

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

Marla Carey,	)	
	)	
Charging Party,	)	
	)	
and	)	Case No. L-CA-23-026
	)	
Chicago Transit Authority,	)	
Infrastructure/Labor Relations,	)	
	)	
Respondent.	)	

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

On April 24, 2023, Executive Director Kimberly Stevens dismissed a charge filed on March 1, 2023, by Charging Party Maria Carey, alleging that the Respondent Chicago Transit Authority (CTA) engaged in unfair labor practices within the meaning of Section 10(a) of the Illinois Public Labor Relations Act (“the Act”), 5 ILCS 315/1 *et seq.*, when it discharged Charging Party in retaliation for filing claims against another employee.

The Executive Director dismissed the charge on timeliness grounds. She observed that the complained-of conduct occurred in December 2018 when Respondent discharged Charging Party, but Charging Party filed her charge in March 2023, more than four years after Respondent’s alleged retaliatory actions took place. She further observed that the Act’s six-month limitation period starts to run on the date a charging party knew, or reasonably should have known, of the alleged offensive actions. The Executive Director then determined the available evidence indicated that Charging Party knew, or at least should have known, that she was discharged on December 12, 2018, triggering the Act’s six-month limitation period.

Charging Party timely appealed the dismissal. The CTA did not file a response.

We find the appeal defective for it fails to include a statement that the appeal was served on all other parties to the case. Pursuant to Section 1200.135(a) of the Board's rules, a party filing an appeal of an order issued by the Executive Director must serve the appeal on all other parties. 80 Ill. Adm. Code §1200.135(a)(1). Section 1200.20(f) of the Board's rules provides that: "The document shall not be considered properly served unless accompanied by proof of service. Proof of service shall consist of a written statement, signed by the party effecting service, detailing the name of the party served and the date and manner of service." 80 Ill. Adm. Code §1200.20(f).

Here, Charging Party failed to include a statement that the appeal was served on Respondent or its representatives, despite clear notice of the requirement included in the dismissal order. Accordingly, we strike the appeal for the failure to include the requisite statement of service. See Teamsters, Local 700 (Kondilis), 33 PERI ¶ 17 (IL LRB-LP 2016) (striking supplemental appeal where it was untimely and also not accompanied by proof of service on respondent); Amalgamated Transit Union, Local 308 (Cruse), 32 PERI ¶ 180 (declining to consider appeal where charging party failed to demonstrate she served it in accordance with the Board's rules).

For the above reasons, we strike the appeal and affirm the dismissal.

BY THE LOCAL PANEL OF THE ILLINOIS LABOR RELATIONS BOARD

/s/ Lynne O. Sered

Lynne O. Sered, Chairman

/s/ Charles E. Anderson

Charles E. Anderson, Member

/s/ Angela C. Thomas

Angela C. Thomas, Member

Decision made at the Local Panel's public meeting in Chicago, Illinois, on August 10, 2023; written decision approved at the Local Panel's public meeting in Chicago, Illinois, on September 14, 2023, and issued on September 14, 2023.

This Decision and Order is a final order of the Illinois Labor Relations Board. Aggrieved parties may seek judicial review of this Decision and Order in accordance with the provisions of Section 11(e) of the Act and the Administrative Review Law. Petitions for review of this Decision and Order must be filed within 35 days from the date the Decision and Order is served upon the party affected by the decision. 5 ILCS 315/11(e).

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

Marla Carey,

Charging Party

And

Chicago Transit Authority,  
Infrastructure/Labor Relations,

Respondent

Case No. L-CA-23-026

**DISMISSAL**

On March 1, 2023, Marla Carey (Charging Party) filed an unfair labor practice charge in Case No. L-CA-23-026 with the Local Panel of the Illinois Labor Relations Board (Board) alleging that the Chicago Transit Authority, Infrastructure/Labor Relations (Respondent) engaged in unfair labor practices within the meaning of the Illinois Labor Relations Act, 5 ILCS 315 *as amended*. After an investigation conducted in accordance with Section 11 of the Act, I determined that this charge fails to raise an issue of law or fact sufficient to warrant a hearing. I hereby dismiss this charge for the following reasons.

