
IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

CHICAGO PARK DISTRICT,	)	
	)	
Petitioner,	)	Petition for Review of
	)	an Order of the Illinois Labor
v.	)	Relations Board, Local Panel.
	)	
THE STATE OF ILLINOIS; THE ILLINOIS LABOR	)	
RELATIONS BOARD, LOCAL PANEL; LYNNE O.	)	
SERED, as Chairman of the Illinois Labor Relations Board,	)	
Local Panel; CHARLES E. ANDERSON, as Member of	)	
the Illinois Labor Relations Board, Local Panel; ANGELA	)	Illinois Labor Relations Board
C. THOMAS, as Member of the Illinois Labor Relations	)	Case No. L-CA-24-033
Board, Local Panel; and VICTOR AMO,	)	
	)	
Respondents.	)	

PRESIDING JUSTICE NAVARRO delivered the judgment of the court, with opinion.
Justices Lyle and Quish concurred in the judgment and opinion.

OPINION

¶ 1 Respondent, Victor Amo, filed an unfair labor practice charge with the local panel of the Illinois Labor Relations Board (Board) against petitioner, the Chicago Park District (Park District), but never served a copy of the charge on the Park District. The Board itself provided the Park District a copy of Amo's charge and then issued a formal complaint for hearing. Ultimately, the

Board found in favor of Amo. In doing so, the Board rejected an argument from the Park District that it lacked jurisdiction to issue the complaint because Amo failed to serve the Park District with a copy of his charge, as required by section 11(a) of the Illinois Public Labor Relations Act (Act) (5 ILCS 315/11(a) (West 2024)) and the Act's regulations. On direct administrative review of the Board's final order, the Park District challenges the Board's jurisdiction to issue the complaint because Amo failed to serve a copy of his charge on the Park District. For the reasons that follow, we affirm the Board's decision.

¶ 2

I. BACKGROUND

¶ 3 On June 27, 2024, Amo filed an unfair labor practice charge with the Board against the Park District. Amo alleged that, on February 27, 2024, the Park District posted a vacancy for a floriculturist position without offering the position in accordance with seniority, as required by the applicable collective bargaining agreement. On July 2, 2024, an agent of the Board e-mailed Argentene Hrysikos, the Park District's director of human resources, a copy of Amo's charge and a letter outlining the relevant procedures. The letter noted that, upon receipt, the Park District was "considered officially served" in accordance with the Board's regulations. That same day, another Board agent e-mailed Hrysikos, requesting information about Amo's allegations with a deadline of July 16, 2024. However, Hrysikos was on vacation at the time of the Board's e-mails. By the time she returned to work and read the e-mails, the deadline to respond had already passed.

¶ 4 On August 12, 2024, the Board issued a formal complaint for hearing based on Amo's charge, alleging that the Park District violated the Act (5 ILCS 315/1 *et seq.* (West 2024)). The complaint informed the Park District that it had to file an answer within 15 days of service. The Park District did not file an answer. Accordingly, more than a month later, the Park District sought leave to file a late answer or, in the alternative, a variance from the deadline due to its own admitted

“calendaring error”—an error that was “not related” to Hrysikos being out of the office. An administrative law judge denied leave to file a late answer and declined to provide a variance. In turn, the administrative law judge found that the Park District waived its right to a hearing in the matter, admitted the material factual and legal allegations of the complaint, found in favor of Amo, and ordered various relief.

¶ 5 Thereafter, the Park District filed two exceptions to the administrative law judge’s recommended decision and order. First, although the Park District acknowledged receiving a copy of Amo’s charge from the Board, it argued that the Board lacked jurisdiction to issue the complaint because Amo failed to serve the Park District with a copy of his charge within the six-month limitations period provided for by section 11(a) of the Act (*id.* § 11(a)) and the Act’s regulations. Citing to *Chicago Fire Fighters Union, Local 2*, 25 PERI ¶ 156 (ILRB Local Panel 2008), in which the Board dismissed an unfair labor practice charge under similar circumstances, the Park District posited that the Board’s service of the charge could not substitute for the service required by Amo, as the charging party. The Park District supported this exception with an affidavit from Hrysikos, who averred to never receiving a copy of the charge directly from Amo. Second, the Park District argued that the Board lacked jurisdiction to issue the complaint because the complaint was based, in part, on activity that occurred more than six months before Amo filed his charge, in violation of the limitations period in section 11(a) of the Act (5 ILCS 315/11(a) (West 2024)).

