

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

Amanda Moren,)	
)	
Charging Party)	
)	
and)	Case No. S-CB-10-073
)	
American Federation of State, County)	
and Municipal Employees, Council 31,)	
)	
Respondent)	

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

On August 25, 2011, Executive Director John F. Brosnan dismissed the unfair labor practice charge filed by Amanda Moren (Charging Party) in the above-captioned case. The Charging Party alleged that the American Federation of State, County and Municipal Employees, Council 31 (Respondent) violated Section 10(b) of the Illinois Public Labor Relations Act, 5 ILCS 315 (2010), as amended (Act), in that it failed to properly process several grievances, failed to properly defend her while she was being terminated from her position as a child protection investigator with the Illinois Department of Children and Family Services, and failed to defend her during proceedings to revoke her child welfare license.¹ Noting Respondent had repeatedly filed and processed grievances on Charging Party's behalf, the Executive Director

¹ Section 10(b)(1) provides that

It shall be an unfair labor practice for a labor organization or its agents:

- (1) to restrain or coerce public employees in the exercise of the rights guaranteed in this Act, provided, (i) that this paragraph shall not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership therein or the determination of fair share payments and (ii) that a labor organization or its agents shall commit an unfair labor practice under this paragraph in duty of fair representation cases only by intentional misconduct in representing employees under this Act[.]

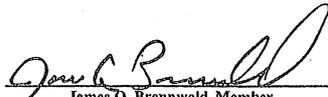
found no evidence Respondent intentionally took action designed to retaliate against Charging Party or due to her status.

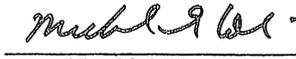
The Charging Party filed a timely appeal of the Executive Director's Dismissal pursuant to Section 1200.135(a) of the Board's Rules and Regulations, 80 Ill. Admin. Code, Parts 1200 through 1240, and Respondent filed a response. After reviewing the record, appeal and response, we uphold the Executive Director's dismissal for the reasons articulated in that document.

BY THE STATE PANEL OF THE ILLINOIS LABOR RELATIONS BOARD


Jacaly G. Zibunderman, 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 April 12, 2012; written decision issued at Chicago, Illinois, May 1, 2012.

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

Amanda Moren,)	
)	
Charging Party)	
)	
and)	Case No. S-CB-10-073
)	
American Federation of State, County)	
and Municipal Employees, Council 31,)	
)	
Respondent)	

AFFIDAVIT OF SERVICE

I, Elaine Tarver, on oath state that I have this 1st day of May 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.

Thomas Edstrom
AFSCME, Council 31
205 N Michigan Ave, Suite 2100
Chicago, IL 60601

Rafael J. Molinary
Attorney at Law
3930 N Pine Grove Ave, Suite 715
Chicago, IL 60613



SUBSCRIBED and SWORN to
before me this **1st day**
of **May, 2012.**



NOTARY PUBLIC

