

**STATE OF ILLINOIS  
EDUCATIONAL LABOR RELATIONS BOARD**

In the Matter of:	)	
	)	
Michael McGreal,	)	
	)	
Charging Party	)	
	)	
and	)	Case No. 2005-CB-0019-C
	)	
Service Employees International Union,	)	
Local 73,	)	
	)	
Respondent	)	

**OPINION AND ORDER**

On January 24, 2005, Michael McGreal (McGreal) filed an unfair labor practice charge alleging that the Service Employees International Union, Local 73 (Union) violated Section 14(b)(1) of the Illinois Educational Labor Relations Act, 115 ILCS 5/1 *et. seq.* (IELRA or Act). On April 19, 2005, the Executive Director issued a Recommended Decision and Order dismissing the charge in its entirety. On May 2, 2005, McGreal filed exceptions to the Executive Director's Recommended Decision and Order. McGreal's exceptions were not accompanied by a certificate of service. The Union did not file a response to McGreal's exceptions. For the reasons discussed below, we strike McGreal's exceptions and affirm the Executive Director's Recommended Decision and Order.

**I.**

Section 1100.20(e) of the Board's Rules and Regulations (Rules), 80 Ill. Admin. Code §§ 1100-1135, requires documents filed with the Board to be accompanied by a certificate of service. A certificate of service is "a written statement, signed by the party effecting service, detailing the name of the party served and the date and manner of service." Section 1100.20(e). Failure to serve a document or attach a certificate of service may be grounds to strike the document if it results in prejudice to another party or demonstrates disregard of the Board's processes. Section 1100.20(f). The Board has consistently stricken exceptions where a party has failed to attach a certificate of service or to otherwise demonstrate that the exceptions have been served on the other parties. Chicago Board of Education (Filar), 17 PERI 1055, Case Nos. 2000-CA-0056-C, 2000-CB-0018-C (IELRB Opinion and Order, June 25, 2001). The appellate court approved this standard in Norman Jones v. IELRB, 272 Ill. App. 3d 612, 650 N.E.2d 1092 (1<sup>st</sup> Dist. 1995).

In this case, McGreal did not attach a certificate of service to his exceptions or otherwise demonstrate that he served his exceptions upon the Union. The Union has not filed a response to McGreal's exceptions. The Union has been prejudiced by McGreal's failure to serve because he denied them an adequate opportunity to respond to his exceptions. Accordingly, we strike McGreal's exceptions.

**II.**

For the above reasons, IT IS HEREBY ORDERED that the Executive Director's Recommended Decision and Order is affirmed. The unfair labor practice charge is dismissed in its entirety.

**III. Right to Appeal**

This is a final order of the IELRB. Aggrieved parties may seek judicial review of this Order in accordance with the provisions of the Administrative Review Law, except that, pursuant to 115 ILCS 5/16(a), such review must be taken directly to the appellate court of the judicial district in which the IELRB maintains an office (Chicago or Springfield). "Any 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." 115 ILCS 5/16(a).

Decided: November 8, 2005  
Issued: November 14, 2005  
Chicago, Illinois

/s/ Lynne O. Sered  
Lynne O. Sered, Chairman

/s/ Ronald Ettinger  
Ronald Ettinger, Member

/s/ Bridget L. Lamont  
Bridget L. Lamont, Member

/s/ Michael H. Prueter  
Michael H. Prueter, Member

*NOTE: Member Robinson recused from the Board's discussion and deliberation of this case, and in no way participated in the Board's consideration of this matter.*

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