

STATE OF ILLINOIS
EDUCATIONAL LABOR RELATIONS BOARD

Ruthie Bean,	)	
	)	
Charging Party	)	
	)	
and	)	Case No. 2026-CA-0075-C
	)	
Cahokia School District #187,	)	
	)	
Respondent	)	

OPINION AND ORDER

I. Statement of the Case

On March 18, 2026, Ruthie Bean (Bean or Charging Party) filed an unfair labor practice charge with the Illinois Educational Labor Relations Board (Board) in the above-captioned matter alleging that Cahokia Unit School District #187 (District or Employer or Respondent) violated Sections 14(a)(1), (4), (5), (10), and (12) of the Illinois Educational Labor Relations Act, 115 ILCS 5/1, *et seq.* (Act or IELRA). The Board's Executive Director issued a Recommended Decision and Order (EDRDO) dismissing the charge in its entirety on July 6, 2026. Bean filed timely exceptions to the EDRDO on July 30, 2026.¹ The District filed a timely response on August 13, 2026.

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

Under Section 3 of the Act, educational employees are guaranteed the right of self-organization, the right to form, join or assist any labor organization, and the right to bargain collectively through representatives of their own choosing on questions of wages, hours and other conditions of employment. Section 14(a)(1) of the Act makes it an unfair labor practice for an employer or its agents to interfere with, restrain or coerce educational employees in the exercise of their Section 3 rights.

¹ Bean requested and was granted an extension of time to file her exceptions. For that reason, her exceptions are considered timely.

For the Board to issue a complaint for hearing alleging a violation of Section 14(a)(1) where an employer has taken adverse action against an employee based on their protected concerted activity, the charging party must at least be able to make some showing that they engaged in protected activity, the employer knew of that activity and took adverse action against them as a result of their involvement in that activity. *Neponset Community Unit School District No. 307*, 13 PERI 1089, Case No. 96-CA-0028-C (IELRB Opinion and Order, July 1, 1997). Causation 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 (1989). Although Bean communicated with Cahokia Federation of Teachers, Local 1272, IFT-AFT, AFL-CIO (Union) about filing a grievance, there is nothing in the record to indicate that the District was aware of that communication. No grievance was ever filed by Bean or the Union on her behalf. Even if her complaints to the District about her step placement amounted to protected concerted activity, of which the District was necessarily aware, she failed to provide evidence connecting her complaints to her termination.

The Executive Director likewise found there to be no evidence to support a violation of Section 14(a)(1) under *Weingarten/Summit Hill*. In *NLRB v. J. Weingarten, Inc.*, 420 U.S. 251 (1975), the United States Supreme Court held that an employer's denial of an employee's request that a union representative be present during an investigatory interview which the employee reasonably believes might result in disciplinary action constitutes an unfair labor practice in violation of Section 8(a)(1) of the National Labor Relations Act (NLRA), 29 U.S.C. §§151 et seq.² The IELRB extended *Weingarten* rights to educational employees in *Summit Hill School District 161*, 4 PERI 1009, Case No. 86-CA-0090-

² Section 8(a)(1) of the NLRA provides that it is an unfair labor practice for an employer to interfere with, restrain or coerce employees in the exercise of the rights guaranteed in the NLRA, 29 U.S.C. §§158(a)(1). Section 8(a)(1) of the NLRA is very similar to Section 14 (a)(1) of the Act.

C (IELRB Opinion and Order, December 1, 1987). The District instructed Bean that she had the right to Union representation at the November 17, 2025 meeting. Bean indicated she wished to bring a private attorney to the meeting, which the District would not allow. However, the IELRB has never extended *Weingarten/Summit Hill* to apply to an individual employee's private attorney.

The Executive Director dismissed Bean's 14(a)(4),³ (10)⁴ and (12)⁵ allegations because she provided no evidence that she was involved in or sought to be involved or not involved in any of the activities indicated in those subsections of Section 14(a). The Executive Director dismissed her 14(a)(5)⁶ allegation because Bean, as an individual employee, has no standing to allege a violation of Section 14(a)(5).

