

STATE OF ILLINOIS
EDUCATIONAL LABOR RELATIONS BOARD

Chicago Board of Education,	)	
	)	
Employer	)	
	)	
and	)	Case No. 2026-RS-0022-C
	)	
Chicago Teachers Union,	)	
	)	
Petitioner	)	

OPINION AND ORDER

I. Statement of the Case

On January 7, 2026, Chicago Teachers Union (Petitioner or Union) filed a majority interest petition with the Illinois Educational Labor Relations Board (IELRB or Board) pursuant to Section 7 of the Illinois Educational Labor Relations Act (IELRA or Act), 115 ILCS 5/1, *et seq.*, seeking to add employees of Chicago Board of Education (CBE or Employer) in the title or position of school Operations Manager (Operations Manager) to its existing bargaining unit of CBE’s employees.¹ There are approximately 23 persons in the petitioned-for position. CBE objected to the petition, asserting that the Operations Managers do not fit into the historical pattern of recognition of the existing bargaining unit and do not share a community of interest with the unit members. On March 10 and 17, the parties appeared for a hearing before an Administrative Law Judge (ALJ).² On May 12, the ALJ issued a Recommended Decision and Order (ALJRDO). Therein, he dismissed CBE’s historical pattern of recognition argument, reasoning that because the Operations Managers have not previously been represented, the

¹ All dates referenced herein occur in 2026, unless otherwise indicated.

² Pursuant to Section 7(c-5) of the Act and Section 1110.105 of the Board’s Rules and Regulations, 80 Ill. Admin. Code 1110.105, the Union and CBE executed a limited waiver of the Board’s obligation in the above-captioned case to ascertain the petitioned-for position’s choice of labor organization within 120 days of the filing of the majority interest petition, and to commence a hearing within 30 days of service of the petition. The parties’ waiver extends the deadline to July 6. The Board may extend the 120-day period by 60 days on its own motion. 80 Ill. Admin. Code 1110.105(z). In order for this opinion and order to issue following our June 17 meeting, the last meeting before July 6, we would have needed to discuss this matter at our May 20 meeting. However, the exceptions period did not expire until May 26. For that reason, we extend the deadline on our own motion for an additional 60 days, until September 4.

historical pattern of recognition is not a factor. He found that a majority of the community of interest factors were shared between the Operations Managers and the existing unit, thus the petitioned-for unit was appropriate for the purposes of collective bargaining. CBE filed timely exceptions to the ALJRDO on May 19.³ On May 27, the Union requested an extension of time to file its response. CBE objected to the request because it was made after the due date for the response. The Union withdrew its request, noted that it opposed the exceptions, and requested that the Board adopt the correctly decided ALJRDO.

II. Factual Background

We adopt the facts as set forth in the underlying ALJRDO. Because the ALJRDO 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

In determining whether a bargaining unit is appropriate, the Board is guided by Section 7(a) of the Act, which provides, in relevant part: “the Board shall decide in each case, in order to ensure employees, the fullest freedom in exercising the rights guaranteed by this Act.” Pursuant to Section 7(a), the Board considers the following community of interest factors to resolve unit determinations: employee skills and functions, degree of functional integration, interchangeability and contact among employees, common supervisor, wages, hours, and other working conditions of the employees involved, and the desires of the employees. Here, the ALJ found that the Operations Managers share a sufficient community of interest with the existing bargaining unit to constitute an appropriate unit.

³ CBE does not except to the ALJ’s dismissal of its historical pattern of recognition argument. Thus, it has waived that argument and we need not address the issue.

1. Interchangeability

CBE's first exception is to the ALJ's determination that there is interchangeability between the Operations Manager and employees in the existing unit that favors a community of interest. When a school does not have an Operations Manager position, the Principal has discretion to assign the duties that would have been performed by that position to a Clerk or Assistant Principal. The ALJ found that the Principals' discretion in allocating an Operations Manager's duties demonstrated interchangeability between the Operations Manager and the Clerk, a position that is part of the existing unit. CBE notes that Principals do not have unfettered discretion to assign job duties and must abide by established policies and job descriptions. Nothing in the ALJRDO suggests otherwise.

