

STATE OF ILLINOIS
EDUCATIONAL LABOR RELATIONS BOARD

Wayne Davis,	)	
	)	
Charging Party	)	
	)	
and	)	Case No. 2026-CA-0072-C
	)	
Chicago Board of Education,	)	
	)	
Respondent	)	

OPINION AND ORDER

I. Statement of the Case

On March 16, 2026, Wayne Davis (Davis or Charging Party) filed a charge with the Illinois Educational Labor Relations Board (Board or IELRB) in the above-referenced matter alleging that Chicago Board of Education (CBE 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.* Following an investigation, the Board’s Executive Director issued a Recommended Decision and Order (EDRDO) dismissing the charge as untimely filed on May 6, 2026. Davis filed timely exceptions to the EDRDO on May 20, 2026. CBE did not file a response to his exceptions.

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 Executive Director dismissed Davis’ charge as untimely because he knew or should have known of the misconduct he alleged violated the Act more than six months before he filed the charge. In his exceptions, Davis apologizes for his delay in filing the charge. He notes that his previous attorney initially advised him to pursue the matter with the EEOC and only instructed him to file this charge with the IELRB in February. He maintains that if he had fully understood the role of the IELRB and the applicable procedures, he would have filed his charge sooner and accordingly asks that the timing of his filing not be used as the basis for his dismissal.

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). The statutory time period is jurisdictional in nature and cannot be tolled. *Charleston Community Unit School District No. 1 v. IELRB*, 203 Ill. App. 3d 619, 561 N.E.2d 331 (4th Dist. 1990). 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, Davis knew or had reason to know of the layoff on July 26, 2025, nearly eight months prior to his filing the charge in this matter. Davis’ contention that his attorney did not initially advise him to file an unfair labor practice charge cannot cause his charge to be timely, as the six month period to file begins to run when the party has knowledge of the alleged conduct, not when they later understand the legal significance of that conduct. *Jones*, 272 Ill. App. 3d 612, 650 N.E.2d 1092; *Chicago Board of Education/Cunliffe*, 29 PERI 176, Case No. 2012-CA-0085-C (IELRB Opinion and Order, April 19, 2013). Nor does Davis’ lack of knowledge of the IELRB’s existence and procedures render his charge timely. Confusion or lack of knowledge concerning the law cannot operate to confer jurisdiction on the Board where the six-month statute of limitations period has run. *Charleston Community Unit Sch. Dist. No. 1 v. Illinois Educational Labor Relations Board*, 203 Ill. App. 3d 619, 561 N.E.2d 331 (4th Dist. 1990). Davis raised nothing in his exceptions to upset the Executive Director’s determination that his charge was untimely.

IV. Order

For the reasons discussed above, IT IS HEREBY ORDERED that the Executive Director’s Recommended Decision and Order is affirmed and the charge is dismissed in its entirety.

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: **August 24, 2026**

Issued: **August 24, 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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Wayne Davis,
Charging Party
and
Chicago Board of Education,
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Case No. 2026-CA-0072-C

I. THE UNFAIR LABOR PRACTICE CHARGE

II. INVESTIGATORY FACTS

Chicago Board of Education (CBE) 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 herein, Davis was an educational employee within the meaning of Section 2(b) of the Act, employed by Respondent in the title or classification of College and Career Counselor. Chicago Teachers Union, Local 1, IFT-AFT, AFL-CIO (Union), is a labor organization within the meaning of Section 2(c) of the Act, and the exclusive representative within the meaning of Section 2(d) of the Act, of a bargaining unit comprised of certain of Respondent's employees, including those in the title or classification of College and Career Counselor. At times material, Davis was a member of the Union's bargaining unit. The CBE and Union are parties to a collective bargaining agreement (CBA) which provides for a grievance procedure culminating in arbitration, for the bargaining unit to which Davis belongs.

The CBE initially hired Davis on July 1, 2019, as an hourly employee in its CityWide Sports and Facilities Management Department. Thereafter, the CBE employed Davis in a number of different positions at its various schools, until it hired him into the title or classification of College and Career Counselor and assigned him to its Manley Career Academy High School for the 2024-2025 school year.

