

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

| | | |
|-----------------------|---|----------------------|
| Maryanne Tighe, |) | |
| |) | |
| Charging Party |) | |
| |) | |
| and |) | Case No. S-CB-10-075 |
| |) | |
| Teamsters, Local 726, |) | |
| |) | |
| Respondent |) | |

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

On March 15, 2011, Executive Director John F. Brosnan dismissed the unfair labor practice charge filed by Maryanne Tighe (Charging Party) in the above-referenced case. The Charging Party alleged that Teamsters, Local 726 (Respondent) violated Section 10(b) of the Illinois Public Labor Relations Act, 5 ILCS 315 (2010), as amended (Act), by failing to pursue a grievance relating to overtime compensation that Charging Party had filed shortly before her retirement. Finding there was no dispute that Respondent had, in August 2009, notified Charging Party that it would not pursue the grievance, the Executive Director found the charge, filed on April 27, 2010, outside the six-month limitation period established by Section 11(a) of the Act,¹ and for that reason dismissed the charge.

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

¹ In relevant part, Section 11(a) provides:

[N]o 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 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.

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| Respondent |) | |

AFFIDAVIT OF SERVICE

I, Elaine Tarver, on oath state that I have this 19th day of August, 2011, 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.

Maryanne Tighe
604 E. Hickory Street
Chatsworth, IL 60921

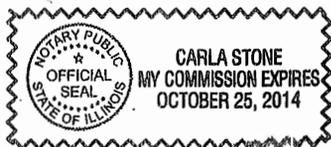
Kevin Camden
Teamsters, Local 726
1300 W Higgins Road, Suite 301
Park Ridge, IL 60068



SUBSCRIBED and SWORN to
before me this **19th day**
of **August 2011**.



NOTARY PUBLIC



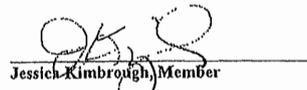
through 1240. The Respondent filed no response. After reviewing the record and appeal, we uphold the Executive Director's Dismissal. While on appeal Charging Party clearly disputes the Executive Director's finding that she knew of Respondent's action in August 2009, and asserts that she first learned of it at the end of October, the evidence is to the contrary. Specifically, an email from her friend and former steward dated August 10, 2009, suggests that Charging Party put her grievance "in again," indicating that Charging Party already knew of the fate of her prior grievance and, in any event, showing Charging Party should reasonably have known its status on the date she received that email, which was well in advance of the six-month limitation period. See Moore v. Ill. State Labor Relations Bd., 206 Ill. App. 3d 307, 335 (4th Dist. 1990). There is no question that the charge was untimely filed, and for that reason we affirm its dismissal.

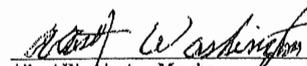
BY THE STATE PANEL OF THE ILLINOIS LABOR RELATIONS BOARD


Jacalyn J. Zimmerman, Chairman


Michael Coli, Member


Michael Hade, Member


Jessica Kimbrough, Member


Albert Washington, Member

Decision made at the State Panel's public meeting in Chicago, Illinois, on August 9, 2011; written decision issued at Chicago, Illinois, August 19, 2011.