

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

Deborah Ann Threlkeld,)	
)	
Charging Party)	
)	
and)	Case No. L-CB-12-010
)	
American Federation of State, County)	
and Municipal Employees, Council 31,)	
)	
Respondent)	

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

Charging Party, Deborah Ann Threlkeld, filed an unfair labor practice charge with the Illinois Labor Relations Board, Local Panel, alleging that Respondent, American Federation of State, County and Municipal Employees, Council 31, breached its duty of fair representation in violation of Sections 10(b)(1), (3) & (6) of the Illinois Public Labor Relations Act, 5 ILCS 315 (2010) as amended (Act). She alleged she had filed a race discrimination charge with the Equal Employment Opportunity Commission against Respondent, and subsequently Respondent had improperly processed her grievances concerning her employer's temporarily filling a vacancy with a less senior employee.

On December 29, 2011, Executive Director John F. Brosnan dismissed the charge, finding insufficient evidence Respondent had engaged in intentional misconduct, the standard articulated in Hoffman v. Lonza, 658 F.2d 519 (7th Cir. 1981), and subsequently incorporated into Section 10(b)(1). Charging Party filed a timely appeal of the Executive Director's dismissal

pursuant to Section 1200.135 of the Rules and Regulations of the Illinois Labor Relations Board, 80 Ill. Admin. Code §1200.135. Respondent did not file a response.

After reviewing the record and the appeal we uphold the Executive Director's dismissal for the reasons stated in his order. We find insufficient evidence of intentional misconduct where Respondent filed grievances on Charging Party's behalf, met with the employer, argued for additional training, and even advocated advancing the grievance to the next step. We note that in her post-dismissal appeal Charging Party makes reference to Respondent's refusal to process some additional grievance, but Section 6(d) of the Act reserves to exclusive representatives some discretion to refuse to process grievances, and there is no evidence submitted that indicates Respondent's actions relating to that grievance were based on anything other than its good faith assessment of its merits.

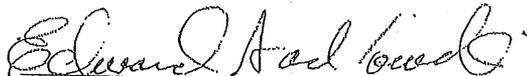
BY THE ILLINOIS LABOR RELATIONS BOARD, LOCAL PANEL



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 March 13, 2012; written decision issued at Chicago, Illinois, March 22, 2012.