

STATE OF ILLINOIS
EDUCATIONAL LABOR RELATIONS BOARD

Minutes of the Meeting held on November 21, 2019
At 160 N. LaSalle Street, Suite N-401, Chicago, Illinois

I. PRESENT

Chairman Andrea Waintroob; Board Members Lynne Sered, Gilbert O'Brien; Lara Shayne, Judy Biggert; Executive Director Victor Blackwell; General Counsel Ellen Strizak; Associate General Counsel Dawn Harden; Staff Attorney Nick Gutierrez; Stephanie Winston, IEA-NEA; Nick Christen, IFT-AFT; Susan Willenborg and Daniel Willenborg were present. Springfield Staff member Meredith Dean participated via telephone.

Present for the Triton Community College/Cook County College Teachers Union, Local 1600, IFT-AFT Oral Argument were Jennifer Dunn, FRANCZEK and Sean Sullivan on behalf of the employer, and Charles Harper and Tony Johnston, Cook County College Teachers Union, Local 1600, IFT-AFT on behalf of the union.

II. APPROVAL OF MINUTES OF MEETING HELD OCTOBER 17, 2019

Chairman Waintroob called for a motion to approve the open and closed minutes of the October 17, 2019 Board meeting. Board Member Shayne moved to approve the minutes of the October 17, 2019 meeting. Board Member Sered seconded the motion. The Board passed the motion unanimously, by a voice vote.

III. BOARD ACTIONS

1. Triton Community College/Cook County College Teachers Union, Local 1600,
Case Nos. 2020-CB-0006-C & 2020-CB-0007-C
Oral Argument on injunctive relief request

Chairman Waintroob called the case. Ms. Dunn argued the case before the Board on behalf of the employer. Chairman Waintroob asked questions to Ms. Dunn following the employer's argument and Board Member Sered asked questions to Ms. Dunn thereafter. Mr. Harper argued the case before the Board on behalf of the union. Chairman Waintroob asked questions to Mr. Harper following the union's argument and Board Member Shayne asked questions to Mr. Harper thereafter. Board Member Sered then had questions for both the union and employer. Chairman Waintroob then commented and clarified that the union was under no obligation to force a tentative agreement on its members to ratify such but the concern was where was the union's good faith effort to sell the tentative agreement to its members. Ms. Dunn presented a rebuttal. Board Member Sered had questions during Ms. Dunn's rebuttal. Mr. Harper then presented a rebuttal. Ms. Dunn then presented a clarification to Mr. Harper's rebuttal. General Counsel Strizak advised the Board that her recommendation was to deny the employer's request for injunctive relief on both charges

(failure to follow the requirements of the Act and bad faith bargaining). Chairman Waitroob agreed with General Counsel Strizak's recommendation. Board Member Biggert made comments and had questions after General Counsel Strizak's recommendation. Board Members Sered and Shayne agreed with the General Counsel's recommendation. Motion to adopt General Counsel Strizak's recommendation to deny the employer's request for injunctive relief called by Chairman Waitroob. Board Member Sered so moved, and Board Member Shayne seconded the motion. The Board passed the motion unanimously, by a voice vote.

2. **Chicago Board of Education/Charles M. Zak**
Case No. 2019-CA-0078-C

Chairman Waitroob called the case. The case is before the Board on the exceptions to the Executive Director's Recommended Decision and Order. General Counsel Ellen Strizak presented a memo to the Board and recommending that the Board affirm the Executive Director's Recommended Decision and Order. After discussion, Chairman Waitroob called for a motion to affirm the Executive Director's Recommended Decision and Order. Board Member Biggert so moved, and Board Member O'Brien seconded the motion and the motion carried unanimously by voice vote. The Board asked the Acting General Counsel to draft an opinion and order consistent with her memo.

3. **Ball Chatham Community Unit School District No. 5/Ball Chatham Education Association, IEA-NEA**
Case No. 2020-UC-0008-C

Chairman Waitroob called the case. This case involved an unappealed Executive Director's Recommended Decision and Order. Associate General Counsel Dawn Harden presented the case. After discussion, Chairman Waitroob called for a motion for the Board to not take up the case on its own motion and to issue a final order. Board Member O'Brien so moved, and Board Member Shayne seconded the motion. The Board voted unanimously not to take up the case on its own motion and to issue a final order, by a voice vote.

