



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB4571

Introduced 01/11/06, by Rep. Angelo Saviano

SYNOPSIS AS INTRODUCED:

5 ILCS 315/10

from Ch. 48, par. 1610

Amends the Illinois Public Labor Relations Act. Requires that outside legal counsel hired by a public employer with respect to unfair labor practices must submit to the employer monthly itemized bills showing, to quarter hour billed, the nature of the work performed and time spent on that work. Effective immediately.

LRB094 16671 JAM 51939 b

1 AN ACT concerning government.

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

4 Section 5. The Illinois Public Labor Relations Act is
5 amended by changing Section 10 as follows:

6 (5 ILCS 315/10) (from Ch. 48, par. 1610)

7 Sec. 10. Unfair labor practices.

8 (a) It shall be an unfair labor practice for an employer or
9 its agents:

10 (1) to interfere with, restrain or coerce public
11 employees in the exercise of the rights guaranteed in this
12 Act or to dominate or interfere with the formation,
13 existence or administration of any labor organization or
14 contribute financial or other support to it; provided, an
15 employer shall not be prohibited from permitting employees
16 to confer with him during working hours without loss of
17 time or pay;

18 (2) to discriminate in regard to hire or tenure of
19 employment or any term or condition of employment in order
20 to encourage or discourage membership in or other support
21 for any labor organization. Nothing in this Act or any
22 other law precludes a public employer from making an
23 agreement with a labor organization to require as a
24 condition of employment the payment of a fair share under
25 paragraph (e) of Section 6;

26 (3) to discharge or otherwise discriminate against a
27 public employee because he has signed or filed an
28 affidavit, petition or charge or provided any information
29 or testimony under this Act;

30 (4) to refuse to bargain collectively in good faith
31 with a labor organization which is the exclusive
32 representative of public employees in an appropriate unit,

1 including, but not limited to, the discussing of grievances
2 with the exclusive representative;

3 (5) to violate any of the rules and regulations
4 established by the Board with jurisdiction over them
5 relating to the conduct of representation elections or the
6 conduct affecting the representation elections;

7 (6) to expend or cause the expenditure of public funds
8 to any external agent, individual, firm, agency,
9 partnership or association in any attempt to influence the
10 outcome of representational elections held pursuant to
11 Section 9 of this Act; provided, that nothing in this
12 subsection shall be construed to limit an employer's right
13 to internally communicate with its employees as provided in
14 subsection (c) of this Section, to be represented on any
15 matter pertaining to unit determinations, unfair labor
16 practice charges or pre-election conferences in any formal
17 or informal proceeding before the Board, or to seek or
18 obtain advice from legal counsel; but also provided that
19 any outside legal counsel hired by the employer shall
20 submit monthly itemized bills to the employer, per quarter
21 hour billed, stating the specific nature of the work
22 performed in regards to this paragraph (6) and the amount
23 of time spent on that work. Nothing in this paragraph shall
24 be construed to prohibit an employer from expending or
25 causing the expenditure of public funds on, or seeking or
26 obtaining services or advice from, any organization,
27 group, or association established by and including public
28 or educational employers, whether covered by this Act, the
29 Illinois Educational Labor Relations Act or the public
30 employment labor relations law of any other state or the
31 federal government, provided that such services or advice
32 are generally available to the membership of the
33 organization, group or association, and are not offered
34 solely in an attempt to influence the outcome of a
35 particular representational election; or

36 (7) to refuse to reduce a collective bargaining

1 agreement to writing or to refuse to sign such agreement.

2 (b) It shall be an unfair labor practice for a labor
3 organization or its agents:

4 (1) to restrain or coerce public employees in the
5 exercise of the rights guaranteed in this Act, provided,
6 (i) that this paragraph shall not impair the right of a
7 labor organization to prescribe its own rules with respect
8 to the acquisition or retention of membership therein or
9 the determination of fair share payments and (ii) that a
10 labor organization or its agents shall commit an unfair
11 labor practice under this paragraph in duty of fair
12 representation cases only by intentional misconduct in
13 representing employees under this Act;

14 (2) to restrain or coerce a public employer in the
15 selection of his representatives for the purposes of
16 collective bargaining or the settlement of grievances; or

17 (3) to cause, or attempt to cause, an employer to
18 discriminate against an employee in violation of
19 subsection (a) (2);

20 (4) to refuse to bargain collectively in good faith
21 with a public employer, if it has been designated in
22 accordance with the provisions of this Act as the exclusive
23 representative of public employees in an appropriate unit;

24 (5) to violate any of the rules and regulations
25 established by the boards with jurisdiction over them
26 relating to the conduct of representation elections or the
27 conduct affecting the representation elections;

28 (6) to discriminate against any employee because he has
29 signed or filed an affidavit, petition or charge or
30 provided any information or testimony under this Act;

31 (7) to picket or cause to be picketed, or threaten to
32 picket or cause to be picketed, any public employer where
33 an object thereof is forcing or requiring an employer to
34 recognize or bargain with a labor organization of the
35 representative of its employees, or forcing or requiring
36 the employees of an employer to accept or select such labor

1 organization as their collective bargaining
2 representative, unless such labor organization is
3 currently certified as the representative of such
4 employees:

5 (A) where the employer has lawfully recognized in
6 accordance with this Act any labor organization and a
7 question concerning representation may not
8 appropriately be raised under Section 9 of this Act;

9 (B) where within the preceding 12 months a valid
10 election under Section 9 of this Act has been
11 conducted; or

12 (C) where such picketing has been conducted
13 without a petition under Section 9 being filed within a
14 reasonable period of time not to exceed 30 days from
15 the commencement of such picketing; provided that when
16 such a petition has been filed the Board shall
17 forthwith, without regard to the provisions of
18 subsection (a) of Section 9 or the absence of a showing
19 of a substantial interest on the part of the labor
20 organization, direct an election in such unit as the
21 Board finds to be appropriate and shall certify the
22 results thereof; provided further, that nothing in
23 this subparagraph shall be construed to prohibit any
24 picketing or other publicity for the purpose of
25 truthfully advising the public that an employer does
26 not employ members of, or have a contract with, a labor
27 organization unless an effect of such picketing is to
28 induce any individual employed by any other person in
29 the course of his employment, not to pick up, deliver,
30 or transport any goods or not to perform any services;
31 or

32 (8) to refuse to reduce a collective bargaining
33 agreement to writing or to refuse to sign such agreement.

34 (c) The expressing of any views, argument, or opinion or
35 the dissemination thereof, whether in written, printed,
36 graphic, or visual form, shall not constitute or be evidence of

1 an unfair labor practice under any of the provisions of this
2 Act, if such expression contains no threat of reprisal or force
3 or promise of benefit.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.