

**STATE OF ILLINOIS  
EDUCATIONAL LABOR RELATIONS BOARD**

In the Matter of:	)	
	)	
Chantay Humes,	)	
	)	
Charging Party,	)	
	)	
and	)	Case No. 2005-CB-0026-C
	)	
New Trier Physical Plant Services Association,	)	
IEA-NEA,	)	
	)	
Respondent.	)	

**OPINION AND ORDER**

On March 15, 2005, Chantay Humes filed an unfair labor practice charge with the Illinois Educational Labor Relations Board (“Board”). On July 29, 2005, the Executive Director issued a Recommended Decision and Order. The Executive Director determined that the evidence did not establish an un rebutted prima facie case that the New Trier Physical Plant Services Association, IEA-NEA (“Association”) violated Section 14(b)(1) of the Illinois Educational Labor Relations Act, 115 ILCS 5/1 et seq. (“Act”). Accordingly, he dismissed the unfair labor practice charge in its entirety.

On August 18, 2005, Humes filed exceptions to the Executive Director’s Recommended Decision and Order. Humes’ exceptions were not accompanied by a certificate of service. The Association did not file a response to Humes’ exceptions. We strike Humes’ exceptions and affirm the Executive Director’s Recommended Decision and Order on the basis that she did not provide a certificate of service.

**I.**

Section 1100.20(d) of the Board’s Rules, 80 Ill. Adm. Code 1100.20(d), provides that “[a]ll documents...will be served on the appropriate parties by the party propounding the document....” Section 1100.20(e) of the Board’s Rules, 80 Ill. Adm. Code 1100.20(e), provides that “[w]henver a document is filed with the Board, it shall be accompanied by a certificate of service.” Section 1120.30(c) of the Board’s Rules, 80 Ill. Adm. Code 1120.30(c), provides that “[c]opies of all exceptions [to the Executive Director’s dismissal of a charge] and supporting briefs shall be served upon all other parties

and a certificate of service shall be attached.” Section 1100.20(e) of the Board’s Rules defines a certificate of service as “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(f) of the Board’s Rules, 80 Ill. Adm. Code 1100.20(f), provides:

Failure of a party to serve a document or failure to attach a certificate of service may be grounds to strike the document, if the failure results in prejudice to another party (such as lack of notice or detrimental reliance) or demonstrates disregard of the Board’s processes (such as continued noncompliance).

The Board has consistently stricken exceptions where a party has failed to provide a certificate of service or otherwise demonstrate that the exceptions have been served on the other parties. *Service Employees International Union, Local 73*, 21 PERI 91, Case No. 2005-CB-0005-C (IELRB, May 20, 2005) (appeal pending); *International Brotherhood of Teamsters, Local 743, AFL-CIO*, 21 PERI 89, Case Nos. 2004-CB-0002-C, 2004-CA-0006-C (IELRB, May 20, 2005). The Appellate Court approved this practice in *Jones v. IELRB*, 272 Ill.App.3d 612, 650 N.E.2d 1092 (1<sup>st</sup> Dist. 1995).

In this case, Humes did not provide a certificate of service or otherwise demonstrate that she served her exceptions on the Association. The Association has not filed a response to Humes’ exceptions. The Association has been prejudiced by Humes’ failure to serve because she denied it an adequate opportunity to respond to her exceptions. Therefore, we strike Humes’ 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 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 Board 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: December 13, 2005  
Issued: December 16, 2005  
Chicago, Illinois

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

/s/ Ronald F. Ettinger  
Ronald F. Ettinger, Member

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

/s/ Michael H. Prueter  
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/s/ Jimmie E. Robinson  
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