union (such as that based on past support for dissident unions or personal conflict). *Paxton-Buckley-Loda Education Association v. IELRB*, 304 Ill. App. 3d 343 (4th Dist. 1999); *Metropolitan Alliance of Police v. ILRB*, 345 Ill. App. 3d 579, 589 (1st Dist. 2003). The rights in question are defined in Section 3(a) of the Act, which grants educational employees the right to organize, form, join, or assist in employee organizations or to engage in lawful concerted activities for the purpose of collective bargaining or other mutual aid and protection or to refrain from engaging in any or all such activity.

In this case, Cramer filed her charge on August 13, 2025, which included allegations of failure to represent her fairly in discipline dating back to January 22, 2025. Six months prior to the date of the charge filing would have been February 13, 2025. Pursuant to Section 15 of the Act, no order shall issue based upon any unfair labor practice occurring more than six months prior to the filing with the Board, of the charge alleging the unfair labor practice. The six-month limitations period begins to run when the person aggrieved by the alleged unlawful conduct either has knowledge of it or reasonably should have known of it. *Jones v. IELRB*, 272 Ill. App. 3d 612, 650 (1st Dist. 1995); *Charleston Community Unit School District No. 1 v. IELRB*, 203 Ill. App. 3d 619, 7 PERI ¶ 4001 (4th Dist. 1990); *Wapella Education Association v. IELRB*, 177 Ill. App. 3d 153 (4th Dist. 1988). Accordingly, any alleged unlawful conduct before February

13 is not within the Board's authority to hear. Because Cramer filed her unfair labor practice charge more than six months after she knew of the conduct complained therein related to the timeframe of January 9, 2025, to February 12, 2024, conduct related to that portion of the charge is untimely.

Even if Cramer timely brought the charge arising out the events from the Union's representation during the disciplinary process, she failed to state a prima facie case for a violation of the Act. Here, Cramer alleges that the Union intentionally restrained her rights under the Act by: (1) Failing to conduct a basic investigation; (2) Failing to assist her in drafting her rebuttal; (3) Failing to file a grievance on her behalf. The evidence presented by the Union indicated that the Union's decision to refuse to process a grievance for Cramer was based on their belief that Cramer's claims went beyond the scope of the grievance process and that no violation of the contract occurred. In fact, a union is not required to process every grievance or take every grievance to arbitration. *AFSCME Local 3506 (Pierce)*, 16 PERI 1010, Case Nos. 99-CB-0002-C & 99-CB-0003-C (IELRB Opinion and Order, December 3, 1999); *University of Illinois at Urbana (Rochkes)*, 17 PERI 1054, Case Nos. 2000-CB-0006-S, 2001-CA-0007-S (IELRB Opinion and Order, June 19, 2001). However, a union has a duty to conduct good faith investigation of the merits of each claim. *Chicago Board of Education (Blumenthal)*, 10 PERI 1007, Case Nos. 93-CA-0065-C and 93-CB-0022-C (IELRB Opinion and Order November 10, 1993). "The exercise of [the union's] discretion would properly be based on criteria such as the perceived merit of the complaint, the likelihood of success in any action based thereon, the cost of prosecuting such an action, or the possible benefit to the union membership as a whole." *Norman Jones*, 272 Ill.App. 3d at 622.

Here, there is no evidence that the Union intentionally took action against Cramer due to her status or in an effort retaliate against her. Moreover, Cramer offers no evidence that she was treated differently from similarly situated employees or that the Union's decisions regarding her situation were motivated by anything other than a good-faith assessment of the merits of her case and the interests of the bargaining unit as a whole. Cramer's dissatisfaction with the Union primarily arises from its refusal to assist her in filing a harassment complaint against the District, its handling of the investigation, and its decision not to file a

grievance on her behalf for alleged violations of the CBA. She further claims that the Union failed to make even a minimal effort during the disciplinary process—a claim contradicted by evidence that the Union prepared for and attended multiple meetings with both Cramer and the District. Ultimately, much of Cramer’s dissatisfaction stems from a disagreement over how to interpret or enforce the CBA relating to sections on academic freedom and FMLA, which alone does not constitute a violation of the Act. As the exclusive representative has a wide range of discretion in representing the bargaining unit, and as the Board has previously held, a union’s failure to take all the steps it might have taken to achieve the results desired by a particular employee does not violate the Act, unless as noted above, the union’s conduct appears to have been motivated by vindictiveness, discrimination, or enmity. *Jones v. Illinois Educational Labor Relations Board*, 272 Ill. App. 3d 612, 11 PERI ¶ 4010 (1st Dist. 1995). As there is no evidence indicating the Union was so motivated, Charging Party failed to present grounds upon which to issue a complaint for hearing on this charge.

ii. Allegations Outside the Act

Here, Cramer alleged that the Union restrained her right to relief under the Family Medical Leave Act (FMLA). Apart from the allegation that the Union failed to investigate violations of FMLA or submit a grievance regarding the issue on Cramer’s behalf, any alleged violations of FMLA fall outside the scope of the Act. Whether a charging party has rights protected by a code or statute other than the Illinois Educational Labor Relations Act, or by the Constitution, is beyond the scope of the Board’s authority to assess. *General George S. Patton School District 133*, 10 PERI 1118, Case No. 94-CA-0050-C (IELRB Opinion and Order, August 19, 1994). Accordingly, Cramer’s allegation of a violation of the FMLA is not within the authority of the Board to hear and is outside of its jurisdiction. She may have a basis to pursue such claims in other adjudicating forums.

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), Ill. Admin. Code tit. 80, §§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, 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, the 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 with 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.

Dated: December 31, 2025
Issued: Chicago, Illinois

Victor E. Blackwell, Executive Director

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