

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

Felicia Williams,	)	
	)	
Charging Party,	)	
	)	
and	)	Case No. L-CB-23-026
	)	
International Brotherhood of Teamsters,	)	
Local 700,	)	
	)	
Respondent.	)	

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

On October 3, 2023, Executive Director Kimberly Stevens dismissed a charge filed by Charging Party Felicia Williams on June 23, 2023. Charging Party is employed by the City of Chicago, Department of Streets and Sanitation (“Employer”), as a Pool Motor Truck Driver (“PMTD”) and is a member of a bargaining unit represented by Respondent International Brotherhood of Teamsters, Local 700 (“Union”). She alleges in her charge that Respondent engaged in unfair labor practices within the meaning of Section 10(b) of the Illinois Public Labor Relations Act (Act), 5 ILCS 315/1 *et seq.*, when it failed to respond to and process Charging Party’s grievance against her Employer over a dispute with her foreman, Tonisha Smith.

The Executive Director dismissed the charge on timeliness grounds and on the merits. The Executive Director found the charge untimely filed because it was filed outside the Act’s six-month limitation period. She observed that the June 23, 2023 charge was filed nearly three years after Respondent filed Charging Party’s initial grievance in September 2020 and more than one year after Charging Party’s last contact with Respondent in April 2022. On the merits

of the charge, the Executive Director, noting the intentional misconduct standard in duty of fair representation cases and a union's discretion in grievance handling under Section 6(d) of the Act, found that Charging Party failed to provide evidence indicating that Respondent's actions were unlawful.

Charging Party timely filed an appeal of the Executive Director's dismissal. Upon review of the record, dismissal order, and the appeal, we find the appeal without merit and affirm the dismissal. In support of her appeal, Charging Party claims she believes she timely filed both the grievance and the instant charge. She asserts that when she followed up with Respondent in 2022 about the grievance, Respondent's representatives told her that they could neither provide any information regarding her initial grievance nor could they find the grievance itself, which prompted her to file her charge. Respondent did not file a response.

We affirm the Executive Director's dismissal on timeliness grounds. Charging Party provides no evidence or cogent argument that she was prevented from filing a charge with the Board by Respondent's actions or by events beyond her control. See State of Ill. Dept. of Central Mgmt. Servs., (Eugene Brown, Jr.), 19 PERI ¶ 105 (ILRB-SP 2003) (rejecting a charging party's contention that limitation period should be tolled because he filed with the wrong agency). Although Charging Party references the Union's response to her inquiries in 2022, she does not explain how the Union's response that it could not find the grievance or provide any information regarding the grievance resulted in filing the instant charge outside the Act's six-month limitation period as the Executive Director found. As such, we dismiss the charge on timeliness grounds. We further decline to reach the merits of the charge, as we lose jurisdiction over unfair labor practice charges filed outside the Act's six-month limitations period. See id. (citing Jones v. Ill. Educ. Labor Relations Bd., 272 Ill. App.3d 612, 621 (1st Dist. 1995) in which the court noted that

any decision on the merits by the Illinois Educational Labor Relations Board on the merits would have been void for lack of jurisdiction). Accordingly, the Executive Director correctly dismissed the charge on the grounds the charge was untimely filed. 5 ILCS 315/11(a).

For the above reasons, we affirm the Executive Director's dismissal on timeliness grounds.

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 February 8, 2024; written decision approved at the Local Panel's public meeting in Chicago, Illinois, on March 14, 2024, and issued on March 14, 2024.

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).