STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
LOCAL PANEL

Brian K. Jones,	)	
	)	
Charging Party	)	
	)	
and	)	Case No. L-CB-15-004
	)	
Amalgamated Transit Union, Local 241,	)	
	)	
Respondent	)	

DECISION AND ORDER OF THE ILLINOIS LABOR RELATIONS BOARD LOCAL PANEL

On February 24, 2015, Executive Director Melissa Mlynski issued a Dismissal, dismissing a charge filed by Brian K. Jones (Charging Party) against his union, Amalgamated Transit Union, Local 241 (Respondent) in Case No. L-CB-15-004. Charging Party filed a timely appeal of the Executive Director's Dismissal pursuant to Section 1200.135(a) of the Illinois Labor Relations Board's Rules and Regulations, 80 Ill. Admin Code Section 1200.135(a). After reviewing the appeal and the record, we affirm the Executive Director's Dismissal for the reasons articulated in that document.

BY THE ILLINOIS LABOR RELATIONS BOARD, LOCAL PANEL

/s/ Robert M. Gierut
Robert M. Gierut, Chairman

/s/ Charles E. Anderson
Charles E. Anderson, Member

/s/ Richard A. Lewis
Richard A. Lewis, Member

Decision made at the Local Panel's public meeting held in Chicago, Illinois on April 16, 2015; written decision issued in Chicago, Illinois on April 28, 2015.

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
LOCAL PANEL

Brian K. Jones, Charging Party and Amalgamated Transit Union, Local 241, Respondent	Case No. L-CB-15-004

DISMISSAL

On August 26, 2014, Brian K. Jones (Charging Party) filed a charge with the Local Panel of the Illinois Labor Relations Board (Board) in the above-captioned case, alleging that Amalgamated Transit Union (Union or Respondent) violated Section 10(b) of the Illinois Public Labor Relations Act (Act), 5 ILCS 315 (2012), *as amended*. 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 hereby issue this dismissal for the reasons set forth below.

I. INVESTIGATORY FACTS AND POSITION OF THE CHARGING PARTY

The Respondent is a labor organization within the meaning of Section 3(i) of the Act and the exclusive representative of a bargaining unit (Unit) of Chicago Transit Authority (CTA or Employer) employees, including those in the title of Bus Operator. At all times material, the Charging Party was a public employee within the meaning of Section 3(n) of the Act, employed by the CTA as a Bus Operator. At all times relevant, Charging Party was a member of the Unit.

The Employer and Union are parties to a collective bargaining agreement (CBA) which provides for a grievance procedure culminating in arbitration for the Unit.

Charging Party was employed by the CTA for 15 years. In 2012, the Charging Party was on one year probation (CCI) for violation of the CTA's attendance policy. On or about April 11, 2012, the Charging Party alleges he was unable to report to work as scheduled, but claims he followed the appropriate procedures for notifying the Employer. On May 8, 2012, the Charging Party was discharged at a meeting in the General Manager's office because of attendance violations. On May 21, 2012, the Charging Party filed a grievance. In or about July 2013, Charging Party was referred by the Union to attorney Tiffany Reeves to review his grievance. Charging Party alleges that Reeves believed he had a good case and an arbitration hearing date was scheduled. The arbitration date was then rescheduled due to Transportation Manager Charles Morris being ill. Charging Party phoned in or about the end of August 2013, to ask for the rescheduled date of his arbitration hearing at which time Reeves informed him that she was removed from his case. Charging Party alleges that Reeves further informed him that the Union insisted she drop his case.

Charging Party alleges the Union engaged in misconduct by not processing his grievance. Charging Party further alleges that the Union's lack of action in his case may have been retaliation for his active participation in a motion to remove Local Union 241 President Darrel Jefferson from his seat in 2010. Charging Party alleges that he was recently informed that Union officials Keith Hill and Marvin Jacobs had chosen to drop his case because they did not like being challenged.

