

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

Britt J. Weatherford,)	
)	
Charging Party)	
)	
and)	Case No. S-CB-11-002
)	
American Federation of State, County)	
and Municipal Employees, Council 31,)	
)	
Respondent)	

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

On November 22, 2011, Executive Director John F. Brosnan dismissed the unfair labor practice charge filed by Britt J. Weatherford (Charging Party) in the above-captioned case.¹ 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 on his behalf, failed to include him in a grievance it filed on behalf of other employees, and failed to promptly respond to his request for updates concerning his grievances.² The Executive Director

¹ The Executive Director initially dismissed the charge in this case on January 28, 2011, finding the charge had been untimely. On appeal of that dismissal, we found the charge had been timely filed and remanded the case to the Executive Director for consideration of its merits.

² 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[.]

dismissed the charge, finding no evidence Respondent intentionally took action designed to retaliate against Charging Party or due to his 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. Respondent did not file a response. After reviewing the record and the appeal, we uphold the Executive Director's dismissal for the reasons articulated in that document.

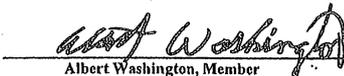
BY THE STATE PANEL OF THE ILLINOIS LABOR RELATIONS BOARD


Jacalyne 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 April 12, 2012; written decision issued at Chicago, Illinois, May 1, 2012.

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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

Britt Weatherford
3321 Smythberry Lane Apt #7
Springfield, IL 62711

Elaine Tarver

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

Carla Stone

NOTARY PUBLIC