4. **Governors State University/University Professionals of Illinois, IFT Local 4100, IFT-AFT, AFL-CIO**
Case No. 2018-CA-0023-C

Chairman Waitroob called the case. This case involved an unappealed Administrative Law Judge's Recommended Decision and Order. Associate General Counsel Dawn Harden presented the case. After discussion, Chairman Waitroob called for a motion for the Board to not take up the case on its own motion and to issue a final order. Board Member Shayne so moved, and Board Member Sered seconded the motion. The Board voted unanimously not to take up the case on its own motion and to issue a final order, by a voice vote.

5. Chicago State University/ University Professionals of Illinois, IFT Local 4100, IFT-AFT, AFL-CIO

Case No. 2013-CA-0091-C

Chairman Waitroob called the case. This case involved an unappealed Administrative Law Judge's Recommended Decision and Order. Associate General Counsel Dawn Harden presented the case. After discussion, Chairman Waitroob called for a motion for the Board to not take up the case on its own motion and to issue a final order. Board Member Shayne so moved, and Board Member Sered seconded the motion. The Board voted unanimously not to take up the case on its own motion and to issue a final order, by a voice vote.

6. Beach Park Community Consolidated School District 3/Beach Park Staff Council, Lake County Federation of Teachers, Local 504, IFT-AFT, AFL-CIO

Case No. 2019-UC-0019-C

Chairman Waitroob called the case. This case involved an unappealed Executive Director's Recommended Decision and Order. Associate General Counsel Dawn Harden presented the case. After discussion, Chairman Waitroob called for a motion for the Board to not take up the case on its own motion and to issue a final order. Board Member Shayne so moved, and Board Member Biggert seconded the motion. The Board voted unanimously not to take up the case on its own motion and to issue a final order, by a voice vote.

7. Geneva Community Unit School District 304/Geneva Education Association, IEA-NEA

Case No. 2019-CA-0080-C

Chairman Waitroob called the case. This case involved an unappealed Executive Director's Recommended Decision and Order. Associate General Counsel Dawn Harden presented the case. Board Member Biggert posed a question about the partial dismissal status. It was noted that the Executive Director's Recommended Decision and Order dismissed the charge as it relates to certain allegations. After discussion, Chairman Waitroob called for a motion for the Board to not take up the case on its own motion and to issue a final order. Board Member Shayne so moved, and Board Member Sered seconded the motion. The Board voted unanimously not to take up the case on its own motion and to issue a final order, by a voice vote.

8. Chicago Board of Education/Michael McClain

Case No. 2019-CA-0047-C

Chairman Waitroob called the case. This case involved an unappealed Executive Director's Recommended Decision and Order. Associate General Counsel Dawn Harden presented the case. After discussion, Chairman Waitroob called for a motion for the

Board to not take up the case on its own motion and to issue a final order. Board Member Shayne so moved, and Board Member Sered seconded the motion. The Board voted unanimously not to take up the case on its own motion and to issue a final order, by a voice vote.

**9. South Holland School District 150/District 150 Educational Organization, IEA-NEA
Case No. 2019-CA-0076-C**

Chairman Waitroob called the case. This case involved an unappealed Executive Director's Recommended Decision and Order. Associate General Counsel Dawn Harden presented the case. After a factual question was raised by Board Member Shayne, the Board decided to postpone considering this matter for final order until the December Board Meeting.

**10. Elmhurst Community Unit School District 205/Elmhurst Paraprofessional and School Related Personnel Council, Local 571, IFT-AFT, AFL-CIO/Linda Wilkie
Case No. 2020-UC-0001-C**

Chairman Waitroob called the case. This case involved an unappealed Executive Director's Recommended Decision and Order. Associate General Counsel Dawn Harden presented the case. After discussion, Chairman Waitroob called for a motion for the Board to not take up the case on its own motion and to issue a final order. Board Member Shayne so moved, and Board Member Sered seconded the motion. The Board voted unanimously not to take up the case on its own motion and to issue a final order, by a voice vote.

**11. Elmhurst Community Unit School District 205/Elmhurst Paraprofessional and School Related Personnel Council, Local 571, IFT-AFT, AFL-CIO/S. Jeanne Cuneo
Case No. 2020-UC-0002-C**

Chairman Waitroob called the case. This case involved an unappealed Executive Director's Recommended Decision and Order. Associate General Counsel Dawn Harden presented the case. After discussion, Chairman Waitroob called for a motion for the Board to not take up the case on its own motion and to issue a final order. Board Member Shayne so moved, and Board Member O'Brien seconded the motion. The Board voted unanimously not to take up the case on its own motion and to issue a final order, by a voice vote.