¶ 6 In April 2025, a three-member local panel of the Board issued a written decision. Concerning the service issue, the Board declined to follow its decision in *Chicago Fire Fighters Union, Local 2* because, following that decision, the appellate court set aside the Board’s dismissal in an unpublished Rule 23 order. See *Lyman v. State*, No. 1-08-1900 (2009) (unpublished order under Illinois Supreme Court Rule 23). According to the Board, the appellate court’s decision

rendered its decision invalid. The Board also rejected the Park District’s second exception and adopted the administrative law judge’s recommended decision and order in its entirety.

¶ 7 The Park District subsequently filed a petition for direct administrative review in this court. See 5 ILCS 315/11(e) (West 2024); Ill. S. Ct. R. 335 (eff. July 1, 2017).

¶ 8 II. ANALYSIS

¶ 9 On direct administrative review, the Park District contends that the Board’s final order must be reversed because the Board lacked jurisdiction to issue the complaint, where Amo never served the Park District with a copy of his unfair labor practice charge within the six-month limitations period provided for by the Act and its regulations.

¶ 10 Under the Act, we review final orders of the Board in accordance with the Administrative Review Law (735 ILCS 5/3-101 *et seq.* (West 2024)). 5 ILCS 315/11(e) (West 2024). In administrative review, our standard of review depends on whether the issue presented is one of law, fact, or a mixed question of law and fact. *Board of Education of Chicago v. Illinois Educational Labor Relations Board*, 2015 IL 118043, ¶ 14. In the instant case, the facts are undisputed, and the issue on direct administrative review requires us to interpret the service provisions of the Act and its regulations, making the issue one of law. *Hartney Fuel Oil Co. v. Hamer*, 2013 IL 115130, ¶ 16. As a question of law, our review is *de novo*, though an administrative agency’s interpretation of statutes and regulations it is charged with administering is relevant and entitled to substantial weight and deference. *Id.*

¶ 11 The Board is an administrative agency created by statute (see *Slater v. Illinois Labor Relations Board, Local Panel*, 2019 IL App (1st) 181007, ¶¶ 1, 13; 5 ILCS 315/5 (West 2024)), meaning “it has no general or common-law powers.” *Goral v. Dart*, 2020 IL 125085, ¶ 33. As a result, the Board’s “powers are limited to those granted by the legislature, and any action taken by

[it] must be authorized by its enabling act.” *Id.* When an administrative “agency acts outside its specific statutory authority, it is said to have acted without ‘jurisdiction.’ ” *Ferris, Thompson & Zweig, Ltd. v. Esposito*, 2015 IL 117443, ¶ 16 (quoting *Alvarado v. Industrial Comm’n*, 216 Ill. 2d 547, 553-54 (2005)).

¶ 12 The Park District’s argument that the Board lacked jurisdiction to issue the complaint rests upon the interpretation of section 11(a) of the Act (5 ILCS 315/11(a) (West 2024)) and the Act’s regulations. When construing a statute, our primary goal is to give effect to the intent of the legislature, “which is best indicated by the plain and ordinary language of the statute.” *Hartney*, 2013 IL 115130, ¶ 25. “Words should be given their plain and obvious meaning,” and no part of a statute “should be rendered superfluous.” *Id.* When the language of a statute “is clear and unambiguous, it is given effect as written without resort to other aids of statutory interpretation.” *Dew-Becker v. Wu*, 2020 IL 124472, ¶ 12. Additionally, we cannot “read into a statute exceptions, limitations, or conditions the legislature did not express.” *Id.* ¶ 14. Moreover, “regulations have the force and effect of law,” and, thus, we interpret statutes and administrative regulations in the same manner. *Hartney*, 2013 IL 115130, ¶ 38.