In a letter dated September 9, 2014, a Board agent informed Charging Party of the requirements to establish a case under Section 10(b)(1) of the Act. The Board agent also advised

Charging Party of the six month limitation period for filing a charge. The Board agent requested that the Charging Party provide information to support his charge, specifically information regarding the alleged conversation he had where he was told that Hill and Jacobs dropped his grievance because they did not like being challenged.

On September 19, 2014, Charging Party responded, but failed to provide details of this alleged conversation. A Board agent contacted the Charging Party by phone on December 2, 2014, again requesting details of the alleged conversation including the date it occurred. During that call the Charging Party could not provide the specific date of the alleged conversation saying only that he believed it occurred sometime in 2013. Charging Party contacted the Board agent by phone on December 3, 2014, and said he believed the alleged conversation had occurred on or around February 9th or 11th, 2014. Additionally, the Charging Party informed the Board agent that the conversation was in fact a phone call he had with Jacobs regarding why his grievance was dropped during which Jacobs repeatedly insisted that Charging Party drop the issue. Charging Party alleges he overheard Hill in the background during the phone call with Jacobs saying "why is he challenging us on this."

II. DISCUSSION AND ANALYSIS

Pursuant to Section 11(a) of the Act, "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...unless the person aggrieved did not reasonably have knowledge of the alleged unfair labor practice." The six month limitations period begins to run when an employee has knowledge of the alleged unlawful conduct or reasonably should have known of it. Moore v. ISLRB, 206 Ill. App. 3d 327, 564 N.E.2d 213, 7 PERI ¶4007 (1990); Service Employees International Union, Local 46 (Evans), 16 PERI ¶3020 (IL LLRB 2000); Teamsters (Zaccaro),

14 PERI ¶3014 (IL LLRB 1998), aff'd by unpub. order, Docket Nos. 1-98-2382 and 1-98-3014, 16 PERI ¶4003 (1st Dist. 1999).

The events that gave rise to the filing of the instant charge on August 26, 2014, occurred outside of the six month time frame provided by the Act. According to Charging Party, in August of 2013, Reeves informed him that she was removed from his case and that the Union had insisted that she drop his case. At this point Charging Party knew, or should have known, that Reeves was no longer pursuing his case. Arguably, this is the date that triggered the six month time frame to file an unfair labor practice charge. It appears that the Charging Party made additional attempts to contact the Union regarding the status of his grievance, but it is unclear when those attempts were made.[1] According to the Charging Party, his last contact with Jacobs occurred on or around February 9th or 11th, 2014. Even if the Board accepts that this is the event giving rise to the charge, the charge is still untimely. The unfair labor practice charge was not filed until August 26, 2014, more than six months after the alleged conversation between Charging Party and Jacobs.

III. ORDER

Accordingly, the instant charge is hereby dismissed. Charging Party may appeal this dismissal to the Board at any time within 10 calendar days of service hereof. Any such appeal must be in writing, contain the case caption and number, and be addressed to the Illinois Labor Relations Board's General Counsel, 160 North LaSalle Street, Suite S-400, Chicago, Illinois 60601-3103. Appeals will not be accepted in the Board's Springfield office. In addition, any such appeal must contain detailed reasons in support thereof, and the party filing the appeal must provide a copy of its appeal to all other persons or organizations involved in this case at the same

[1] In the charge form, Charging Party references a conversation (no date provided) where the Union offered Charging Party his job back with no back pay. It is unclear whether the Union was relaying an actual settlement offer or whether this was just an idea for a possible resolution of his grievance. In any event, Charging Party did not agree.

time the appeal 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 a copy of the appeal has been provided to each of them. An appeal filed without such a statement and verification will not be considered. If no appeal is received within the time specified herein, this dismissal will become final.

Issued in Springfield, Illinois, this 24th day of February, 2015.

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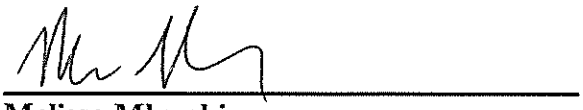
LOCAL PANEL



Melissa Mlynski
Executive Director