**I. INVESTIGATION**

Respondent is a public employer within the meaning of Section 3(o) of the Act. Charging Party and the Amalgamated Transit Union, Local 241 are parties to a collective bargaining agreement (CBA) for a bargaining unit (Unit) of certain of Respondent's employees that includes a grievance procedure culminating in final and binding arbitration. At times material to this charge, Charging Party was a public employee with the meaning of the 3(n) of the Act, was employed by Respondent, and was a member of the Unit.

Although Charging Party does not allege any specific Section of the Act that she believes Respondent violated, Charging Party's account of the situation suggests that she alleges a Section 10(a)(1) violation against Respondent. Specifically, Charging Party alleges that in or about December 2018, Respondent retaliated against her for filing claims against another employee when Respondent unjustly discharged her.

On November 30, 2018, Respondent notified Charging Party that Respondent was investigating her for alleged misconduct or rule violation. On December 10, 2018, Respondent discharged Charging Party from her employment for violations of General Rule No. 7 (a, b, and c) Obedience to Rules, Rule No. 14 (e, j) Personal Conduct, and Rule No. 24 Use of Best Judgment.

## **II. DISCUSSION AND ANALYSIS**

The available evidence indicates that this charge is untimely. Section 11(a) of the Act provides that no complaint shall issue based upon any unfair labor practice occurring more than six months prior to the filing of a charge with the Board, unless the person aggrieved did not reasonably have knowledge of the alleged unfair labor practice. The six-month limitations period begins to run on the date the charging party knew, or reasonably should have known, of the acts constituting the alleged unfair labor practice. Moore v. Illinois State Labor Relations Board, 206 Ill. App. 3d 327, 564 N.E.2d 213, 7 PERI ¶ 4007 (1990); Illinois Department of Central Management Services, 16 PERI ¶ 2011 (IL SLRB 2000); Chicago Transit Authority, 16 PERI ¶ 3013 (IL LLRB 2000); Teamsters (Zaccaro), 14 PERI ¶ 3014 (IL LLRB 1998), aff'd by unpub. order, 16 PERI ¶ 4003 (1999); see also, Jones v. Illinois Educational Labor Relations Board, 272 Ill. App. 3d 612, 650 N.E.2d 1092, 11 PERI ¶ 4010 (1995).

The available evidence indicates that the complained-of action in this charge occurred in December 2018 when Respondent discharged Charging Party. Charging Party did not file this

charge until March 1, 2023, more than four (4) years after the alleged violation of the Act. Charging Party knew, or reasonably should have known, of her discharge no later than December 12, 2018, according to information provided in her charge. Therefore, the charge is untimely filed per Section 11(a) of the Act as such, the Board is unable to process this charge any further.

### **III. ORDER**

Accordingly, this charge is hereby dismissed. The Charging Party may appeal this dismissal to the Board any time within 10 calendar days of service of this dismissal. Such appeal must be in writing, contain the case caption and numbers, and must be addressed to the General Counsel of the Illinois Labor Relations Board, 160 North LaSalle Street, Suite S-400, Chicago, Illinois, 60601-3103 or filed electronically at [ILRB.Filing@Illinois.gov](mailto:ILRB.Filing@Illinois.gov) in accordance with Section 1200.5 of the Board's Rules and Regulations, 80 Ill. Admin. Code §§1200-1300. The appeal must contain detailed reasons in support thereof, and the Charging Party must provide it to all other persons or organizations involved in this case at the same time it is served on the Board. Please note that the Board's Rules and Regulations do not allow electronic service of the other persons or organizations involved in this case. The appeal sent to the Board must contain a statement listing the other parties to the case and verifying that the appeal has been provided to them. The appeal will not be considered without this statement. If no appeal is received within the time specified, this dismissal will be final.

**Issued at Springfield, Illinois, this 24<sup>th</sup> day of April, 2023.**

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



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**Kimberly F. Stevens  
Executive Director**