

**STATE OF ILLINOIS
EDUCATIONAL LABOR RELATIONS BOARD**

In the Matter of:)	
)	
Carolynn Johnson,)	
)	
Charging Party,)	
)	
and)	Case No. 2005-CB-0034-C
)	
Chicago Teachers Union,)	
)	
Respondent.)	

OPINION AND ORDER

On July 28, 2005, the Executive Director issued a Recommended Decision and Order in this case. He determined that the unfair labor practice charge was untimely filed. Therefore, he dismissed the charge.

The Charging Party, Carolynn Johnson, filed exceptions to the Executive Director's Recommended Decision and Order. The Respondent, the Chicago Teachers Union ("Union"), did not file a response to Johnson's exceptions.

We affirm the Executive Director's Recommended Decision and Order.

I.

On June 11, 2004, the Union filed a grievance on behalf of Johnson claiming that Johnson's employer, the Chicago Board of Education ("CBE"), had subjected her to an unjustified pattern of harassment and intimidation. Johnson asserts that the Union put the wrong principal's name on the grievance and that, after she received a copy of the grievance letter from the Union, she never heard anything further from the Union or the CBE concerning the grievance.

On or about the same date, Johnson received a letter from the CBE stating that an investigatory conference would be conducted concerning a claim that she physically abused a student.¹ Johnson asserts that, during the period between June 11 and 20, 2004, she called her Union representative and left numerous messages asking her to attend the investigatory conference. According to Johnson, her Union representative did not return any of her calls.

When Johnson arrived at the CBE's Office of Labor and Employee Relations on June 21, 2004 for the investigatory conference, she did not see her Union representative. Johnson asserts that, when the conference was about to begin, one of the CBE's representatives called the Union in an attempt to locate Johnson's Union

¹ A DCFS investigation concluded that this claim was unfounded.

representative. The CBE representative told Johnson that her Union representative was at another school and asked whether Johnson would allow another Union representative to handle her case. Johnson agreed, and a Union representative who was in the building handling another individual's case represented Johnson at the investigatory conference.

The CBE terminated Johnson's employment. On or about August 4, 2004, Johnson wrote a letter to the Union asking that the Union appeal the CBE's decision to terminate her employment and file a grievance on her behalf. The Union did not respond to Johnson's letter.

Johnson filed her unfair labor practice charge against the Union on June 22, 2005.²

II.

Section 15 of the Illinois Educational Labor Relations Act, 115 ILCS 5/1 et seq. ("Act") provides that "[n]o order shall be issued upon an unfair practice occurring more than 6 months before the filing of the charge alleging the unfair labor practice." Under this language, the Illinois Educational Labor Relations Board ("IELRB") does not have jurisdiction over unfair labor practices occurring more than six months before the charge is filed. *See Jones v. IELRB*, 272 Ill.App.3d 612, 650 N.E.2d 1092 (1st Dist. 1995); *Charleston Community Unit School District No. 1 v. IELRB*, 203 Ill.App.3d 619, 561 N.E.2d 331 (4th Dist. 1990). The filing period begins to run when the charging party becomes aware, or should become aware of the conduct that allegedly constitutes an unfair labor practice. *Jones; Wapella Education Association v. IELRB*, 177 Ill.App.3d 153, 531 N.E.2d 1371 (4th Dist. 1988).

Here, Johnson filed her unfair labor practice charge against the Union on June 22, 2005. Therefore, the IELRB does not have jurisdiction over conduct by the Union of which Johnson knew or should have known before December 22, 2005. Johnson knew or should have known of the Union's conduct of which she complains in this case before December 22, 2005. Accordingly, the IELRB does not have jurisdiction over her charge.

In her exceptions, Johnson states that she was contacting various individuals and organizations during the period before she filed her charge. However, under *Charleston*, above, the fact that an individual is pursuing other remedies does not extend the time period for filing a charge. Therefore, the alleged fact that Johnson was contacting

² In her exceptions, Johnson describes additional contacts between her and the Union. She does not specify the date when these alleged additional contacts occurred. However, evidence of these alleged additional contacts was not presented to the Executive Director. As a quasi-adjudicatory body, the Illinois Educational Labor Relations Board is required to consider only evidence in the record and cannot consider evidence not presented to the Executive Director. *Lincoln-Way Area Special Education Joint Agreement District 843*, 21 PERI 163, Case Nos. 2004-CA-0060-C, 2004-CB-0024-C (IELRB, September 13, 2005) (appeal pending); *Chicago School Reform Board of Trustees*, 16 PERI 1043, Case No. 99-CA-0003-C (IELRB, April 17, 2000). Therefore, we do not consider the additional contacts that Johnson alleges.

other individuals and organizations does not extend the time period for her to file a charge.³ The IELRB does not have jurisdiction over Johnson's charge.

III.

The Executive Director's Recommended Decision and Order is affirmed. The unfair labor practice charge is dismissed.

IV. 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). "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: January 10, 2006
Issued: January 30, 2006
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
Michael H. Prueter, Member

/s/ Jimmie E. Robinson
Jimmie E. Robinson, Member

Illinois Educational Labor Relations Board
160 North LaSalle Street, Suite N-400
Chicago, Illinois 60601

³ In addition, evidence that Johnson was contacting other individuals and organizations was not provided to the Executive Director. As discussed above, the IELRB cannot consider evidence that was not presented to the Executive Director.

Telephone: (312) 793-3170