Next, CBE notes that the aforementioned discretion allows Operations Manager duties to not only be assigned to Clerks, but also to Assistant Principals. The Assistant Principals are not part of the existing bargaining unit. CBE argues that Operations Managers are more akin to Assistant Principals than Clerks, so they are not interchangeable with members of the existing unit. The Board has recognized that more than one appropriate bargaining unit may cover the same employees and has rejected any requirement of maximum coherence or selection of a most appropriate unit if more than one potential configuration would be appropriate. *Edwardsville Community Unit School Dist. No. 7*, 8 PERI 1003, Case Nos. 91-RC-0022-S (IELRB Opinion and Order, November 21, 1991). The Act does not require that a petitioned-for unit be the most appropriate unit, but rather an appropriate unit. *Board of Trustees of the University of Illinois v. Illinois Educational Labor Relations Board*, 2015 IL App (4th) 140557, ¶140; *Black Hawk College Professional Technical Unit v. IELRB*, 275 Ill. App. 3d 189, 655 N.E.2d 1054 (1st Dist. 1995); *University of Illinois*, 7 PERI 1103, Case No. 90-RS-0017-S (IELRB Opinion and Order, September 13, 1991), *rev'd on other grounds*, 235 Ill. App. 3d 709, 600 N.E.2d 1292 (4th Dist. 1992). To refuse to find a bargaining unit appropriate because of the possible existence of a more appropriate alternative unit would not serve the statutory purpose of ensuring employees

the fullest freedom in exercising the rights guaranteed them by the Act. *Board of Trustees of the University of Illinois*, 21 PERI 119, Case No. 2005-RC-0007-S (IELRB Opinion and Order, July 14, 2005), *aff'd*, No. 4-05-0713 Ill. App. Ct. (4th Dist. 2006) (unpublished order). It is true that the Board may also consider whether the employees in the petitioned-for unit share such an intense community of interest with another group of employees as to render the petitioned-for unit inappropriate. *Rockford Public Schools Dist. 205*, 40 PERI 60, Case No. 2023-RS-0017-C (IELRB Opinion and Order, November 15, 2023), *aff'd*, *Rockford Pub. Sch., Dist. No. 205 v. Illinois Educ. Labor Relations Board*, 2025 IL App (4th) 231542-U. Yet this consideration is for the purpose of prohibiting bargaining units that are arbitrary and artificial and whose parameters are determined solely by the extent of organization. *Rockford Public Schools Dist. 205*, 40 PERI 60. That is not the case here simply because CBE asserts the Operations Manager shares community of interest factors with employees both inside and outside of the petitioned-for unit. Whatever interchangeability Operations Managers share with Assistant Principals does not take away from the ALJ's finding that the interchangeability between the Operations Managers and the Clerks favors a community of interest between the Operations Managers and employees in the existing unit.

2. Functional Integration

In its second exception, CBE argues that in assessing the functional integration factor, the ALJ erred by relying on the testimony of the Operations Managers at Curie and Clemente about their job duties over the Operations Manager job description and the testimony of the Curie and Clemente Principals. In this finding, the ALJ cited testimony from the Curie and Clemente Operations Managers that they shared responsibility for payroll management and budget compliance with the Clerks. CBE contends that further testimony from these two witnesses, the Von Steuben High School Operations Manager, and the Curie and Clemente Principals do not support this finding and instead demonstrate that the Operations Managers oversee Clerks rather than perform the same work as Clerks. However, having shared responsibilities does not

always mean performing identical tasks. Employees may share responsibility toward meeting a goal or task, but each may perform different work to see that the goal is met. In this case, the Operations Managers and Clerks shared responsibilities for ensuring the operation of their school. They may have performed different tasks to get there, but the goal was the same. Thus, there is a strong degree of functional integration between the petitioned-for employees and members of the existing unit because they all work together to ensure the operation of their school.

There is no conflict between the testimony of the Operations Managers at Curie and Clemente about their job duties and the Operations Manager job description or the testimony of the Curie and Clemente Principals. To the extent that the ALJ gave more weight to the Operations Managers' testimony by paying it more attention in his findings than to the job descriptions or the Principals' testimony on the same matter is in line with labor board practices. Job descriptions are frequently found to be the least helpful of all evidence in representation hearings. See *Northern Illinois University (Department of Safety)*, 17 PERI ¶ 2005 (IL LRB SP 2000). Labor Boards have noted dissatisfaction with job descriptions as a means for establishing an existing position's duties or an employee's status under the Act. *Village of Broadview v. Illinois Labor Relations Board*, 402 Ill. App. 3d 503, 508 (1st Dist. 2010) (job descriptions and the possibility that a sergeant might discipline, reward, or adjust grievances was insufficient to meet burden of proof); *Ill. Dep't of Cent. Mgmt. Servs. v. Illinois Labor Relations Board State Panel*, 382 Ill. App. 3d 208, 228-29 (4th Dist. 2008) (Board could reasonably conclude that employees are not supervisors because they had never exercised supervisory authority "in practice" despite authority described in job description); *City of Peru v. ISLRB*, 167 Ill. App. 3d 284, 291, 521 N.E.2d 108 (3rd Dist. 1988) (job descriptions alone insufficient to prove supervisory authority); *NIU*, 17 PERI ¶ 2005; *Quadcom Communications*, 12 PERI ¶ 2017 (IL SLRB 1996), *aff'd by unpub. order*, 13 PERI ¶ 4011 (1997); *Cook County (Department of Supportive Services)*, 2 PERI ¶ 3027 (IL LLRB 1986); see also, *East Naples Fire Control and Rescue District*, 24 FPER ¶ 29292 (FL PERC 1998) (a

