

STATE OF ILLINOIS
EDUCATIONAL LABOR RELATIONS BOARD

Ruthie Bean,	)	
	)	
Charging Party	)	
	)	
and	)	Case No. 2026-CB-0032-C
	)	
Cahokia Federation of Teachers,	)	
Local 1272, IFT-AFT, AFL-CIO,	)	
	)	
Respondent	)	

OPINION AND ORDER

I. Statement of the Case

On March 18, 2026, Ruthie Bean (Bean or Charging Party) filed an unfair labor practice charge with the Illinois Educational Labor Relations Board (Board) in the above-captioned matter alleging that Cahokia Federation of Teachers Local 1272, IFT-AFT, AFL-CIO (Union or Respondent) violated Sections 14(b)(1), (2) and (3) of the Illinois Educational Labor Relations Act, 115 ILCS 5/1, *et seq.* (Act or IELRA). The Board’s Executive Director issued a Recommended Decision and Order (EDRDO) dismissing the charge in its entirety on July 6, 2026. Bean filed timely exceptions to the EDRDO on July 27, 2026.¹ The Union 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 Executive Director dismissed Bean’s allegation that the Union violated Section 14(b)(1) of the Act because she presented no evidence that the Union engaged in intentional misconduct when it refused to file grievances on her behalf.

¹ On July 10, 2026, Bean requested and was granted an extension of time to file her exceptions. For that reason, her exceptions are considered timely.

Section 14(b)(1) of the Act prohibits employee organizations, their agents or representatives, and educational employees from:

Restraining or coercing employees in the exercise of the rights guaranteed under this Act, provided that a labor organization or its agents shall commit an unfair labor practice under this paragraph in duty of fair representation cases only by intentional misconduct in representing employees under this Act.

It is well established that this Section encompasses a duty of fair representation. *NEA, IEA, Rock Island Education Ass'n (Adams)*, 10 PERI 1045, Case No. 93-CB-0025-C (IELRB Opinion and Order, February 28, 1994); *Township High School District 214*, 3 PERI 1121, Case Nos. 87-CA-0003-C, 87-CB-0002-C (IELRB Opinion and Order, November 10, 1987). However, Section 14(b)(1) provides that a labor organization does not violate its duty of fair representation unless it engages in intentional misconduct. Intentional misconduct consists of actions that are conducted in a deliberate and severely hostile manner, or fraud, deceitful action, or conduct. *Norman Jones v. IELRB*, 272 Ill. App. 3d 612, 650 N.E.2d 1092 (1st Dist. 1995); *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).

Bean's first exception is that the EDRDO improperly dismissed her charge by resolving disputed facts before a hearing could occur. She claims that the evidence and documents she submitted with her charge create a factual dispute as to whether the Union fairly considered her requests for assistance. In a similar manner, Bean's third exception is that the EDRDO did not fairly address her documentary evidence showing repeated requests for help from the Union and its repeated non-response or refusal to help. A review of the record indicates that Bean's claims that the Union ignored her concerns are not accurate. She brought her complaints about the salary step increase to the Union's President and its Field Service Director. By Bean's own account, both of them listened but were not able to give Bean the outcome she desired: a salary step increase. Nor would the Union agree to file a grievance on Bean's behalf. Although the Union may not have agreed with Bean's interpretation of the contract as requiring the School District to grant her a salary step increase, that alone does not amount to intentional misconduct on the part of the Union.

Bean's second exception is that the Executive Director's view of unlawful union conduct was too narrow. In particular, she complains that it does not allow for a review of the Union's decision not to pursue her grievance unless she has already proved bad faith. She is correct. Absent evidence of

intentional misconduct, a union's decision whether to file a grievance is an internal union matter that does not amount to a violation of the IELRA.

Bean's fourth exception is that the EDRDO incorrectly treated her allegations of hostility, unequal treatment, and discrimination as irrelevant. It is true that the EDRDO did not reference the various workplace gripes Bean recounted in her investigatory submission. For good reason, as most of them are not relevant to the Union or her rights under the IELRA. The only one that warrants examination is a comment Bean alleges was made by the Union President. According to Bean, as she was heating her lunch on November 13, 2025, she overheard the Union President state that her coworkers are like Christmas tree lights, some of them are bright and some of them are not. Even if the Union President made the statement, Bean presents no evidence that it was directed at her or was referring to her or her dealings with the Union. Thus, even if substantiated, Bean has not shown that the Union President's statement rose to the level of demonstrating intentional misconduct.

Bean's fifth exception is that the EDRDO overlooked the Union's unlawful conduct because the Union believed her grievance would be unsuccessful. That is, Bean reads the EDRDO to assume that if the Union believed a grievance would not succeed, its refusal to pursue the grievance cannot be reviewed. Where a union, after a good faith investigation, concludes that a claim is without merit under its collective bargaining agreement, the union may elect not to process the claim without violating its duty of fair representation. *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 is not required to process every grievance, *AFSCME Local 3506 (Pierce)*, 16 PERI 1010, Case Nos. 99-CB-0002-C & 99-CB-0003-C (IELRB Opinion and Order, December 3, 1999) or take every grievance to arbitration. *Rochkes*, 17 PERI 1054. A union has considerable discretion in handling grievances. *Jones*, 272 Ill. App. 3d 612, 650 N.E.2d 1092; *Rochkes*, 17 PERI 1054. "The exercise of that 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." *Jones*, 272 Ill. App. 3d 622-23, 650 N.E.2d 1099. A union's discretion and its failure to take all the steps it might have taken to obtain the outcome desired by a bargaining unit member does not violate the Act unless its conduct appears to have been motivated by vindictiveness, discrimination, or

enmity. *Id.* Nothing in the record demonstrates that the Union acted outside of that wide range of discretion or that its decision was arbitrary, discriminatory, or made in bad faith.

The EDRDO dismissed Bean's 14(b)(2) and (3) allegations for lack of standing. Bean's exceptions request the Board reject the EDRDO. However, her exceptions only address her 14(b)(1) allegations. They do not reference 14(b)(2) or (3). As such, we consider Bean's silence as waiving her arguments to the dismissal of the 14(b)(2) and (3) allegations and decline to consider them in this Opinion and Order.

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: **October 14, 2026**

Issued: **October 14, 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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