STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

Georgia M. Foster, Charging Party and Clerk of the Circuit Court of Cook County, Respondent	)))))))))	Case No. S-CA-10-143

and

Georgia M. Foster, Charging Party and International Brotherhood of Teamsters, Local 714, Respondent	)))))))))	Case No. S-CB-10-033

DECISION AND ORDER OF THE ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

On September 2, 2011, Executive Director John F. Brosnan dismissed two unfair labor practice charges filed by Georgia M. Foster (Charging Party). One was filed against her employer, the Clerk of the Circuit Court of Cook County (Employer Respondent) in Case No. S-CA-10-143, in which she alleged Employer Respondent had violated Section 10(a)(1) of the Illinois Public Labor Relations Act, 5 ILCS 315 (2010) as amended (Act), by humiliating her in forcibly removing her from her place of employment. The second was filed against her union, the International Brotherhood of Teamsters, Local 714 (Union Respondent) in Case No. S-CB-10-033, in which she alleged Union Respondent had violated Section 10(b)(1) of the Act by

failing to take appropriate action to obtain a remedy for the humiliation received at the hands of her employer.

The Executive Director dismissed the charge against Employer Respondent because Charging Party had not alleged, and the facts did not demonstrate, that the act of which she complained was taken by Employer Respondent because she had exercised any rights protected by the Act. He dismissed the charge against Union Respondent because there was no evidence Union Respondent had intentionally taken any action designed to retaliate against Charging Party, or because of her status. Specifically, Charging Party presented no evidence that she had been treated differently than any similarly situated employee, or that Union Respondent's actions were based on anything other than its good faith assessment of the merits of Charging Party's claims against her employer.

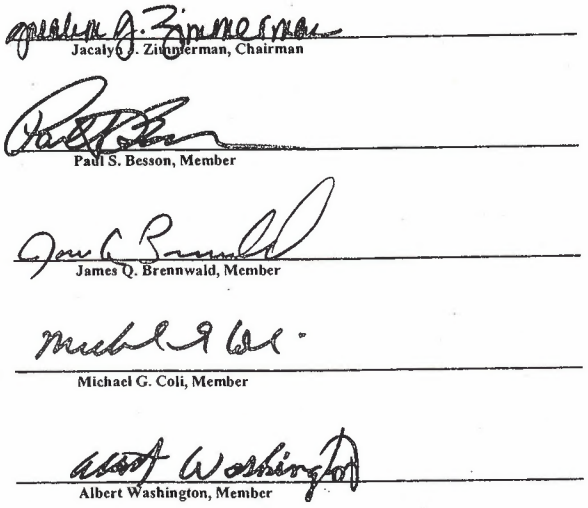
Charging Party wished to file an appeal pursuant to Section 1200.135 of the Board's Rules and Regulations, 80 Ill. Admin. Code Parts 1200 through 1240, and requested an extension of time for that purpose. The General Counsel granted the requested extension in an order captioned with both case numbers, Case No. S-CA-10-143 listed first. Charging Party filed exceptions within the extended time period. Although Charging Party listed only the docket number for the case against her employer, the content of her appeal addresses solely the case against her union and we will assume her timely appeal applies to both cases and for that reason consolidate them for final resolution. Neither Employer Respondent nor Union Respondent have filed a response to the appeal.

After reviewing the record, the Executive Director's dismissals, and the appeal, we affirm dismissal of both cases. Having presented no argument on the dismissal of the charge brought against Employer Respondent in Case No. S-CA-10-143, Charging Party obviously presents no

basis for reversal. Although she did present arguments relating to the dismissal of the charge brought against Union Respondent in Case No. S-CB-10-033, we find no basis for rejecting dismissal. Indeed, Charging Party's failure to show any merit to the charge against her employer tends to confirm that her union's actions were likely based upon a good faith assessment of the merits of her claim and not out of any intent to retaliate against her or discriminate against her based on her status.

The charges in both Case No. S-CA-10-143 and Case No. S-CB-033 are dismissed.

BY THE ILLINOIS LABOR RELATIONS BOARD, STATE PANEL



Jacaly J. Zimmerman, Chairman

Paul S. Besson, Member

James Q. Brennwald, Member

Michael G. Coli, Member

Albert Washington, Member

Decision made at the State Panel's public meeting in Chicago, Illinois, on February 7, 2012; written decision issued at Chicago, Illinois, February 22, 2012.

STATE OF ILLINOIS
ILLINOIS LABOR RELATIONS BOARD
STATE PANEL

Georgia M. Foster, Charging Party and Clerk of the Circuit Court of Cook County, Respondent	)))))))))	Case No. S-CA-10-143

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AFFIDAVIT OF SERVICE

I, John F. Brosnan, on oath state that I have this 22nd day of February, 2012 served the attached **DECISION AND ORDER OF THE ILLINOIS LABOR RELATIONS BOARD STATE 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.

Georgia Foster
5112 S. Ingleside, Apt 3F
Chicago, Illinois 60615

John Murphy
County of Cook
50 W Washington, Room 1001
Chicago, Illinois 60602

Teamsters Local 714
1300 Higgins Road, #301
Park Ridge, IL 60068

SUBSCRIBED and **SWORN** to
before me this **22nd day**
of February 2012.

NOTARY PUBLIC

NOTARY PUBLIC OFFICIAL SEAL STATE OF ILLINOIS
CARLA STONE
MY COMMISSION EXPIRES
OCTOBER 25, 2014

NOTARY PUBLIC OFFICIAL SEAL STATE OF ILLINOIS
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OCTOBER 25, 2014