job description alone is insufficient evidence to determine appropriate unit placement); *Broward County Police Benevolent Association v. City of Miramar*, 12 FPER ¶ 17147 (FL PERC 1986), *aff'd*, 505 So. 2d 8 (Fla. Dist. Ct. App. 1987) (Commission must look at the actual duties performed by employees in determining unit placement). To find more relevance in the Operations' Managers' testimony than the Principals' is sensible in this instance. That is, the employees' testimony about their personal day-to-day experiences performing their own jobs is more relevant than their supervisors' testimony about those employees' jobs when the question is what the employees do.

3. An Appropriate Unit

CBE's third exception is that the ALJ failed to analyze whether all twenty-three of its Operations Managers share a community of interest with the existing bargaining unit members. CBE offers that even if the record indicates that three Operations Managers share a community of interest with the employees in the existing unit, the record does not support extending that conclusion to the remaining twenty Operations Managers. The Board has never required a petitioning union to provide evidence that every single employee in a petitioned-for position shares a community of interest with employees in the existing unit. As in this case, where there is some evidence of a community of interest, the Board is satisfied. Such an examination is not necessary because the Act does not require that a petitioned-for unit be the most appropriate unit, but rather an appropriate unit. *Black Hawk*, 275 Ill. App. 3d 189, 655 N.E.2d 1054; *University of Illinois*, 7 PERI 1103.

4. Additional Community of Interest Factor

Finally, CBE contends that the ALJ erred by failing to address its proposed additional community of interest factor: potential for tension or conflict. The Board may consider community of interest factors beyond those specified in Section 7(a). CBE offers the potential for tension or conflict as an additional factor, speculating that inclusion of the Operations Managers would cause tension and conflict so great between the Operations Managers, the

employees in the existing unit, and CBE that would justify excluding the Operations Managers from the unit. The petition seeks to add twenty-three employees to an existing bargaining unit of approximately 35,211 employees. Not every CBE school has an Operations Manager. They exist in only twenty-three of CBE's 500+ schools.⁴ The Operations Manager is a discretionary position based on administrative and community need; they mostly exist in the medium to large schools. This does not conjure up a picture of institution-wide tension and conflict. There is nothing in the record to indicate that we should consider this additional factor.

IV. Order

We find that the petitioned-for unit is appropriate under Section 7 of the Act and affirm the ALJRDO. The Executive Director is directed to process the petition in accordance with this Opinion and Order.

V. Right to Appeal

This Opinion and Order is not a final order of the Illinois Educational Labor Relations Board subject to appeal. Under Section 7(d) of the Act, “[a]n order of the Board dismissing a representation petition, determining and certifying that a labor organization has been fairly and freely chosen by a majority of employees in an appropriate bargaining unit, determining and certifying that a labor organization has not been fairly and freely chosen by a majority of employees in the bargaining unit or certifying a labor organization as the exclusive representative of employees in an appropriate bargaining unit because of a determination by the Board that the labor organization is the historical bargaining representative of employees in the bargaining unit, is a final order.” Pursuant Section 7(d) of the Act, aggrieved parties may seek judicial review of this Opinion and Order in accordance with the provisions of the Administrative Review Law

⁴ The record does not specify how many schools exist within CBE. We take judicial notice that there are presently over 500. <https://www.cps.edu/about/stats-facts/> (last visited June 23, 2026).

upon the issuance of the Board’s certification order through the Executive Director. Section 7(d) also provides that such review must be taken directly to the Appellate Court of a judicial district in which the Board maintains an office (Chicago or Springfield), and that “[a]ny direct appeal to the Appellate Court shall be filed within 35 days from the date that a copy of the decision sought to be reviewed was served upon the party affected by the decision.” 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
160 North LaSalle Street, Suite N-400, Chicago, Illinois 60601 Tel. 312.793.3170
4500 S 6th Street Frontage Rd E, Springfield, IL 62703 Tel. 217.782.9068
elrb.mail@illinois.gov