



ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

FACSIMILE TRANSMISSION COVER SHEET

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DATE: October 25, 2012

TO: Douglas Hass @ [REDACTED]
Robert Lyons @ [REDACTED]

FROM: Susan Willenborg
Board Agent

SUBJECT: Elgin School District U-46/DUTU
Case No. 2012-CA-0049-C
Elgin School District U-46/ESSQ
Case No. 2012-CA-0050-C

TOTAL NUMBER OF PAGES INCLUDING COVER PAGE: 7

COMMENTS:

The following Complaints and Notices of Hearing and Order Consolidating Cases are hereby served on you by this facsimile transmission. No further copies will be sent.

STATE OF ILLINOIS
ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

District U-46 Transportation Union, IEA-NEA,

Complainant,

and

Elgin School District U-46,

Respondent.

Case No. 2012-CA-0049-C

COMPLAINT AND NOTICE OF HEARING

Complainant, District U-46 Transportation Union, IEA-NEA (Union), filed an unfair labor practice charge with the Illinois Educational Labor Relations Board (IELRB) in the above-captioned case, alleging that Respondent, Elgin School District U-46 (District), violated Section 14(a) of the Illinois Educational Labor Relations Act (Act), 115 ILCS 5/1, et seq. (2010), as amended. After an investigation conducted in accordance with Section 15 of the Act, the Executive Director determined that the charge involves dispositive issues of law or fact and issues this complaint for hearing, pursuant to the Act and Section 1120.30 of the IELRB's Rules and Regulations (Rules), 80 Ill. Admin. Code §§1100-1135.

Complainant alleges as follows:

1. Complainant filed the unfair labor practice charge in this proceeding on February 27, 2012, and a copy thereof was served on Respondent.
2. At all times material, Respondent District was an educational employer within the meaning of Section 2(a) of the Act.
3. At all times material, the Union was an employee organization within the meaning of Section 2(c) of the Act.
4. At all times material, the Union was the exclusive representative within the meaning of Section 2(d) of the Act of an appropriate bargaining unit comprised of bus drivers and related employees employed by the District.
5. Since on or about September 7, 2011, while negotiations for a new collective bargaining agreement have been ongoing between the Union and Respondent District, Respondent has failed to pay step advancements to members.
6. The subject described above in paragraph 5 above is a mandatory subject of bargaining.
7. Respondent took the action referenced in paragraph 5 without notice to the Union, or offering it an opportunity to bargain.
8. By its acts and conduct as described in paragraphs 5 and 7, Respondent violated Section 14(a)(5) and (1) of the Act.

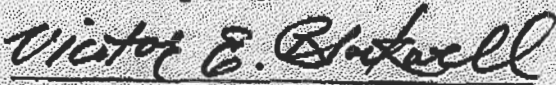
WHEREFORE, Complainant demands judgment against Respondent and requests that the IELRB grant any and all relief it finds appropriate in accordance with Section 15 of the Act.

RESPONDENT IS HEREBY NOTIFIED that pursuant to Section 1120.30(a) of the Rules, It must file copies of its answer to the complaint with the IELRB and serve a copy on Complainant no later than 15 days after service hereof, and that pursuant to Section 1120.30(d)(3) of the Rules, failure to timely file an answer shall be deemed an admission of all material facts or legal conclusions alleged in the complaint and a waiver of hearing. The filing of any motion or other pleading will not stay the time for filing an answer.

ALL PARTIES ARE HEREBY NOTIFIED that a hearing will be held at 10:00 a.m. on January 9, 2013, and on consecutive business days thereafter, until completed, at 160 North LaSalle Street, Suite S-501, Chicago, Illinois, before Colleen M. Harvey, an administrative law judge for the Illinois Educational Labor Relations Board, upon all disputed issues, at which time and place Complainant has the obligation to present all evidence in support of its positions, and all parties have the right to appear in person; to be represented by legal counsel; and to provide testimony, other evidence, and oral and written arguments. The public hearing will be conducted pursuant to Section 15 of the Act, and Sections 1100, 1105 Subpart B, and 1120 of the Rules. The parties are also advised that disposition may be made by stipulation, agreed settlement, consent order, or default. As part of its case processing, the agency provides for mediation of the dispute underlying the unfair labor practice charge, prior to hearing. In this case, mediation is scheduled for the week of December 17, 2012, at a time and place mutually convenient to the parties, with the Board Agent who investigated this matter. Please contact the Board Agent at your earliest convenience to arrange the mediation session.

Dated: October 25, 2012

Issued: Chicago, Illinois



Victor E. Blackwell
Executive Director

Illinois Educational Labor Relations Board
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Chicago, Illinois 60601-3103
Telephone: 312.793.3170

STATE OF ILLINOIS
EDUCATIONAL LABOR RELATIONS BOARD

In the Matter of:

District U-46 Transportation Union, IEA-NEA,

Complainant,

and

Egin School District U-46,

Respondent.

Case No. 2012-CA-0049-C

In the Matter of:

Educational Support Service Organization,
IEA-NEA,

Complainant,

and

Egin School District U-46,

Respondent.

Case No. 2012-CA-0050-C

In the Matter of:

Service Employees International Union, Local 73,
CLC, CTW,

Complainant,

and

Egin School District U-46,

Respondent.

Case No. 2012-CA-0051-C

ORDER CONSOLIDATING CASES

The Respondent is the same in each of the above captioned cases. There are closely related issues of fact and law in each of the cases. Consolidating the above captioned cases will effectuate the policies and purposes of the Illinois Educational Labor Relations Act, 115 ILCS 5/1, et seq. and will make for more efficient use of the resources of the Illinois Educational Labor Relations Board as well as the resources of the parties.

THEREFORE, IT IS HEREBY ORDERED that the above captioned cases are consolidated for hearing and for all other proceedings before the Illinois Educational Labor Relations Board.

Dated: October 25, 2012
Issued: Chicago, Illinois



Victor E. Blackwell
Executive Director

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