

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 6 as follows:

6 (5 ILCS 315/6) (from Ch. 48, par. 1606)

7 Sec. 6. Right to organize and bargain collectively;
8 exclusive representation; and fair share arrangements.

9 (a) Employees of the State and any political subdivision of
10 the State, excluding employees of the General Assembly of the
11 State of Illinois, have, and are protected in the exercise of,
12 the right of self-organization, and may form, join or assist
13 any labor organization, to bargain collectively through
14 representatives of their own choosing on questions of wages,
15 hours and other conditions of employment, not excluded by
16 Section 4 of this Act, and to engage in other concerted
17 activities not otherwise prohibited by law for the purposes of
18 collective bargaining or other mutual aid or protection, free
19 from interference, restraint or coercion. Employees also have,
20 and are protected in the exercise of, the right to refrain from
21 participating in any such concerted activities. Employees may
22 be required, pursuant to the terms of a lawful fair share
23 agreement, to pay a fee which shall be their proportionate
24 share of the costs of the collective bargaining process,
25 contract administration and pursuing matters affecting wages,
26 hours and other conditions of employment as defined in Section
27 3(g).

28 (b) Nothing in this Act prevents an employee from
29 presenting a grievance to the employer and having the grievance
30 heard and settled without the intervention of an employee
31 organization; provided that the exclusive bargaining
32 representative is afforded the opportunity to be present at

1 such conference and that any settlement made shall not be
2 inconsistent with the terms of any agreement in effect between
3 the employer and the exclusive bargaining representative.

4 (c) A labor organization designated by the Board as the
5 representative of the majority of public employees in an
6 appropriate unit in accordance with the procedures herein or
7 recognized by a public employer as the representative of the
8 majority of public employees in an appropriate unit is the
9 exclusive representative for the employees of such unit for the
10 purpose of collective bargaining with respect to rates of pay,
11 wages, hours and other conditions of employment not excluded by
12 Section 4 of this Act. A public employer is required upon
13 request to furnish the exclusive bargaining representative
14 with a complete list of the names and addresses of the public
15 employees in the bargaining unit.

16 (d) Labor organizations recognized by a public employer as
17 the exclusive representative or so designated in accordance
18 with the provisions of this Act are responsible for
19 representing the interests of all public employees in the unit.
20 Nothing herein shall be construed to limit an exclusive
21 representative's right to exercise its discretion to refuse to
22 process grievances of employees that are unmeritorious.

23 (e) When a collective bargaining agreement is entered into
24 with an exclusive representative, it may include in the
25 agreement a provision requiring employees covered by the
26 agreement who are not members of the organization to pay their
27 proportionate share of the costs of the collective bargaining
28 process, contract administration and pursuing matters
29 affecting wages, hours and conditions of employment, as defined
30 in Section 3 (g), but not to exceed the amount of dues
31 uniformly required of members. The organization shall certify
32 to the employer the amount constituting each nonmember
33 employee's proportionate share which shall not exceed dues
34 uniformly required of members. In such case, the proportionate
35 share payment in this Section shall be deducted by the employer
36 from the earnings of the nonmember employees and paid to the

1 employee organization.

2 (f) Only the exclusive representative may negotiate
3 provisions in a collective bargaining agreement providing for
4 the payroll deduction of labor organization dues, fair share
5 payment, initiation fees and assessments. Except as provided in
6 subsection (e) of this Section, any such deductions shall only
7 be made upon an employee's written authorization, and continued
8 until revoked in writing in the same manner or until the
9 termination date of an applicable collective bargaining
10 agreement. Such payments shall be paid to the exclusive
11 representative.

12 Where a collective bargaining agreement is terminated, or
13 continues in effect beyond its scheduled expiration date
14 pending the negotiation of a successor agreement or the
15 resolution of an impasse under Section 14, the employer shall
16 continue to honor and abide by any dues deduction or fair share
17 clause contained therein until a new agreement is reached
18 including dues deduction or a fair share clause. For the
19 benefit of any successor exclusive representative certified
20 under this Act, this provision shall be applicable, provided
21 the successor exclusive representative:

22 (i) certifies to the employer the amount constituting
23 each non-member's proportionate share under subsection
24 (e); or

25 (ii) presents the employer with employee written
26 authorizations for the deduction of dues, assessments, and
27 fees under this subsection.

28 Failure to so honor and abide by dues deduction or fair
29 share clauses for the benefit of any exclusive representative,
30 including a successor, shall be a violation of the duty to
31 bargain and an unfair labor practice.

32 (g) Agreements containing a fair share agreement must
33 safeguard the right of nonassociation of employees based upon
34 bona fide religious tenets or teachings of a church or
35 religious body of which such employees are members. Such
36 employees may be required to pay an amount equal to their fair

1 share, determined under a lawful fair share agreement, to a
2 nonreligious charitable organization mutually agreed upon by
3 the employees affected and the exclusive bargaining
4 representative to which such employees would otherwise pay such
5 service fee. If the affected employees and the bargaining
6 representative are unable to reach an agreement on the matter,
7 the Board may establish an approved list of charitable
8 organizations to which such payments may be made.

9 (Source: P.A. 93-854, eff. 1-1-05.)