



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2736

Introduced 1/20/2006, by Sen. Edward D. Maloney

SYNOPSIS AS INTRODUCED:

New Act

Creates the Labor Organization Dues Non-remittance Act. Provides that if dues, fair share payments, or other amounts are deducted by an employer from the earnings of an employee for remittance to a labor organization and the employer fails to either remit those amounts to the employee organization or return those amounts to the employee, the labor organization must deem those amounts to have been paid by the employee to the labor organization and may not take any action to recover those amounts from the employee or take any action against the employee for non-payment of those amounts. Provides that a labor organization is entitled to require an employee to submit pay stubs or other documentation indicating that the amounts were deducted from the earnings of the employee. Provides that nothing in this Act shall be construed to impair any obligation under any contract in force on the effective date of the Act. Provides for investigations and enforcement by the Department of Labor, penalties, review, rules, and construction of the Act. Effective immediately.

LRB094 16084 WGH 51321 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning labor.

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

4 Section 1. Short title. This Act may be cited as the Labor
5 Organization Dues Non-remittance Act.

6 Section 5. Definition. As used in this Act, "dues" includes
7 (i) dues and other amounts required to be paid to a labor
8 organization by a member of that labor organization and (ii)
9 amounts (including fair share payments, payments in lieu of
10 dues, proportionate share payments, and any other amounts)
11 required to be paid to a labor organization by an individual
12 who is not a member of that labor organization.

13 Section 10. Dues not remitted by employer. If dues are
14 deducted by an employer from the earnings of an employee for
15 remittance to a labor organization and the employer fails to
16 either remit those dues to the labor organization or return
17 those dues to the employee, the labor organization:

18 (1) must deem those dues to have been paid by the
19 employee to the labor organization, regardless of whether
20 the labor organization is later successful in recovering
21 those dues from the employer, a successor or assignee of
22 the employer, or any other party; and

23 (2) may not take any action to recover those dues from
24 the employee or take any action against the employee for
25 non-payment of those dues.

26 A labor organization is entitled to require an employee to
27 submit, within a reasonable time, pay stubs or other
28 documentation indicating that dues were deducted from the
29 earnings of the employee. If an employee fails to do so, that
30 employee is not entitled to any of the protections set forth in
31 this Section.

1 Section 15. Enforcement; penalty; review. It shall be the
2 duty of the Department of Labor to enforce the provisions of
3 this Act. The Department shall have the power to conduct
4 investigations in connection with the administration and
5 enforcement of this Act. The Department shall conduct hearings
6 in accordance with the Illinois Administrative Procedure Act
7 upon written complaint by an investigator of the Department or
8 any interested person of a violation of the Act. After the
9 hearing, if supported by the evidence, the Department may (i)
10 issue and cause to be served on any party an order to cease and
11 desist from further violation of the Act, (ii) take affirmative
12 or other action as deemed reasonable to eliminate the effect of
13 the violation, and (iii) determine the amount of any civil
14 penalty allowed by the Act. The Director of Labor or his or her
15 representative may compel, by subpoena, the attendance and
16 testimony of witnesses and the production of books, payrolls,
17 records, papers, and other evidence in any investigation or
18 hearing and may administer oaths to witnesses.

19 Any person who violates any of the provisions of this Act
20 or any rule adopted under this Act shall be subject to a civil
21 penalty not to exceed \$5,000 for each violation.

22 Any party to a proceeding under this Act may apply for and
23 obtain judicial review of an order of the Department entered
24 under this Act in accordance with the provisions of the
25 Administrative Review Law, and the Department in proceedings
26 under the Act may obtain an order from the court for the
27 enforcement of its order.

28 Section 20. Rules. The Department may adopt rules to carry
29 out its responsibilities under this Act.

30 Section 25. Construction. Nothing in this Act shall be
31 construed to impair any obligation under any contract in force
32 on the effective date of this Act.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.