

# HB1316



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB1316

by Rep. Michael J. Madigan

### SYNOPSIS AS INTRODUCED:

115 ILCS 5/15

from Ch. 48, par. 1715

Amends the Illinois Educational Labor Relations Act. Makes a technical change in a Section concerning unfair labor practice procedures.

LRB100 03001 NHT 13006 b

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Educational Labor Relations Act is  
5 amended by changing Section 15 as follows:

6 (115 ILCS 5/15) (from Ch. 48, par. 1715)

7 Sec. 15. Unfair labor practice procedure. A charge of  
8 unfair labor practice may be filed with the ~~the~~ Board by an  
9 employer, an individual or a labor organization. If the Board  
10 after investigation finds that the charge states an issue of  
11 law or fact, it shall issue and cause to be served upon the  
12 party complained of a complaint which fully states the charges  
13 and thereupon hold a hearing on the charges, giving at least 5  
14 days' notice to the parties. At hearing, the charging party may  
15 also present evidence in support of the charges and the party  
16 charged may file an answer to the charges, appear in person or  
17 by attorney, and present evidence in defense against the  
18 charges.

19 The Board has the power to issue subpoenas and administer  
20 oaths. If any party wilfully fails or neglects to appear or  
21 testify or to produce books, papers and records pursuant to  
22 subpoena issued by the Board, the Board shall apply to the  
23 circuit court for an order to compel the attendance of the

1 party at the hearing to testify or produce requested documents.

2 If the Board finds that the party charged has committed an  
3 unfair labor practice, it shall make findings of fact and is  
4 empowered to issue an order requiring the party charged to stop  
5 the unfair practice, and may take additional affirmative  
6 action, including requiring the party to make reports from time  
7 to time showing the extent to which he or she has complied with  
8 the order. No order shall be issued upon an unfair practice  
9 occurring more than 6 months before the filing of the charge  
10 alleging the unfair labor practice. If the Board awards back  
11 pay, it shall also award interest at the rate of 7% per annum.  
12 If the Board finds that the party charged has not committed any  
13 unfair labor practice, findings of fact shall be made and an  
14 order issued dismissing the charges.

15 The Board may petition the circuit court of the county in  
16 which the unfair labor practice in question occurred or where  
17 the party charged with the unfair labor practice resides or  
18 transacts business to enforce an order and for other relief  
19 which may include, but is not limited to, injunctions. The  
20 Board's order may in its discretion also include an appropriate  
21 sanction, based on the Board's rules and regulations, and the  
22 sanction may include an order to pay the other party or  
23 parties' reasonable expenses including costs and reasonable  
24 attorney's fee, if the other party has made allegations or  
25 denials without reasonable cause and found to be untrue or has  
26 engaged in frivolous litigation for the purpose of delay or

1 needless increase in the cost of litigation; the State of  
2 Illinois or any agency thereof shall be subject to the  
3 provisions of this sentence in the same manner as any other  
4 party.

5 (Source: P.A. 86-412; 87-736.)