

STATE OF ILLINOIS
EDUCATIONAL LABOR RELATIONS BOARD

Marvin Bowman,	)	
	)	
Charging Party	)	
	)	
and	)	Case No. 2026-CB-0025-C
	)	
Chicago Teachers Union,	)	
Local 1, IFT-AFT, AFL-CIO,	)	
	)	
Respondent	)	

OPINION AND ORDER

I. Statement of the Case

On February 11, 2026, Marvin Bowman (Bowman or Charging Party) filed a charge with the Illinois Educational Labor Relations Board (Board or IELRB) in the above-referenced matter alleging that Chicago Teachers Union, Local 1, IFT-AFT, AFL-CIO (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 May 28, 2026. On June 18, 2026, the Charging Party filed exceptions to the EDRDO. The Respondent did not file a response.

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 Charging Party received the EDRDO on May 28, 2026. Exceptions to an EDRDO must be filed no later than 14 days after service of the EDRDO. 80 Ill. Adm. Code 1120.30(c). Therefore, the Charging Party's exceptions were due no later than June 11, 2026. The Charging

Party's exceptions were filed on June 18, 2026.¹ Accordingly, the Charging Party filed his 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).

IV. Order

For the reasons discussed above, IT IS HEREBY ORDERED that the Charging Party's exceptions are stricken as untimely and the Executive Director's Recommended Decision and Order dismissing the charge is binding upon the parties.

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

¹ The certificate of service attached to the exceptions states they were filed on June 17, 2026 via email. However, the email indicates they were sent the following day.

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

Illinois Educational Labor Relations Board

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EXECUTIVE DIRECTOR’S RECOMMENDED DECISION AND ORDER

I. THE UNFAIR LABOR PRACTICE CHARGE

On February 11, 2026, Marvin Bowman filed an unfair labor practice charge with the Illinois Educational Labor Relations Board (IELRB or Board) in the above-captioned case, alleging Respondent, Chicago Teachers Union, Local 1, IFT-AFT, AFL-CIO, violated Section 14(b) 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.¹

II. INVESTIGATORY FACTS

A. Jurisdictional Facts

Chicago Public Schools (District) is an educational employer within the meaning of Section 2(a) of the Act and is subject to the jurisdiction of the Board. Marvin Bowman (Bowman) is an educational employee within the meaning of Section 2(b) of the Act employed by the District in the title or classification of Teacher. Chicago Teachers Union, Local 1, IFT-AFT, AFL-CIO (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 Teacher.

¹ On March 1, 2026, Bowman signed an extension waiver to waive all obligations of the Illinois Educational Labor Relations Board under Section 15(1) and (2) of the Illinois Educational Relations Act, 115 ILCS 5/1, *et seq.*

B. Facts Relevant to the Unfair Labor Practice Charge

Bowman's charge alleged that the Union assisted the District with discrimination, retaliation, and harassment against him for filing grievances and initiating litigation. During the course of the investigation, Bowman did not provide a narrative or statement of facts regarding the alleged violations of the Act; instead, the only alleged facts are those that appear on the face of the Charge. Within the Charge, Bowman stated that the District violated his collective bargaining rights, state rights, and federal rights for the past eight years. Bowman also alleged that the Union assisted the District in violating these rights and has been inept at processing his grievances. Moreover, Bowman asserted that the District and Union assisted one another in destroying school documents, colluding to delay litigation and grievance dates, and targeting his rights.

In 2023, the Union took two of Bowman's grievances to arbitration in the form of a consolidated hearing. The hearing involved issues related to class size and assistance within the classroom, which ultimately resulted in the arbitrator issuing a split decision. On September 17, 2025, Bowman contacted the Union regarding other grievances that he had filed. On October 1, 2025, counsel for the Union contacted Bowman to learn more about the three grievances that he had filed. For each of the three separate grievances, Union counsel asked Bowman for additional evidence so that the Union could evaluate the arbitrability of the grievances. Following the Union's requests, Bowman did not respond. On February 11, 2026, Bowman filed the charge in this matter against the Union.

III. THE PARTIES' POSITIONS

Herein, Bowman alleged that the Union violated Section 14(b) of the Act by discriminating, retaliating, and harassing him throughout the grievance process.² The Union denies that the complained-of conduct violates the Act.

² Although Bowman left the subsections blank on his 14(b) charge form, the facts listed in the charge clearly embody the protections set forth in 14(b)(1) and thus warrant a review.

IV. DISCUSSION AND ANALYSIS

A. Standard for Complaint

In order for a 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. Timeliness of the Charge

In this case, Bowman filed the Charge on February 11, 2026, which included allegations of retaliation, harassment, and discrimination dating back eight years. Six months prior to the date of the charge filing would have been August 11, 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 August 11, 2025, is not within the Board’s authority to hear.

ii. Alleged 14(b)(1) Violation

For the charging party 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 party must show that the union's conduct was intentional and aimed at the charging party, and occurred because of the charging party's past actions or status (race, gender, national origin, etc.), or because of animosity between the charging party 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).

In this case, Bowman asserted that the Union violated Section 14(b) of the Act by violating his collective bargaining rights in how they handled his grievances against the District. A union has no legal duty to process every grievance that is filed, or to pursue all grievances to arbitration. *Chicago Teachers Union*, 10 PERI 1008, Case No. 93-CB-0028-C (IELRB Opinion and Order, November 10, 1993). Rather, the Union's obligation under the duty of fair representation is to conduct a good faith investigation to determine whether a claim has merit. *Chicago Board of Education (Blumenthal)*, 10 PERI 1007, Case Nos. 93-CA-0065-C, 93-CB-0022-C (IELRB Opinion and Order, November 10, 1993). A Union has discretion in deciding how far to pursue employees' complaints, "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 at a whole." *Norman Jones v. IELRB*, 272 Ill. App. 3d 612, 622-23, 650 (1st Dist. 1995). Here, Bowman presented no evidence to show that the Union violated their duty of fair representation after processing two of his grievances to arbitration and by requesting further information from him on the three subsequent grievances he filed to assist in their investigation.

The conduct herein, complained of by Bowman, is not unlawful, at least under the circumstances of this case. 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, Bowman failed to present grounds upon which to issue a complaint for hearing on this charge.

C. Allegations Outside the Act

Throughout the course of providing evidence and on the face of the Charge, Bowman made additional allegations against the Union regarding violations of law. These allegations include the general violations of state and federal law. 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, Bowman's allegation that his state rights, outside the Act, and federal rights were violated are not within the authority of the Board to hear and are outside of its jurisdiction. He 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), 80 Ill. Adm. 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. 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 that day. 80 Ill. Adm. Code 1100.20(a); 2 Ill. Adm. Code 2675.10 & 2676.500(c). Any document received by the Board after 5:00 p.m. Central Standard Time is deemed filed the following business day. 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.

Dated: May 28, 2026
Issued: Chicago, Illinois

/s/ Jeffrey W. Crabtree

Jeffrey W. Crabtree, Executive Director

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