**12. Elmhurst Community Unit School District 205/Elmhurst Paraprofessional and School Related Personnel Council, Local 571, IFT-AFT, AFL-CIO/June Thude
Case No. 2020-UC-0003-C**

Chairman Waitroob called the case. This case involved an unappealed Executive Director's Recommended Decision and Order. Associate General Counsel Dawn Harden presented the case. After discussion, Chairman Waitroob called for a motion for the Board to not take up the case on its own motion and to issue a final order. Board Member

Shayne so moved, and Board Member Biggert seconded the motion. The Board voted unanimously not to take up the case on its own motion and to issue a final order, by a voice vote.

**13. Elmhurst Community Unit School District 205/Elmhurst Paraprofessional and School Related Personnel Council, Local 571, IFT-AFT, AFL-CIO/Suzanne E. Hughes
Case No. 2020-UC-0004-C**

Chairman Waitroob called the case. This case involved an unappealed Executive Director's Recommended Decision and Order. Associate General Counsel Dawn Harden presented the case. After discussion, Chairman Waitroob called for a motion for the Board to not take up the case on its own motion and to issue a final order. Board Member Shayne so moved, and Board Member O'Brien seconded the motion. The Board voted unanimously not to take up the case on its own motion and to issue a final order, by a voice vote.

**14. Elmhurst Community Unit School District 205/Elmhurst Paraprofessional and School Related Personnel Council, Local 571, IFT-AFT, AFL-CIO/Veronica Chaidez
Case No. 2020-UC-0005-C**

Chairman Waitroob called the case. This case involved an unappealed Executive Director's Recommended Decision and Order. Associate General Counsel Dawn Harden presented the case. After discussion, Chairman Waitroob called for a motion for the Board to not take up the case on its own motion and to issue a final order. Board Member Shayne so moved, and Board Member Sered seconded the motion. The Board voted unanimously not to take up the case on its own motion and to issue a final order, by a voice vote.

IV. PUBLIC COMMENT

There was no public comment.

V. BUDGET AND FISCAL

Meredith Dean presented the budget and fiscal report.

VI. CASE STATUS REPORT

Executive Director Blackwell presented the October, 2019 Case Status Report.

VII. STRIKE REPORT UPDATE

Executive Director Blackwell presented a strike report update.

VIII. LEGISLATIVE UPDATE

Staff Attorney Gutierrez gave a summary of legislation that has passed in the House and the Senate, SB1784, that provides for amendments to the Illinois Educational Labor Relations Act. Member of the public, Susan Willenborg, suggested the Board amend its Rules and Regulations in response to the amendments. Chairman Waintroob asked whether the Governor had signed the bill yet and Staff Attorney Gutierrez replied that he had not.

IX. LITIGATION UPDATE

General Counsel Strizak presented a litigation update.

X. 2020 BOARD MEETING DATES

Chairman Waintroob called for a motion to approve the 2020 Board Meeting dates. Board Member Shayne so moved, and Board Member Sereed seconded the motion. The Board voted unanimously to approve the 2020 Board Meeting dates, by a voice vote.

Executive Director Blackwell interjected with two housekeeping mentions: 1. Executive Director Blackwell made a statement that there is a general meeting scheduled at Chicago-Kent November 22, 2019 for a dialogue with FMCS (Federal Mediation and Conciliation Services) Assistant Director Gary Hattal concerning potential FMCS reorganization. 2. The Kent conference was a success. The IELRB had four presenters on four of the panels.

XI. CLOSED SESSION

Chairman Waintroob called for a motion for the Board to go into closed session to discuss personnel issues and litigation pursuant to the Open Meetings Act, 5 ILCS 120/2(c)(1), (11). Board Member Biggert so moved, and Board Member Shayne seconded the motion. The Board voted unanimously to go into closed session, by a voice vote.

XII. RECONVENE AND ADJOURN

Chairman Waintroob called for a motion to return to open session, Board Member Shayne so moved, and Board Member O'Brien seconded the motion. The Board voted unanimously to reconvene to open session, by a voice vote. Upon the Board's return from closed session, Chairman Waintroob called for a motion for the Board to adjourn the meeting. Board Member Shayne so moved, and Board Member O'Brien seconded the motion. The Board voted unanimously to adjourn the meeting, by a voice vote.

ADOPTED AND APPROVED BY THE CHAIRMAN AND MEMBERS OF THE ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD THIS 19th DAY OF DECEMBER, 2019.