STATE OF ILLINOIS
ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

Thaddeus Brown,	)	
Complainant	)	
and	)	Case No. 2026-CA-0028-C
University of Illinois, Urbana-Champaign,	)	
Respondent	)	

I. Statement of the Case

On November 11, 2025, Thaddeus Brown (Brown or Charging Party) filed a charge with the Illinois Educational Labor Relations Board (Board or IELRB) in the above-captioned matter, alleging University of Illinois, Urbana-Champaign (University or Respondent), committed unfair labor practices within the meaning of Section 14(a) of the Illinois Educational Labor Relations Act (Act or IELRA), 115 ILCS 5/1, *et seq*. Following an investigation, the Board's Executive Director issued a Recommended Decision and Order (EDRDO) on January 21, 2026, dismissing the charge. Brown filed timely exceptions to the EDRDO on January 21, 2026, and the University did not file a response to exceptions.

II. Factual Background

We adopt the facts as set forth in the underlying EDRDO. Because the EDRDO comprehensively sets forth the factual background of the case, we will not repeat the facts herein except as necessary to assist the reader.

III. Discussion

In his charge, Brown argued the University violated Section 14(a)(1) and (3) of the Act when it attempted to terminate his employment because he engaged in protected concerted activity by filing complaints with the Illinois Department of Labor, Division of Occupational Safety and Health (IOSHA) and Illinois Department of Human Rights (IDHR). To issue a complaint for hearing on allegations of a violation of Section 14(a)(1), Brown had to at least be able to make some showing he engaged in protected concerted activity, Respondent knew of that activity, and Respondent took

adverse action against him as a result of his involvement in that activity. Brown made no showing on any of the elements.

Concerted activity, protected by the Act, is activity invoking a right grounded in a collective bargaining agreement or engaged in with or on the authority of other employees. Bd. of Educ. Schaumburg Comm. Cons. School Dist. 54 v. Illinois Educational Lab. Rel. Bd., 247 Ill. App. 3d 439, 455, 616 N.E.2d 1281, 1292, 145 LRRM 2335 (1st Dist. 1993), *quoting* Meyers Industries, Inc., 268 N.L.R.B. 493, 497 (1984). To come within the protections of the Act, such activities must be engaged in "with or on the authority of other employees, and not solely by and on behalf of the employee himself." Schaumburg, 247 Ill. App. 3d 439, 455-57, 616 N.E.2d 1281, 1292-93. Herein, Brown's safety concerns related to students, rather than fellow employees, and Brown did not contend, nor was there any evidence, he raised any concern with or on the authority of other employees, rather in each instance, he acted independently, in his own interest.

Even if Brown had engaged in activity protected by the Act, there was no evidence the University took adverse action against him because he engaged in such activity. The existence of a causal link is a fact based inquiry and may be inferred from various factors, including: an employer's expressed hostility towards unionization or grievance filing, together with knowledge of the employee's protected activities; proximity in time between the employee's protected activities and the disciplinary action; inconsistencies between the proffered reason for discipline and other actions of the employer; shifting explanations for the discipline or discharge of the employee; and disparate treatment of employees or a pattern of conduct which targets union supporters for adverse employment action. City of Burbank v. ISLRB, 128 Ill. 2d 335, 538 N.E.2d 1146, 5 PERI ¶4013 (1989)(citations omitted).

In this case, there was no evidence of hostility by the University toward Brown's activities, nor inconsistencies in its treatment of him. Likewise, timing is absent in Brown's claim, as the gap between his alleged protected activity and the adverse action was nearly three months, and even if three months was sufficient to establish proximity in time, timing alone cannot sustain an unfair labor practice charge. Bloom Township High School District. 206 v. Illinois Educational Labor Relations Board, 312 Ill. App. 3d 943, 959 (1st Dist. 2000). There was no allegation or evidence of shifting explanations by the University for its conduct in connection with Brown, nor evidence the University treated employees similarly situated to Brown, in a manner better than he was treated.

To the extent Brown was asserting the University's violations of other procedures and statutes constituted basis for a complaint herein, the argument lacks merit, as an initial matter, there was no evidence the University took action against Brown in retaliation for the reporting activities he engaged in. Moreover, this agency has only the jurisdiction to administer and enforce the IELRA; allegations of retaliation for filing complaints with IOSHA or IDHR, would be handled by those agencies. As Brown was unable to make some showing he engaged in protected activity, coupled with some showing of a causal relationship between such protected activity and the University's complained-of actions, his claim fails to raise an issue of law or fact sufficient to warrant a hearing.