¶ 13 We now turn to the relevant statute and regulations. Under the Act, when an individual files a charge of an unfair labor practice, the Board must investigate the charge. 5 ILCS 315/11(a) (West 2024). If the Board determines that the charge involves a dispositive issue of fact or law, the Board must issue a complaint. *Id.* However, “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 and the service of a copy thereof upon the person against whom the charge is made ***.” *Id.* This provision has two different requirements before the Board can issue a complaint. First, the charge must be filed within six months of the alleged unfair labor practice. *Id.*; *Chicago Joint Board*,

Local 200 v. Illinois Labor Relations Board, 2011 IL App (1st) 101497, ¶ 22. Second, within that same six-month period, there must be “service of a copy” of the charge “upon the person against whom the charge is made.” 5 ILCS 315/11(a) (West 2024).

¶ 14 To effectuate the purpose of the Act, our legislature has authorized the Board to promulgate procedural regulations to govern proceedings before the Board. *Id.* § 5(i). To this end, the Board adopted regulations to provide additional direction on how to file an unfair labor practice charge, including the requirement that “[t]he charging party shall serve a copy of the charge upon the respondent.” 80 Ill. Adm. Code 1220.20(c) (2020). In addition to service by the charging party, “[t]he Board shall serve a courtesy copy of the charge upon the respondent, but timely service of a copy of the charge within the meaning of Section 11(a) of the Act is the exclusive responsibility of the charging party and not of the Board.” *Id.*

¶ 15 Based on the Act requiring service of a copy of the charge on the party “against whom the charge is made” within six months of the alleged unfair labor practice (5 ILCS 315/11(a) (West 2024)) and the Act’s regulations specifically making timely service the responsibility of the charging party (80 Ill. Adm. Code 1220.20(c) (2020)), the Park District argues that Amo’s failure to serve a copy of his unfair labor practice charge on it deprived the Board of jurisdiction to issue the complaint. Neither party has identified, and we have not found, a published Illinois decision addressing this issue. Nonetheless, the National Labor Relations Act contains a similar service provision. See 29 U.S.C. § 160(b) (2024).

¶ 16 Under section 10(b) of the National Labor Relations Act (*id.*), whenever a party files a charge of an unfair labor practice, the National Labor Relations Board has the power to issue a formal complaint. However, like the Act, “no complaint shall issue based upon any unfair labor practice occurring more than six months prior to the filing of the charge with the [National Labor

Relations Board] and the service of a copy thereof upon the person against whom such charge is made ***.” *Id.* Like the Act’s regulations, the federal regulations provide that, when a regional office receives a charge,

“[t]he Regional Director may cause a copy of the charge to be served on the person against whom the charge is made, but timely service of a copy of the charge within the meaning of the proviso to section 10(b) of the Act is the exclusive responsibility of the charging party and not of the Regional Director.” 29 C.F.R. § 101.4 (2024).

The similarities between the Act and the National Labor Relations Act are not a coincidence, as the Act was modeled after the National Labor Relations Act. See *Kane County v. Illinois State Labor Relations Board*, 165 Ill. App. 3d 614, 620 (1988). “Because there is a close parallel between the Act and the National Labor Relations Act, it is appropriate to consider federal labor law decisions when they are consistent with the purposes of the Act.” *Matthews v. Chicago Transit Authority*, 2016 IL 117638, ¶ 46 n.8.

¶ 17 In *General Motors Corp. v. National Labor Relations Board*, 222 F.2d 349, 351 (5th Cir. 1955), the United States Court of Appeals for the Fifth Circuit found a charging party’s failure to serve the charged party with a copy of the charges did not prevent the National Labor Relations Board from having jurisdiction to issue a complaint. The court concluded that, because the National Labor Relations Board provided a copy of the charge and section 10(b) of the National Labor Relations Act made “no specific provision as to how or by whom this notice shall be served,” the National Labor Relations Board’s service was sufficient for purposes of section 10(b). *Id.* Similarly, in *National Labor Relations Board v. Wiltse*, 188 F.2d 917, 927 (6th Cir. 1951), the United States Court of Appeals for the Sixth Circuit noted that, while section 10(b) did “not specify by whom the charge is to be served,” it could not “be maintained that the [National Labor

