

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

Maria Zavala,	)	
	)	
Charging Party,	)	
	)	
and	)	Case No. S-CB-16-003
	)	
Chicago Newspaper Guild, Local 34071,	)	
	)	
Respondent.	)	

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

On July 20, 2015, Charging Party Maria Zavala filed a charge in the above-captioned case alleging Respondent Chicago Newspaper Guild, Local 34071 (Union or Guild) violated Section 10(b) of the Illinois Public Labor Relations Act, 5 ILCS 315/10(b) (2014) as amended, when a Union official committed certain misconduct. The Charging Party amended her charge on August 5, 2015, to include an alleged Hudson violation. See Chi. Teachers Union v. Hudson, 475 U.S. 292 (1986). On September 29, 2015, Executive Director Melissa Mlynski dismissed the charge finding that the Charging Party had failed to raise an issue of law or fact requiring a hearing. 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. Adm. Code § 1200.135(a), and the Union did not file a response. After reviewing the record and appeal, we reverse and remand the Executive Director's Dismissal for the following reasons.

The Executive Director's Dismissal is largely based on the Charging Party's failure to respond to the Board Investigator's letter requesting additional information. In her appeal, the Charging Party contends that she never received the Investigator's letter which was mailed to her home address. The Charging Party states that she maintains two addresses, a home address and a

P.O. Box, because she has issues receiving mail at her home address. The Charging Party also states that a Board Agent told her that she could only use her home address on her charge and not the P.O. Box. Thus, while we agree with the Executive Director that the Charging Party did not initially provide sufficient information regarding the Union official's alleged misconduct, we find there is sufficient ambiguity as to whether the Charging Party actually received the Investigator's letter. Therefore, we remand this case to the Executive Director for further investigation with the direction that all future inquiries and other communications be sent to the Charging Party in this case at both her home address and P.O. Box.

BY THE ILLINOIS LABOR RELATIONS BOARD, STATE PANEL

/s/ John J. Hartnett

John J. Hartnett, Chairman

/s/ Michael G. Coli

Michael G. Coli, Member

/s/ John R. Samolis

John R. Samolis, Member

/s/ Keith A. Snyder

Keith A. Snyder, Member

/s/ Albert Washington

Albert Washington, Member

Decision made at the State Panel's public meeting in Chicago, Illinois on December 15, 2015, written decision issued in Chicago, Illinois on January 29, 2016.

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

Maria Zavala,

Charging Party

and

Chicago Newspaper Guild, Local 34071

Respondent

Case No. S-CB-16-003

**DISMISSAL**

On July 20, 2015, Maria Zavala (Charging Party), filed an unfair labor practice charge with the State Panel of the Illinois Labor Relations Board (Board) in Case No. S-CB-16-003, alleging that the Chicago Newspaper Guild, Local 34071 (Union or Respondent) violated Section 10(b) of the Illinois Public Labor Relations Act (Act), 5 ILCS 315 (2014), *as amended*. On August 5, 2015, the Charging Party amended her charge. 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. INVESTIGATION**

The Respondent is a labor organization within the meaning of Section 3(i) of the Act that represents a bargaining unit (Unit) including all full-time and per diem Court Interpreters employed by the Chief Judge of the Circuit Court of Cook County (Chief Judge). The Charging Party is a public employee within the meaning of Section 3(n) of the Act, employed by the Chief

Judge as a Court Interpreter.

The Charging Party alleges that she does not believe Craig Rosenbaum, Executive Director of the Chicago Newspaper Guild, acts in the best interest of the Union. The Charging Party claims that Rosenbaum has used his position to bully and ridicule her and others when issues regarding the Union are raised. The Charging Party states that as an interpreter for over 30 years, she is earning the same amount of money as others with far less time on the job. The Charging Party asserts that with other unions, a person's seniority is the basis for more pay, choice of working location, vacation time, etc. The Charging Party alleges that when she has attempted to raise this issue at Union meetings Rosenbaum has belittled her about it. The Charging Party claims that when she raised the issue of retirement, Rosenbaum publicly stated that she should retire tomorrow rather than explore this issue. Charging Party alleges that Rosenbaum stated that his grandmother was savvier than her when she requested that he give everyone notice of updates and Union meetings.

On August 5, 2015, the Charging filed an amendment to her charge, alleging that the Union has been taking fair share fees from her paycheck since 2003 to the present. The Charging Party claims that the Union has never given her any notice as to how it calculates the fair share fees, or the manner by which she may object to the fair share fee calculation. The Charging Party asserts that in or about December 2014, she informed Rosenbaum that she only wanted to pay fair share. The Charging Party claims that in or about June 15, 2015, Rosenbaum said that she is "paying [her] fair share."

In a letter dated August 27, 2015, the Board agent assigned to the case informed the Charging Party of the elements necessary to establish a violation of Section 10(b)(1) of the Act, and that only the Union's actions or inaction within the last six months can be considered. The

Board agent requested the Charging Party provide any and all evidence to support her charge by September 10, 2015. The Charging Party has not filed a response to date.

## **II. DISCUSSION AND ANALYSIS**

Section 1220.40(a)(1) of the Illinois Labor Relations Board's Rules and Regulations, 80 Ill. Admin. Code, Sections 1200 through 1300, provides that "[t]he Charging Party shall submit to the Board or its agent all evidence relevant to or in support of the charge." This rule has been interpreted to allow the Executive Director to dismiss a case where a charging party has not complied with a request for evidence in support of a charge, or has not responded to a request for a written withdrawal. SEIU Local 880 (Kirk, et al.), 12 PERI ¶2006 (IL SLRB 1995), aff'd by unpub. order, 13 PERI ¶4008 (1996); State of Illinois, Department of Central Management Services (Department of Rehabilitation Services), 12 PERI ¶2005 (IL SLRB 1995), aff'd by unpub. order, 13 PERI ¶4008 (1996).

In the instant case, the Charging Party has failed to provide any evidence responsive to the Board agent's inquiry into the matter. Without any additional information supporting the charge, the available evidence is not sufficient to raise an issue for hearing. The Charging Party's failure to respond makes it unnecessary for the Board to process this case further.

## **III. ORDER**

Accordingly, the instant charge is hereby dismissed. The 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 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 29<sup>th</sup> day of September, 2015.**

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



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**Melissa Mlynski  
Executive Director**