

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

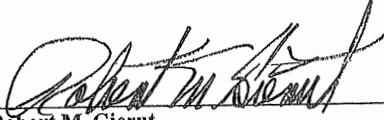
Karl Cook,	)	
	)	
Charging Party	)	
	)	
and	)	Case No. L-CA-12-067
	)	
Chicago Transit Authority,	)	
	)	
Respondent	)	

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

On June 18, 2012, the Illinois Labor Relations Board's Executive Director, Melissa Mlynski, dismissed the charge filed by Karl Cook in the above-captioned case. Cook alleged that the Chicago Transit Authority violated Section 10(a) of the Illinois Public Labor Relations Act, 5 ILCS 315 (2010), by relying on information supplied it by Cook's union indicating that Cook was no longer a union officer and consequently refusing to recognize him as such.

Cook filed an appeal of the Executive Director's dismissal pursuant to Section 1200.135 of the Board's Rules and Regulations, 80 Ill. Admin. Code, Parts 1200 through 1240. Respondent did not file a response. After reviewing the appeal and the record, we affirm the Executive Director's dismissal for the reasons she provided.

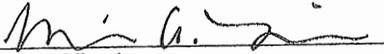
BY THE LOCAL PANEL OF THE ILLINOIS LABOR RELATIONS BOARD



Robert M. Gierut  
Chairman



Charles E. Anderson  
Board Member



Richard Lewis  
Board Member

Decision made at the Local Panel's public meeting in Chicago, Illinois on November 15, 2012;  
written decision issued in Chicago, Illinois on December 29, 2012.

**STATE OF ILLINOIS  
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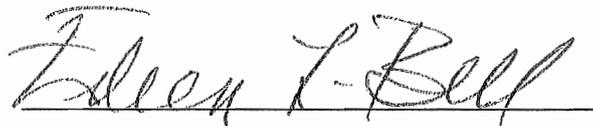
Karl Cook,	)	
	)	
Charging Party	)	
	)	
and	)	Case No. L-CA-12-067
	)	
Chicago Transit Authority,	)	
	)	
Respondent	)	

**AFFIDAVIT OF SERVICE**

I, Eileen Bell, on oath state that I have this 28th day of December, 2012, served the attached **DECISION AND ORDER OF 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.

Karl Cook  
7631 West 63<sup>rd</sup> Place, Apt 3D  
Summit, Illinois 60501

Katherine Lunde  
Chicago Transit Authority  
567 W Lake Street  
Chicago, IL 60661

  
\_\_\_\_\_

**SUBSCRIBED and SWORN to**  
before me this **28th day**  
of **December, 2012.**

  
\_\_\_\_\_  
**NOTARY PUBLIC**



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

Karl Cook,	)	
	)	
Charging Party,	)	
	)	
and	)	Case No. L-CA-12-067
	)	
Chicago Transit Authority,	)	
	)	
Respondent	)	

**DISMISSAL**

On May 22, 2012, Karl Cook, (Charging Party) filed a charge in Case No. L-CA-12-067 with the Local Panel of the Illinois Labor Relations Board (Board), in which he alleged that the Chicago Transit Authority (Respondent) engaged in unfair labor practices within the meaning of Section 10(a) of the Illinois Public Labor Relations Act, 5 ILCS 315 (2010), *as amended* (Act). After an investigation conducted in accordance with Section 11 of the Act, I determined that the charge fails to raise an issue of law or fact sufficient to warrant a hearing and issue this dismissal for the following reasons.

**I. INVESTIGATORY FACTS AND POSITIONS OF THE PARTIES**

The Respondent employs the Charging Party as a bus operator. As such, he is included in a bargaining unit represented by Local 241 of the Amalgamated Transit Union (Union). The Charging Party also served as a representative of the Union for some time prior to January 2012. In his charge, Cook alleges that the Respondent has violated the Act by failing to acknowledge his status as a Union representative.

In or about January 2012, the Respondent removed the Charging Party from his regular duties as a result of the findings of a drug test. Under the terms of the applicable collective bargaining agreement, an employee that receives a positive result in a drug test is suspended and

referred to an Employee Assistance Program (EAP). The suspension normally continues for 16 weeks, and the employee is generally reinstated to active employee status thereafter, contingent upon successful completion of the requirements of the EAP.

The Charging Party indicated that notwithstanding his innocence, he opted to participate in the EAP program referenced above. Cook asserts that he completed the program and returned to his former assignment in early May, 2012. According to the Charging Party, he advised several management employees of his intent to resume his duties on behalf of the Union.

According to Cook, on May 10, 2012, he attempted to schedule a meeting with CTA General Manager Pat Miller. At that time, Cook received information that Union vice-President Javier Perez had advised the Respondent that Cook was no longer a representative for the Union. Cook indicated that he sought and received confirmation from the Union that Perez had removed him from union office.<sup>1</sup> In the meantime, the Charging Party again attempted to resume his duties on behalf of the Union, but the Respondent again advised him that Perez had removed him from his position. The Charging Party filed the instant charge shortly thereafter, alleging that the Respondent had unlawfully interfered with his duties as a representative of the Union.

## **II. DISCUSSION AND ANALYSIS**

The Charging Party asserts that the Respondent's agents violated the Act by not recognizing his status as a Union representative. However, the available evidence indicates that the Respondent was acting in reliance upon information provided to it by other agents of the Union. Given that the Charging Party has filed a charge against the Union complaining of its decision to remove him from office, it appears that the Respondent had ample reason to doubt the Charging Party's status. The Charging Party seems to suggest that the Respondent had an affirmative obligation to reinstate him to his Union position, even though the Union had advised

the Respondent of the change. I see no reason why such would be the case. Rather, I find that the Respondent's conduct to be appropriate, given the circumstances as outlined above.

### III. ORDER

Accordingly, the instant charge is hereby dismissed. The Charging Party may appeal this dismissal to the Board any time within 10 days of service hereof. Such appeal must be in writing, contain the case caption and number, and must be addressed to the Board's General Counsel, 160 North LaSalle Street, Suite S-400, Chicago, Illinois, 60601-3103. The appeal must contain detailed reasons in support thereof, and the Charging Party must provide it to all other persons or organizations involved in this case at the same time it is served on the Board. The appeal sent to the Board must contain a statement listing the other parties to the case and verifying that the appeal has been provided to them. The appeal will not be considered without this statement. If no appeal is received within the time specified, this dismissal will be final.

Issued in Chicago, Illinois, this 18<sup>th</sup> day of June, 2012.

ILLINOIS LABOR RELATIONS BOARD  
LOCAL PANEL



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Melissa Mlynski, Executive Director

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<sup>1</sup> The Charging Party has filed a charge against the Union in Case No. L-CB-12-050 concerning this issue.