Relations] Board, as well as the charging party, [did] not have an interest in the matter.” As such, it was “of no concern to the [charged party] whether service is made by the [National Labor Relations Board] or the [charging party]” even though the regulations made the charging party responsible for timely service of a copy of the charge. *Id.*

¶ 18 Turning to the instant case, as in *General Motors* and *Wiltse*, which interpreted section 10(b) of the National Labor Relations Act (29 U.S.C. § 160(b) (2024)), section 11(a) of the Act (5 ILCS 315/11(a) (West 2024)) does not specify how service must be accomplished or by whom it must be made. The statute merely requires “service” of a copy of the charge “upon the person against whom the charge is made.” *Id.* Still, highlighting the Board’s regulations (see 80 Ill. Adm. Code 1220.20(c) (2020)), the Park District argues that, without service by Amo himself, the requirement of section 11(a) cannot, and has not, been met. But, in construing a statute, we cannot “read into [it] exceptions, limitations, or conditions the legislature did not express.” *Dew-Becker*, 2020 IL 124472, ¶ 14.

¶ 19 While the Board’s regulations unambiguously make timely service of a copy of the charge the responsibility of the charging party, the legislature did not condition the Board’s power to issue a complaint on service being performed by a particular party or in a particular manner. See 5 ILCS 315/11(a) (West 2024). Instead, the plain language of section 11(a) only requires that service occur (*id.*), and administrative regulations cannot impose a jurisdictional condition that the legislature itself did not enact. See, *e.g.*, *Julie Q. v. Department of Children & Family Services*, 2011 IL App (2d) 100643, ¶ 35, *aff’d*, 2013 IL 113783 (“Agency rules cannot extend or alter the scope of the enabling statute, but must conform thereto.”). In turn, the Park District’s contention concerns agency compliance with its own regulations—a secondary argument it raises on direct administrative review—rather than the jurisdiction of the Board. See *Davis v. Chicago Police*

Board, 268 Ill. App. 3d 851, 856 (1994) (observing that, “while [the] plaintiff alleged that the Board violated its own rules of procedure, [the] plaintiff does not allege that the Board exceeded its statutory authority”).

¶ 20 This distinction matters because, when the Board acts beyond the authority conferred by statute, it acts without jurisdiction (see *Ferris*, 2015 IL 117443, ¶ 16), rendering any act of the agency void. *Weingart v. Department of Labor*, 122 Ill. 2d 1, 17 (1988). Stated otherwise, the agency’s “actions are *** a nullity from their inception.” *Daniels v. Industrial Comm’n*, 201 Ill. 2d 160, 165 (2002). Conversely, although when an administrative agency adopts regulations, it is bound by those regulations (*Pace Realty Group, Inc. v. Property Tax Appeal Board*, 306 Ill. App. 3d 718, 729 (1999)), an agency’s violation of its regulations does not automatically require reversal. See *Schinkel v. Board of Fire & Police Comm’n*, 262 Ill. App. 3d 310, 318-19 (1994). Rather, “if an administrative agency violates such a rule the violation is only a reversible error if the negatively affected party shows that he was prejudiced.” *Id.* As a consequence, even assuming the Board violated its own regulations governing service, the alleged violation did not deprive the Board of jurisdiction to issue the complaint.

¶ 21 Additionally, although the Park District challenged the timeliness of Amo’s charge during the administrative proceedings, the Park District has not advanced any argument on direct administrative review that Amo failed to file his unfair labor practice charge within six months of the alleged unfair labor practice. See 5 ILCS 315/11(a) (West 2024). Likewise, the Park District does not challenge the timeliness of the service relative to the alleged unfair labor practice. See *id.* As such, the Park District has forfeited any arguments concerning the timeliness of Amo’s charge or the timeliness of service. See Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020). Because the Park District does not challenge the timeliness of Amo’s charge or the timeliness of the service of that charge,

and the Board's service of that charge on the Park District was sufficient for purposes of section 11(a) of the Act, the Board had the statutory authority to issue the complaint.