Brown's 14(a)(3) claim is flawed in the same manner as his 14(a)(1) claim. To obtain a complaint on his 14(a)(3) allegation, Brown had to at least be able to make some showing he engaged in protected union activity, the University knew of that activity, and the University took adverse action against him as a result of his involvement in that activity in order to encourage or discourage union membership or support. City of Burbank v. ISLRB, 128 Ill. 2d 335, 538 N.E.2d 1146, 5 PERI ¶4013 (1989); Bloom Twp. High School Dist. 206 v. Illinois Educational Labor Relations Board, 312 Ill. App. 3d 943, 728 N.E.2d 612, 164 LRRM 2284 (1st Dist. 2000); City of Peoria School Dist. No. 150 v. Illinois Educational Labor Relations Board, 318 Ill. App. 3d 144, 741 N.E.2d 690, 166 LRRM 2886 (4th Dist. 2000). As set forth above, Brown proffered no evidence he engaged in any type of protected or union activity, the University therefore could not be aware of such activity, and University could not take adverse action against him because of the non-existent activity. This aspect of Brown's claim failed to raise an issue of law or fact sufficient to warrant a hearing, for the same reasons as his (a)(1) claim.

In his exceptions, Brown made several overlapping arguments, generally going to the manner in which the Executive Director handled his charge. He asserted the Executive Director improperly resolved disputed or contextual factual issues against him in investigation, arguing dismissal is inappropriate where the allegations and surrounding circumstances raise material factual questions or support a reasonable inference of interference with protected rights. At the outset, however, Brown did not identify what facts or factual issues the Executive Director improperly resolved. The facts set out and relied upon by the Executive Director in her decision are uncontested and supported by the documentary record.

Relatedly, Brown asserted the Executive Director examined the University's actions in an "overly narrow and segmented manner, evaluating alleged conduct in isolation rather than assessing whether

Respondent's actions, taken as a whole, reasonably tended to interfere with protected rights." Again, as an initial matter, there is no evidence in the investigative record Brown engaged in protected activity. Even if such evidence existed, the application of the tests to determine whether charging party has provided some evidence of each element of a violation, is done in a methodical fashion as logic and the Illinois Supreme Court demands. City of Burbank v. ISLRB, 128 Ill. 2d 335, 538 N.E.2d 1146, 5 PERI ¶4013 (1989); Neponset Community Unit School District No. 307, 13 PERI ¶1089, 1997 WL 34820232 (IELRB 1997). Finally, even examining the University's actions "as a whole" does not change the outcome herein, as the University's conduct appeared to be lawful in all respects.

Brown next argued, at the investigative stage, he was not required to establish unlawful motive conclusively, and where, as in this case, the allegations and surrounding facts support a reasonable inference of unlawful interference or retaliation, issuance of a complaint is required. Brown, in fact, was not required to establish unlawful motive, conclusively or otherwise; his task was far simpler. To obtain a complaint, he had to at least be able to make some showing he engaged in protected activity, he had to at least be able to make some showing the University knew of that activity, and last, he had to at least be able to make some showing the University took adverse action against him as a result of his involvement in that activity. This is the Board's longstanding test, set out in Neponset Community Unit School District No. 307, 13 PERI ¶1089, 1997 WL 34820232 (IELRB 1997). Brown did not engage in protected activity, which then made it impossible for the University knew of such activity, because it never happened, and likewise, made it impossible for the University to take adverse action against him as a result of his involvement in that activity, again, because he never engaged in protected activity. Simply put, without having engaged in protected concerted activity or union activity, Brown's claim was not going to complaint.

Brown maintained the Executive Director erred in that she selectively credited certain facts, while minimizing or disregarding others, and resolved factual ambiguities against him in a manner inconsistent with Board practice at the investigative stage. Unfortunately, apart from this statement, Brown provided no detail as to what facts the Executive Director selectively credited, minimized, disregarded, or resolved against him. Furthermore, after a thorough review of the evidence submitted by each party, we cannot find facts which were selectively credited, minimized, or disregarded, or factual ambiguities resolved against him. The Executive Director's decision properly and fully set forth the facts underlying this case, without resorting to prohibited credibility determinations.

Lastly, Brown claimed the Executive Director failed to meaningfully assess whether the University's complained-of conduct, viewed cumulatively, would reasonably discourage an employee from exercising protected rights. Again, Brown failed to provide specific instances as to where the Executive Director's review went awry, or to otherwise support his statement, but after a thorough examination of the evidence submitted backing his charge, the Executive Director found no fault in the University's conduct. Our review reinforces the Executive Director's findings and conclusions.

IV. Order

For the reasons discussed above, IT IS HEREBY ORDERED that the Executive Director's Recommended Decision and Order is affirmed.

V. Right to Appeal

This is a final order of the Illinois Educational Labor Relations Board. Aggrieved parties may seek judicial review of this Order in accordance with the provisions of the Administrative Review Law, except that, pursuant to Section 16(a) of the Act, such review must be taken directly to the Appellate Court of the judicial district in which the IELRB maintains an office (Chicago or Springfield). Petitions for review of this Order must be filed within 35 days from the date that the Order issued, which is set forth below. 115 ILCS 5/16(a). The IELRB does not have a rule requiring any motion or request for reconsideration.

Decided: April 15, 2026
Issued: April 15, 2026

/s/ Lara D. Shayne
Lara D. Shayne, Chairman

/s/ Steve Grossman
Steve Grossman, Member

/s/ Chad D. Hays
Chad D. Hays, Member

/s/ Michelle Ishmael
Michelle Ishmael, Member