Bean's first exception is that the EDRDO dismissed the charge by resolving disputed facts too early. Yet her exceptions do not identify any disputed facts that would support a violation of the IELRA. Bean claims that her charge and supporting materials show that the District put her in a "no-win" situation and then used her response against her by scheduling a meeting during her instructional time and threatening to terminate her employment for not attending. Even taken as true, this does not support a violation of Section 14(a) of the Act. There is nothing in the record to show that the District was aware that Bean engaged in any protected or union activity. The District's conduct did not interfere with, restrain or coerce her in the exercise of any of her rights under the IELRA. Bean's second

3 Section 14(a)(4) prohibits educational employers from discharging or otherwise discriminating against an employee because he or she has signed or filed an affidavit, authorization card, petition or complaint or given any information or testimony under the IELRA.

4 Section 14(a)(10) prohibits educational employers from interfering with, restraining, coercing, deterring or discouraging educational employees or applicants to be educational employees from: (1) becoming members of an employee organization; (2) authorizing representation by an employee organization; or (3) authorizing dues or fee deductions to an employee organization, nor shall the employer intentionally permit outside third parties to use its email or other communications systems to engage in that conduct.

5 Section 14(a)(12) prohibits educational employers from promising, threatening, or taking any action (i) to permanently replace an employee who participates in a lawful strike under Section 13 of the IELRA, (ii) to discriminate against an employee who is working or has unconditionally offered to return to work for the employer because the employee supported or participated in such as a lawful strike, or (iii) to lock out, suspend, or otherwise withhold from employment employees in order to influence the position of such employees or the representative of such employees in collective bargaining prior to a lawful strike.

6 Section 14(a)(5) prohibits educational employers from refusing to bargain with a labor organization that is the exclusive representative of a bargaining unit of their employees.

exception is that the EDRDO gave too little weight to the District's role in the discipline. She asserts that the District put her in a difficult situation by scheduling a meeting during her instructional time, did not assign anyone to cover her classroom during that meeting, told her she had to attend the meeting anyway, threatened her with and then subjected her to discipline for not attending. Like Bean's first exception, even taken as true, nothing in Bean's second exception supports her theory that the District's conduct violated Section 14(a) of the Act. Again, the record does not indicate that the District was aware that Bean engaged in any protected or union activity. Nor did the District's conduct interfere with, restrain or coerce her in the exercise of any of her rights under the IELRA.

Bean's third exception is that the EDRDO should have fully considered the evidence she submitted during the investigation. In particular, she claims that further investigation or full review should have been conducted based on the facts she submitted to show her concerns about the meeting, her desire for an attorney, the lack of classroom coverage, the threats of discipline for not attending, as well as the discipline itself. Along the same lines, her fourth exception is that the District knew that she had raised other issues, including salary placement, tenure concerns, bullying, harassment, discrimination and retaliation. Bean's fifth exception is that the possibility that the District's conduct interfered with protected rights is enough to warrant further investigation. Bean's sixth exception asks the Board to consider that the District and the Union were involved in the handling of this matter. Similar to Bean's first two exceptions, her last four exceptions fail to support a violation of Section 14(a) of the Act. She did not engage in any protected or union activity insofar as the District was aware. Nor did the District's conduct interfere with, restrain or coerce her in the exercise of any of her rights under the IELRA.

In addition, her claims that her investigatory material should have caused this Board to conduct additional investigation into the District's conduct are mistaken. In an unfair labor practice investigation, the burden is on the charging party, Bean in this case, to submit to the Executive Director all evidence in support of her charge. 80 Ill. Admin. Code 1120.30(b)(1). If Bean wanted facts or evidence to be considered during the investigation, it was her obligation to come forward with that evidence. The Executive Director did not err in failing to consider what Bean did not provide. Bean's failure to submit evidence to substantiate her claim that the Act was violated does not trigger the Board to take additional action on her behalf.

IV. Order

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

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: **October 14, 2026**

Issued: **October 14, 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

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