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AN ACT concerning public labor relations.

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

4 Section 5. The Illinois Public Labor Relations Act is 5 amended by changing Sections 9 and 20 as follows:

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(5 ILCS 315/9) (from Ch. 48, par. 1609)

7 Sec. 9. Elections; recognition.

8 (a) Whenever in accordance with such regulations as may9 be prescribed by the Board a petition has been filed:

10 (1) by a public employee or group of public employees or any labor organization acting in their 11 behalf demonstrating that 30% of the public employees 12 in 13 an appropriate unit (A) wish to be represented for the of collective 14 purposes bargaining by а labor organization as 15 exclusive representative, or (B) asserting that the labor organization which has been 16 certified or is currently recognized by the public 17 18 employer as bargaining representative is no longer the 19 representative of the majority of public employees in the 20 unit; or

by a public employer alleging that one or more 21 (2) 22 labor organizations have presented to it a claim that 23 they be recognized as the representative of a majority of 24 the public employees in an appropriate unit, the Board shall investigate such petition, and if it has reasonable 25 26 cause to believe that a question of representation 27 exists, shall provide for an appropriate hearing upon due notice. Such hearing shall be held at the offices of the 28 29 Board or such other location as the Board deems appropriate. If it finds upon the record of the hearing 30 31 that a question of representation exists, it shall direct

1 an election in accordance with subsection (d) of this 2 Section, which election shall be held not later than 120 days after the date the petition was filed regardless of 3 4 whether that petition was filed before or after the effective date of this amendatory Act of 1987; provided, 5 however, the Board may extend the time for holding an 6 7 election by an additional 60 days if, upon motion by a person who has filed a petition under this Section or 8 is 9 the subject of a petition filed under this Section and is a party to such hearing, or upon the Board's own motion, 10 11 the Board finds that good cause has been shown for extending the election date; provided further, that 12 nothing in this Section shall prohibit the Board, in its 13 discretion, from extending the time for holding an 14 15 election for so long as may be necessary under the 16 circumstances, where the purpose for such extension is to permit resolution by the Board of an unfair labor 17 practice charge filed by one of the parties to 18 a representational proceeding against the other based upon 19 conduct which may either affect the existence of a 20 21 question concerning representation or have a tendency to 22 interfere with a fair and free election, where the party 23 filing the charge has not filed a request to proceed with the election; and provided further that prior to the 24 25 expiration of the total time allotted for holding an election, a person who has filed a petition under this 26 Section or is the subject of a petition filed under this 27 Section and is a party to such hearing or the Board, may 28 29 move for and obtain the entry of an order in the circuit court of the county in which the majority of the public 30 employees sought to be represented by such person reside, 31 such order extending the date upon which the election 32 shall be held. Such order shall be issued by the circuit 33 court only upon a judicial finding that there has been a 34

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1 sufficient showing that there is good cause to extend the 2 election date beyond such period and shall require the Board to hold the election as soon as is feasible given 3 4 the totality of the circumstances. Such 120 day period may be extended one or more times by the agreement of all 5 parties to the hearing to a date certain without the 6 7 necessity of obtaining a court order. Nothing in this 8 Section prohibits the waiving of hearings by stipulation 9 for the purpose of a consent election in conformity with the rules and regulations of the Board or an election in 10 11 a unit agreed upon by the parties. Other interested employee organizations may intervene in the proceedings 12 in the manner and within the time period specified by 13 rules and regulations of the Board. Interested parties 14 who are necessary to the proceedings may also intervene 15 16 in the proceedings in the manner and within the time period specified by the rules and regulations of the 17 Board. 18

(a-5) Whenever a petition or a request for recognition 19 has been filed pursuant to this Section demonstrating that 20 21 75% or more of the employees of a unit of local government 22 employing 5 or more, but less than 35, employees wish to be 23 represented for the purposes of collective bargaining by a 24 labor organization as exclusive representative, the Board 25 shall investigate the petition or request for recognition and, if it has reason to believe that the petition or request 26 for recognition has been endorsed by 75% of the employees of 27 the bargaining unit, shall process the petition or request 28 29 for recognition pursuant to Board rules.

