

**STATE OF ILLINOIS  
EDUCATIONAL LABOR RELATIONS BOARD**

In the Matter of:	)	
	)	
Lucille Russell,	)	
	)	
Charging Party,	)	Case No. 2006-CA-0046-C
	)	
and	)	
	)	
Chicago Board of Education,	)	
	)	
Respondent.	)	
_____	)	
	)	
Lucille Russell,	)	
	)	
Charging Party	)	Case No. 2006-CB-0015-C
	)	
and	)	
	)	
Chicago Teachers Union,	)	
	)	
Respondent.	)	

**OPINION AND ORDER**

On March 30, 2006, Lucille Russell ("Russell" or "Charging Party") filed unfair labor practice charges with the Illinois Educational Labor Relations Board ("Board") against the Chicago Board of Education ("CBE" or "Employer") and the Chicago Teachers Union ("CTU" or "Union"). On May 24, 2006, the Executive Director issued a Recommended Decision and Order. The Executive Director determined that the charges brought against the CBE and the CTU by Russell were untimely. Consequently, the Executive Director dismissed Russell's charges against the Employer and the Union.

Russell filed timely exceptions to the Executive Director's Recommended Decision and Order. Russell's exceptions were accompanied by an unsigned document titled "Affidavit of Service". Neither the Employer nor the Union filed a response to Russell's exceptions. We strike Russell's exceptions and affirm the Executive Director's Recommended Decision and Order on the basis that certificate of service was not proper.

**I.**

Section 1100.20(e) of the Board's Rules, 80 Ill. Adm. Code 1100.20(c), provide that a document filed with the Board "shall be accompanied by a certificate of service." Section 1120.30(c) of the Board's Rules, 80 Ill. Adm

Code 1120.30(c) requires 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." Additionally, the Board's Rules designate that a proper certificate of service consists of "a written statement, signed by the party effecting service, detailing the name of the party served and the date and manner of service." 80 Ill. Adm. Code 1100.20(e). Information on proper certificate of service was additionally provided in bold and underlined typeface at the close of the Executive Director's Recommended Decision and Order:

**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." 80 Ill. Adm. Code 1100.20(e).**

Lastly, the Board Rule's provide that 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 non-compliance). 80 Ill. Adm. Code 1100.20(f).

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 *Int'l Bhd. of Teamsters, Local 743, AFL-CIO*, 21 PERI 89, Case Nos. 2004-CB-0002-C, 2004-CA-0006-C (IELRB, May 20, 2005)(appeal pending); *Int'l Union of Operating Engineers, Local 143-143-B*, 21 PERI 23, Case No. 2004-CB-0013-C (IELRB, February 17, 2005). The Appellate Court approved this practice in *Jones v. IELRB*, 272 Ill.App.3d 612, 650 N.E.2d 1092 (1st Dist. 1995).

In the instant case, Russell did not sign the certificate of service in accordance with Section 1100.120(e) of the Board's Rules, 80 Ill. Adm. Code 1100.120(e), and the instructions listed at the close of the Executive Director's Recommended Decision and Order provided to her. Additionally, Russell provided no additional evidence demonstrating that the exceptions were properly served on the other parties. The Employer and Union in this case did not file responses to Russell's exceptions. The CBE and CTU have been prejudiced by Russell's failure to provide proper certificate of service because they were denied an adequate opportunity to respond to Russell's exceptions. Accordingly, we strike Russell'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 charges are dismissed in their 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:** September 12, 2006

**Issued:** September 21, 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  
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