At Manley, a substantial portion of the duties of Davis' title was to provide counseling to students in a classroom setting, on a daily basis, throughout the school year, and track and upload to a data file, each student's progress as the year unfolded. The CBE required Davis to follow a curriculum of daily lesson plans designed to instruct students on how to identify personal goals, apply for admission to colleges, and seek student aid and scholarships.¹

Davis apparently had substantial difficulties performing the duties of his new counselor position. On or about March 21, 2025, the Manley principal, Melanie Beatty, issued him a first written warning for failing to perform the duties of his title and negligent supervision of the students in his care. Among the behaviors for which Beatty cited Davis was his failure to schedule meetings with students and parents to discuss completing financial aid forms and conduct related seminars; regularly releasing his class early; and permitting two students to engage in a "play fight" which resulted in one of them requiring medical attention.

On or about April 23, 2025, Beatty issued Davis a second written warning, again for failing to perform the duties of his title and negligent supervision of the students in his care. Specifically, Beatty noted Davis failed to track and effectively assist students with college scholarship and FAFSA applications—pointing out some of his senior students were in danger of not graduating on time as they had not completed their FAFSA applications, a requirement to graduate.

On April 29, 2025, one of Davis' students threw another student's water bottle out a classroom window, where it landed on the roof adjacent to the window. Davis allowed another student to climb out the window and retrieve the bottle. Beatty and others in the Manley administration subsequently learned of this incident, and on May 5, 2025, summoned Davis to discuss it with him. During the meeting, Davis admitted to allowing one of his students to climb onto the roof.

On or about May 27, 2025, Beatty issued Davis a final written warning, again for failing to perform the duties of his title and negligent supervision of the students in his care. Specifically, Beatty cited Davis' failure to conduct college fairs, hold parent workshops, and ensure his students timely submitted applications for financial aid and college admittance. On the same date, the CBE suspended Davis, with pay, pending a preliminary investigation into the water bottle-roof incident. On or about June 16, 2025, after an internal evidentiary hearing on the incident, the CBE suspended Davis without pay. Due to financial issues, on July 26, 2025, the CBE eliminated Davis' position, placed him on layoff, and

¹In his charge, Davis contends the CBE required him to provide instruction on the general education curriculum, which as he is not licensed as a teacher, he asserts he was unable to satisfactorily accomplish. Davis further alleges he filed a grievance in or about December 2024 or January 2025, challenging the assignment to teach the general education curriculum. The CBE denies both of these allegations, contending Davis was never assigned to teach the general education curriculum, and to the best of its knowledge, neither Davis, nor the Union on his behalf, ever filed a grievance regarding his duties. Davis did not provide a copy of the grievance in support of his charge.

designated him as ineligible for rehire, unless the misconduct charges against him, related to the water bottle-roof incident, are determined to be without merit.

III. THE PARTIES' POSITIONS

Herein, Davis contends the CBE harassed him and placed him on layoff because he filed a grievance in or about December 2024 or January 2025, challenging the assignment to teach the general education curriculum. The CBE denies it violated the Act and contends Davis' charge is untimely filed.

IV. DISCUSSION AND ANALYSIS

The instant charge is untimely filed. 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 N.E.2d 1092 (1st Dist. 1995); Charleston Community Unit School District No. 1 v. IELRB, 203 Ill. App. 3d 619, 561 N.E.2d 331, 7 PERI ¶4001 (4th Dist. 1990); Wapella Education Association v. IELRB, 177 Ill. App. 3d 153, 531 N.E.2d 1371 (4th Dist. 1988).

Herein, Davis filed his charge on March 16, 2026, and therefore, the date six months prior to his filing was September 16, 2025. Accordingly, alleged unlawful conduct he knew of before September 16, 2025, or reasonably should have known of by that date, cannot be the subject of a timely charge. The conduct by the CBE, about which Davis now complains, occurred at the absolute latest, on July 26, 2025, when the CBE eliminated Davis' position and placed him on layoff. Yet, despite his knowledge of the complained-of conduct by at the latest, July 26, 2025, Davis did not file the instant charge until March 16, 2026, nearly eight months later. Because Davis filed his unfair labor practice charge more than six months after he knew of the conduct complained of therein, it is untimely.

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. Documents, including but not limited to those filed by email, must be received by 5:00 p.m. Central

Standard Time in order to be considered filed on that day. 80 Ill. Adm. Code 1100.20(a); 2 Ill. Adm. Code 2675.10 and 2676.500(c). 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 6th day of May, 2026.

**STATE OF ILLINOIS
EDUCATIONAL LABOR RELATIONS BOARD**

/s/ Jeffrey W. Crabtree

**Jeffrey W. Crabtree
Executive Director**