

**STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
LOCAL PANEL**

International Brotherhood of Teamsters,)	
Local 700,)	
)	
Charging Party)	
)	
and)	Case No. L-CA-10-045
)	
City of Chicago,)	
)	
Respondent)	

**DECISION AND ORDER OF THE ILLINOIS LABOR RELATIONS BOARD
LOCAL PANEL**

On May 5, 2011, Executive Director John F. Brosnan issued a three-count Complaint for Hearing in the above-captioned case, but also issued a Partial Dismissal of two unfair labor practice claims contained within a charge filed by International Brotherhood of Teamsters, Local 700 (Charging Party). The charge had alleged the City of Chicago had violated Sections 10(a)(4) and (1) of the Illinois Public Labor Relations Act, 5 ILCS 315 (2010), as amended (Act) by taking certain actions with respect to Pool Motor Truck Drivers (PMTDs) in the Department of Aviation, Motor Truck Drivers (MTDs) in the Department of Transportation, and Motor Truck Operators (MTOs) in the Water Department.

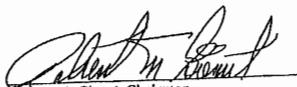
The Charging Party filed a timely appeal of the Executive Director's Partial Dismissal pursuant to Section 1200.135(a) of the Board's Rules and Regulations, 80 Ill. Admin. Code Parts 1200 through 1240, and the Respondent filed a timely response. After reviewing the record, appeal, and response, we uphold the Executive Director's Partial Dismissal.

We note the complaint issued by the Executive Director includes a count for each of the three categories of employees of concern in the charge, and that the two dismissed claims are

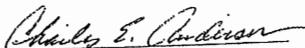
closely related to the first and third counts. Specifically related to the first count's allegations of unlawful imposition of two-hour shift limitations on Department of Aviation PMTDs is the dismissed claim that the Employer had posted a new unrecognized "Two-Hour PMTD" position, and assigned to this position duties previously performed by the PMTDs within the bargaining unit. A copy of the posting reveals the position was for a PMTD, not a Two-Hour PMTD, and, while the posting contained the two-hour shift restriction, the appropriateness of applying that limitation to the PMTDs is the subject of the first count of the complaint. The term "Two-Hour PMTD" is a gloss applied to the posting by Charging Party, not a distinct position created by the Employer, and there is no evidence in support of the allegation that unit work had been assigned outside of the bargaining unit. We affirm the Executive Director's dismissal of this claim.

Specifically related to the third count's allegations of unlawful imposition of shutdown days impacting the MTOs in the Water Department is the dismissed claim that the Employer undertook this action in retaliation for the MTOs' refusal to agree to furlough days. We note that the Charging Party is not complaining of disparate treatment, but rather that the MTOs were treated the same as other employees. As did the Executive Director, we find no issue of fact or law regarding retaliation, and affirm his dismissal of this claim.

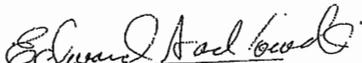
BY THE LOCAL PANEL OF THE ILLINOIS LABOR RELATIONS BOARD



Robert M. Gierut, Chairman



Charles E. Anderson, Member



Edward E. Sadlowski, Member

Decision made at the Local Panel's public meeting in Chicago, Illinois, on August 9, 2011; written decision issued at Chicago, Illinois, August 29, 2011.

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AFFIDAVIT OF SERVICE

I, John F. Brosnan, on oath state that I have this 29th day of August, 2011, served the attached **DECISION AND ORDER FOR THE ILLINOIS LABOR RELATIONS BOARD LOCAL PANEL** issued in the above-captioned case on each of the parties listed herein below by depositing, before 5:00 p.m., copies thereof in the United States mail at 100 W Randolph Street, Chicago, Illinois, addressed as indicated and with postage prepaid for first class mail.

Kevin Camden
Teamsters Local 700
1300 Higgins Road, #301
Park Ridge, IL 60068

Donald O'Malley
Director of Labor Relations
City of Chicago
121 North LaSalle, Suite 1100
Chicago, Illinois 60602



SUBSCRIBED and SWORN to
before me this **29th** day
of **August, 2011.**



NOTARY PUBLIC