¶ 22 Nevertheless, the Park District argues that, even if the Board could provide the service required by section 11(a) of the Act (5 ILCS 315/11(a) (West 2024)), the Board improperly effectuated service by e-mail. The Park District highlights that the Board's regulations only allow e-mail service upon the permission of the party receiving the charge (see 80 Ill. Adm. Code 1220.20(c) (2020)), and there was no evidence the Park District agreed to service by e-mail. The regulations highlighted by the Park District only apply to the charging party. See *id.* ("The charging party shall serve a copy of the charge upon the respondent" and "[w]ith the permission of the person receiving the charge, service may be made *** by email ***."). Regardless, the Park District failed to raise this argument during the administrative proceedings. As a result, it cannot raise this argument on direct administrative review. See *Arvia v. Madigan*, 209 Ill. 2d 520, 526 (2004) ("As a general rule, issues or defenses not raised before the administrative agency are deemed waived and cannot be raised for the first time on administrative review.").

¶ 23 Moreover, to the extent the Park District posits that the Board's e-mail service impacted its jurisdiction to issue the complaint, as previously discussed, section 11(a) of the Act (5 ILCS 315/11(a) (West 2024)) only demands that service occur, not that it occur in a particular manner. As such, the mere fact that service occurred is sufficient to show that the Board had the statutory authority (*i.e.*, jurisdiction) to issue the complaint on behalf of Amo. For this reason, the Park District's reliance on *Midwest Commercial Funding, LLC v. Kelly*, 2023 IL 128260, ¶¶ 1, 20-27, a case involving a lien priority dispute and how unauthorized service affected that priority, is misplaced, as *Midwest's* discussion of unauthorized service did not implicate the circuit court's jurisdiction or authority to act.

¶ 24 In addition, the Park District asserts that, when the Board issued its order in April 2025, it improperly relied on an unpublished appellate court decision entered under Illinois Supreme Court Rule 23 (eff. Feb. 1, 2023). Under Rule 23(e)(1), appellate court decisions not filed as opinions are “not precedential except to support contentions of double jeopardy, *res judicata*, collateral estoppel or law of the case,” except that Rule 23 nonprecedential orders filed “on or after January 1, 2021, may be cited for persuasive purposes.” Ill. S. Ct. R. 23(e)(1) (eff. Feb. 1, 2023). Under our supreme court rules, because *Lyman* was filed before January 1, 2021, the Board could not treat the decision as precedential authority. However, the Board cited that decision only to reject the Park District’s reliance on a prior decision of the Board, *Chicago Fire Fighters Union, Local 2*, 25 PERI ¶ 156.

¶ 25 As previously discussed, when the Park District filed exceptions to the administrative law judge’s recommended decision and order, it cited *Chicago Fire Fighters Union, Local 2* for support that a charging party’s failure to serve the charged party with a copy of the charge within the six-month limitations period warranted dismissal of the charge. Following the Board’s dismissal in that case, the charging party petitioned for direct administrative review, and the appellate court found that his charge should not have been dismissed, thereby “set[ting] aside the Board’s decision dismissing [the charging party’s] charge as untimely.” *Lyman*, No. 1-08-1900. As noted by the Board on direct administrative review in the instant case, it did not cite *Lyman* for precedential value. Rather, the Board referenced the unpublished Rule 23 order solely as procedural history to demonstrate that the underlying decision (*Chicago Fire Fighters Union, Local 2*) had been set aside and provided no support for the Park District. In analogous circumstances, when our supreme court vacates a decision of the appellate court, the appellate court decision “carries no precedential weight.” *Mohanty v. St. John Heart Clinic, S.C.*, 225 Ill. 2d

52, 66 (2006) (observing that “[t]he appellate decision ***, upon which [the] plaintiffs primarily rely, was vacated by this court ***, and, as such, carries no precedential weight”). Accordingly, the Board did not err by referencing *Lyman*.

¶ 26 Lastly, the Park District argues that the Board made *ad hoc* exceptions to its own regulations by not enforcing the requirement that Amo, as the charging party, serve his charge on the Park District and by concluding that the Board’s service on the Park District via e-mail was sufficient. The Park District asserts that these *ad hoc* exceptions require reversal.

