

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

7/22/11

Violar Murry,	)	
	)	
Charging Party	)	
	)	
and	)	Case No. L-CB-11-014
	)	
American Federation of State, County and Municipal Employees, Council 31,	)	
	)	
Respondent	)	

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

On April 28, 2011, Executive Director John F. Brosnan dismissed the unfair labor practice charge filed by Violar Murry (Charging Party) in the above-captioned case. The Charging Party alleged that the American Federation of State, County and Municipal Employees Council 31 (Respondent) engaged in unfair labor practices within the meaning of Section 10(b) of the Illinois Public Labor Relations Act, 5 ILCS 315 (2010), as amended, when it did not seek to vacate an adverse arbitration award.

The Charging Party filed a timely appeal of the Executive Director's Dismissal pursuant to Section 1200.135(a) of the Board's Rules and Regulations, 80 Ill. Admin. Code §1200.135(a). The Respondent filed no response. After reviewing the record and appeal, we uphold the Executive Director's dismissal. Among Charging Party's factual assertions, only the Respondent's decision to not challenge the arbitration award was conduct occurring within the six-month limitation period established in Section 11(a) of the Act,<sup>1</sup> yet Charging Party has

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<sup>1</sup> Section 11(a) provides, in relevant part: "no complaint shall issue based upon any unfair labor practice occurring more than six months prior to the filing of a charge with the Board and the service of a copy

failed to allege any legally justifiable basis for Respondent to take the extraordinary step of seeking to overturn the arbitration award. See 710 ILCS 5/12 (2010);<sup>2</sup> Am. Fed'n of State, Cnty. & Mun. Empl. v. Dep't of Cent. Mgmt. Serv., 173 Ill. 2d 299, 304 (1996). Consequently, she has failed to establish a question of law or fact that would require a hearing, and for that reason we uphold the Executive Director's dismissal.

BY THE LOCAL PANEL OF THE ILLINOIS LABOR RELATIONS BOARD

  
Jacalyn J. Zimmerman, Chairman

  
Charles E. Anderson, Member

  
Edward E. Sadlowski, Member

Decision made at the Local Panel's public meeting in Chicago, Illinois, on July 12, 2011; written decision issued at Chicago, Illinois, July 22, 2011.

thereof upon the person against whom the charge is made, unless the person aggrieved thereby did not reasonably have knowledge of the alleged unfair labor practice or was prevented from filing such a charge by reason of service in the armed forces, in which event the six month period shall be computed from the date of his discharge.”

<sup>2</sup> Section 12(a) of the Uniform Arbitration Act provides limited grounds for vacating arbitration awards:

- (a) Upon application of a party, the court shall vacate an award where:
- (1) The award was procured by corruption, fraud or other undue means;
  - (2) There was evident partiality by an arbitrator appointed as a neutral or corruption in any one of the arbitrators or misconduct prejudicing the rights of any party;
  - (3) The arbitrators exceeded their powers;
  - (4) The arbitrators refused to postpone the hearing upon sufficient cause being shown therefor or refused to hear evidence material to the controversy or otherwise so conducted the hearing, contrary to the provisions of Section 5, as to prejudice substantially the rights of a party; or
  - (5) There was no arbitration agreement and the issue was not adversely determined in proceedings under Section 2 and the party did not participate in the arbitration hearing without raising the objection; but the fact that the relief was such that it could not or would not be granted by the circuit court is not ground for vacating or refusing to confirm the award.

710 ILCS 5/12(a) (2010).