

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

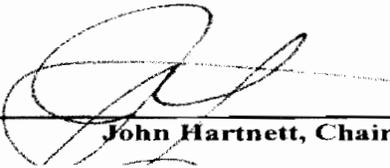
Brian K. Trygg,)	
)	
Charging Party)	
)	
and)	
)	Case No. S-CA-10-092
State of Illinois, Department of Central)	
Management Services (Transportation,)	
Region 3, District 5),)	
)	
Respondent)	

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

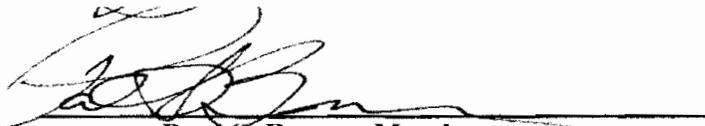
On December 7, 2012, Acting Executive Director Jerald S. Post issued an order dismissing the unfair labor practice charge filed by Charging Party Brian K. Trygg in the above-captioned case. The charge alleged that Respondent State of Illinois, Department of Central Management Services (Department of Transportation, Region 3, District 5) engaged in unfair labor practices within the meaning of Section 10(a) of the Illinois Public Labor Relations Act, 5 ILCS 315 (2010).

On December 14, 2012, Charging Party filed a timely appeal of the dismissal pursuant to Section 1200.135 of the Rules and Regulations of the Illinois Labor Relations Board, 80 Ill. Admin. Code §1200.135. The Respondent filed no response. After reviewing the record and the appeal, we uphold the order dismissing the charge.

BY THE STATE PANEL OF THE ILLINOIS LABOR RELATIONS BOARD



John Hartnett, Chairman



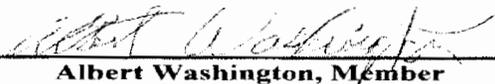
Paul S. Besson, Member



James Q. Brennwald, Member



Michael G. Coli



Albert Washington, Member

Decision made at the State Panel's public meeting in Chicago, Illinois on March 12, 2013, written decision issued in Chicago, Illinois on May 20, 2013.

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Brian Trygg,)	
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Charging Party)	
)	
and)	Case No. S-CA-10-092
)	
State of Illinois, Department of Central)	
Management Services (Transportation)	
Region 3, District 5),)	
)	
Respondent)	

DISMISSAL

On December 30, 2009, Brian Trygg (Charging Party) filed a charge in Case No. S-CA-10-092 with the State Panel of the Illinois Labor Relations Board (Board), alleging that the State of Illinois (State or Respondent) engaged in unfair labor practices within the meaning of Section 10(a) of the Illinois Public Labor Relations Act (Act), 5 ILCS 315 (2010) as amended. After an investigation conducted in accordance with Section 11 of the Act, I determined that the charge fails to raise an issue of law on fact sufficient to warrant a hearing and issue the dismissal for the following reasons.

I. INVESTIGATORY FACTS AND POSITION OF THE CHARGING PARTY

The Charging Party is employed by the Respondent's Department of Transportation as a Civil Engineer V. On November 29, 2010, in Case No. S-UC-10-140, the Board certified the inclusion of the title into an existing bargaining unit represented by the International Brotherhood of Teamsters, Local 916 (Union).

Charging Party claims that he received notification of his inclusion in the bargaining unit or about December 2, 2009. He asserts that Respondent failed to advise him about his right to "non-association" for religious reasons as guaranteed by the Act (5 ILCS 315/6). On or about December 8, 2009, Charging Party made a formal request to the Respondent that any fair share monies deducted from his wages be forwarded to the American Diabetes Association, as per his right as guaranteed in Section 6(g) of said Act. The Respondent apparently advised the Charging Party to discuss the issue with the Union. Sometime thereafter, the Charging Party learned that the Union would not agree to consider him as a religious exemption. The Charging Party raises this issue with the Board in Case No. S-CB-10-024. At the same time, Trygg filed the instant

case asserting that the Respondent violated the Act by failing to advise employees of the specific provisions of Section 6(g) of the Act.

II. DISCUSSION AND ANALYSIS

Charging Party is requesting that the "non-association" for religious reasons exemption, contained in 5 ILCS 315/6, be included in notices to all employees involved in union representation cases. However, the Respondent does not have the responsibility to provide Notices to Employees; it is the Board that prepares such notices. Currently, the Board's notices do not contain the specific language sought by the Charging Party.

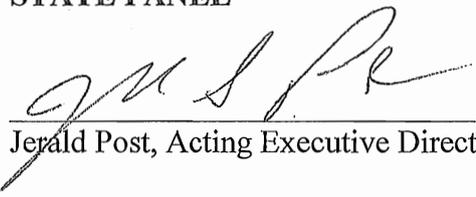
Since the original version of the Act was passed in 1984, it has been amended on a number of occasions; likewise, the Board's Rules and Regulations, 80 Ill. Admin. Code, §§ 1200 through 1240, have seen a number of changes and clarifications since 1984. There is currently no provision in the Rules for inclusion of such information in the Board's Notices. While the Charging Party may believe that the Act would be implemented more effectively if this information was included in Board Notices, there is no support for the proposition that the Respondent violated the Act by failing to disseminate the information in a separate document. The Charging Party is certainly free to undertake any action to request the Board to consider his proposal, or to petition the General Assembly to amend the Act to require the Board to do so. However, under the present circumstances, the charge fails to raise an issue for hearing.

III. ORDER

Accordingly, the instant charge is hereby dismissed. The Charging Party may appeal this dismissal to the Board any time within 10 days of service hereof. Such appeal must be in writing, contain the case caption and number, 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. 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. 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 in Chicago, Illinois, this 7th day of December, 2012.

**ILLINOIS LABOR RELATIONS BOARD
STATE PANEL**



Jerald Post, Acting Executive Director