¶ 27 As to the Park District’s argument concerning service by e-mail, we have already concluded that such an argument was forfeited because the Park District failed to raise the issue before the Board. See *Arvia*, 209 Ill. 2d at 526. As to the Park District’s argument concerning the lack of service by Amo, it is true, as already discussed, that an administrative agency is bound by the regulations it adopts. *Pace Realty*, 306 Ill. App. 3d at 729. To this end, generally, an administrative agency must follow its own regulations and “may not make *ad hoc* exceptions to or departures from their rules when adjudicating.” *Mattoon Community Unit School District No. 2 v. Illinois Educational Labor Relations Board*, 193 Ill. App. 3d 875, 881 (1990). In other words, “the agency is bound by [its] rules and regulations and cannot arbitrarily disregard them.” *Springwood Associates v. Health Facilities Planning Board*, 269 Ill. App. 3d 944, 948 (1995). “Agency action is arbitrary and capricious if the agency contravenes the legislature’s intent, fails to consider a crucial aspect of the problem, or offers an explanation which is so implausible that it runs contrary to agency expertise.” *General Service Employees Union, Local 73 v. Illinois Educational Labor Relations Board*, 285 Ill. App. 3d 507, 515 (1996).

¶ 28 In the instant case, even assuming that the Board failed to follow its own regulations by allowing its courtesy service to substitute for the timely service by Amo himself, the decision by

the Board does not contravene the legislative intent of the Act. As previously discussed, there is a dearth of Illinois case law about the service provision contained in section 11(a) of the Act (5 ILCS 315/11(a) (West 2024)). However, in discussing section 10(b) of the National Labor Relations Act (29 U.S.C. § 160(b) (2024)), federal courts have observed two primary purposes of the service requirement: (1) to provide notice to the charged party that a charge of an unfair labor practice has been filed with the National Labor Relations Board (*Kelley v. National Labor Relations Board*, 79 F.3d 1238, 1246 (1st Cir. 1996)) and (2) to obtain an early statement of the position of the charged party in order to encourage early resolution of a charge before the formal complaint process begins. *Id.*; *Hospital & Service Employees Union, Local 399 v. National Labor Relations Board*, 798 F.2d 1245, 1249 (9th Cir. 1986).

¶ 29 It follows that these are the two primary purposes of the service requirement in section 11(a) of the Act. See *Matthews*, 2016 IL 117638, ¶ 46 n.8. Accordingly, although it was the Board rather than Amo who served the Park District with a copy of the charge, the Park District was nevertheless served and received actual notice that Amo had filed an unfair labor practice charge against it with the Board. Moreover, given the timing of that service, only five days after Amo filed his charge, the Board's actions gave the Park District an opportunity to give an early statement of its position. This, in turn, encouraged early resolution of the charge before the formal complaint process began when the Board issued its complaint on August 12, 2024—notwithstanding the fact that Hrysikos, the Park District's director of human resources, was out of the office when she received the e-mail containing a copy of the charge.

¶ 30 Our conclusion should not be construed as excusing noncompliance with the Act's service regulations. A charging party should not rely on the Board's courtesy service to satisfy his or her obligation to serve the charged party with a copy of the charge. If the Board does not timely provide

a copy of the charge to a charged party, a charging party who fails to effect service risks having the unfair labor practice charge deemed untimely and dismissed on that basis. Under the circumstances presented in this case, however, Amo's failure to serve the Park District with a copy of his unfair labor practice charge does not warrant reversal.

¶ 31 Having found that the Board acted within its specific statutory authority when issuing the formal complaint for hearing on behalf of Amo and that the Board's failure to follow its own regulations was not arbitrary and capricious, the Board properly issued the complaint in this case. We note that the Board ultimately found in Amo's favor and provided him with various relief. The Board did so after denying the Park District leave to file a late answer and concluding that the Park District had waived its right to a hearing by failing to timely answer the complaint. However, the Park District has not challenged those decisions by the Board, thereby forfeiting any claims of error regarding those rulings. See Ill. S. Ct. R. 341(h)(7) (eff. Oct. 1, 2020).

¶ 32 III. CONCLUSION

¶ 33 For the foregoing reasons, we affirm the decision of the Board.

¶ 34 Affirmed.

Chicago Park District v. State, 2026 IL App (1st) 250893

Decision Under Review: Petition for review of order of Illinois Labor Relations Board, State Panel, No. L-CA-24-033.

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