

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

Policemen's Benevolent and Protective Association, Unit 14 (Patrol),)	
)	
Charging Party,)	
)	
and)	Case No. S-CA-15-103
)	
City of Alton,)	
)	
Respondent.)	

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

On April 22, 2015, Executive Director Melissa Mlynski dismissed a charge filed by the Policemen's Benevolent and Protective Association, Unit 14 (Patrol) (Union or Charging Party) on February 4, 2015, which alleged that the City of Alton (Respondent or Employer) engaged in unfair labor practices within the meaning of Sections 10(a)(2) and (3) of the Illinois Public Labor Relations Act, 5 ILCS 315 (2012) (Act), when it transferred Andrew Pierson, bargaining unit member and Union Treasurer, to the Patrol Division allegedly in retaliation for a letter he drafted protesting the Respondent's decision to change its training policies.

The Charging Party filed a timely appeal of the Executive Director's Dismissal pursuant to Section 1200.135(a) of the Board's Rules and Regulations, 80 Ill. Admin. Code §1200.135(a). The Respondent filed a response. After reviewing the record, appeal, and the response, we uphold the Executive Director's Dismissal for the reasons stated therein.

BY THE STATE PANEL OF THE ILLINOIS LABOR RELATIONS BOARD

/s/ John J. Hartnett
John J. Hartnett, Chairman

/s/ Michael G. Coli
Michael G. Coli, Member

/s/ John R. Samolis
John R. Samolis, Member

/s/ Keith A. Snyder
Keith A. Snyder, Member

Decision made at the State Panel's public meeting in Chicago and Springfield, Illinois on June 9, 2015, written decision issued in Chicago, Illinois on August 10, 2015.

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ILLINOIS LABOR RELATIONS BOARD
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Policemen's Benevolent and Protective
Association, Unit 14 (Patrol),

Charging Party

and

City of Alton,

Respondent

Case No. S-CA-15-103

DISMISSAL

On February 4, 2015, the Policemen's Benevolent and Protective Association, Unit 14 (Patrol) (Charging Party) filed an unfair labor practice charge with the State Panel of the Illinois Labor Relations Board (Board), in Case No. S-CA-15-103, alleging that the City of Alton (Employer or Respondent) violated Section 10(a) of the Illinois Public Labor Relations Act (Act), 5 ILCS 315 (2012), *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 or fact sufficient to warrant a hearing and hereby issue this dismissal for the reasons stated below.

I. INVESTIGATORY FACTS

The Respondent is a public employer within the meaning of Section 3(o) of the Act. The Charging Party is a labor organization within the meaning of Section 3(i) of the Act and is the exclusive representative of a bargaining unit (Unit) comprised of certain employees employed by the Respondent's Police Department. Andrew Pierson is a public employee within the meaning

of Section 3(n) of the Act and is employed by the Respondent as a Detective. As such, he is included in the Unit Charging Party represents.

On or about September 29, 2014, Pierson was transferred out of the Detective division and was assigned to Patrol by Chief Simmons. Charging Party asserts that this was done in retaliation for a letter Pierson drafted contesting the Department's decision to change training policies. The letter was distributed among the Union executive board members. One executive board member informed Chief Simmons of the letter, and that same day Pierson was transferred. The transfer became effective on October 26, 2014. According to Charging Party, the Respondent claims Pierson was transferred because he was the least senior Detective, but the Union asserts that this is not accurate.

By letter dated February 18, 2015, the Board agent assigned to the case requested further information from Charging Party. The Board agent requested for Charging Party to provide, *inter alia*, evidence of Simmons' knowledge of the letter before the transfer. To date, Charging Party has not filed a response.

II. DISCUSSION AND ANALYSIS

Section 1220.40(a)(1) of the Illinois Labor Relations Board's Rules and Regulations, 80 Ill. Admin. Code, Sections 1200 through 1300, provides that "[t]he Charging Party shall submit to the Board or its agent all evidence relevant to or in support of the charge." This rule has been interpreted to allow the Executive Director to dismiss a case where a charging party has not complied with a request for evidence in support of a charge, or has not responded to a request for a written withdrawal. SEIU Local 880 (Kirk, et al.), 12 PERI ¶2006 (IL SLRB 1995), aff'd by unpub. order, 13 PERI ¶4008 (1996); State of Illinois, Department of Central Management Services (Department of Rehabilitation Services), 12 PERI ¶2005 (IL SLRB 1995), aff'd by

unpub. order, 13 PERI ¶4008 (1996). In the instant case, the Charging Party has failed to provide any evidence responsive to the Board agent's request for information. As such, the available evidence is not sufficient 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 calendar days of service hereof. 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. 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 at Springfield, Illinois, this 22nd day of April, 2015.

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



**Melissa Mlynski
Executive Director**