30 (b) The Board shall decide in each case, in order to 31 assure public employees the fullest freedom in exercising the 32 rights guaranteed by this Act, a unit appropriate for the 33 purpose of collective bargaining, based upon but not limited 34 to such factors as: historical pattern of recognition;

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1 community of interest including employee skills and 2 degree of functional functions; integration; interchangeability and contact among employees; fragmentation 3 4 employee groups; common supervision, wages, hours and of other working conditions of the employees involved; and the 5 6 desires of the employees. For purposes of this subsection, 7 fragmentation shall not be the sole or predominant factor 8 used by the Board in determining an appropriate bargaining 9 unit. Except with respect to non-State fire fighters and paramedics employed by fire departments and fire protection 10 11 districts, non-State peace officers and peace officers in the State Department of State Police, a single bargaining unit 12 determined by the Board may not include both supervisors and 13 nonsupervisors, except for bargaining units in existence on 14 the effective date of this Act. With respect to non-State 15 16 fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers and peace 17 officers in the State Department of State Police, a single 18 19 bargaining unit determined by the Board may not include both supervisors and nonsupervisors, except for bargaining units 20 21 in existence on the effective date of this amendatory Act of 22 1985.

In cases involving an historical pattern of recognition, and in cases where the employer has recognized the union as the sole and exclusive bargaining agent for a specified existing unit, the Board shall find the employees in the unit then represented by the union pursuant to the recognition to be the appropriate unit.

Notwithstanding the above factors, where the majority of public employees of a craft so decide, the Board shall designate such craft as a unit appropriate for the purposes of collective bargaining.

33 The Board shall not decide that any unit is appropriate 34 if such unit includes both professional and nonprofessional

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employees, unless a majority of each group votes for
inclusion in such unit.

(c) Nothing in this Act shall interfere with or negate 3 4 the current representation rights or patterns and practices 5 of labor organizations which have historically represented 6 public employees for the purpose of collective bargaining, 7 including but not limited to the negotiations of wages, hours and working conditions, discussions of employees' grievances, 8 9 resolution of jurisdictional disputes, or the establishment and maintenance of prevailing wage rates, unless a majority 10 11 of employees so represented express a contrary desire pursuant to the procedures set forth in this Act. 12

In instances where the employer does not voluntarily 13 (d) recognize a labor organization as the exclusive bargaining 14 representative for a unit of employees, the Board shall 15 16 determine the majority representative of the public employees in an appropriate collective bargaining unit by conducting a 17 18 secret ballot election. Within 7 days after the Board issues 19 its bargaining unit determination and direction of election or the execution of a stipulation for the purpose of a 20 21 consent election, the public employer shall submit to the labor organization the complete names and addresses of those 22 23 employees who are determined by the Board to be eligible to participate in the election. When the Board has determined 24 25 that a labor organization has been fairly and freely chosen by a majority of employees in an appropriate unit, it shall 26 certify such organization as the exclusive representative. 27 If the Board determines that a majority of employees in 28 an appropriate unit has fairly and freely chosen not to be 29 30 represented by a labor organization, it shall so certify. The Board may also revoke the certification of the public 31 32 organizations exclusive bargaining employee as 33 representatives which have been found by a secret ballot 34 election to be no longer the majority representative.

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1 (e) The Board shall not conduct an election in any 2 bargaining unit or any subdivision thereof within which a valid election has been held in the preceding 12-month 3 4 period. The Board shall determine who is eliqible to vote in 5 an election and shall establish rules governing the conduct 6 of the election or conduct affecting the results of the 7 The Board shall include on a election. ballot in а 8 representation election a choice of "no representation". Α 9 labor organization currently representing the bargaining unit be placed on the ballot in 10 of employees shall any 11 representation election. In any election where none of the 12 choices on the ballot receives a majority, a runoff election shall be conducted between the 2 choices receiving 13 the largest number of valid votes cast in the election. A labor 14 15 organization which receives a majority of the votes cast in 16 an election shall be certified by the Board as exclusive representative of all public employees in the unit. 17

18 Nothing in this or any other Act prohibits (f) 19 recognition of a labor organization as the exclusive representative by a public employer by mutual consent of the 20 employer and the labor organization, provided that the labor 21 22 organization represents a majority of the public employees in 23 an appropriate unit. Any employee organization which is designated or selected by the majority of public employees, 24 25 in a unit of the public employer having no other recognized or certified representative, as their representative for 26 purposes of collective bargaining may request recognition by 27 the public employer in writing. The public employer shall 28 post such request for a period of at least 20 days following 29 30 its receipt thereof on bulletin boards or other places used or reserved for employee notices. 31

32 (g) Within the 20-day period any other interested 33 employee organization may petition the Board in the manner 34 specified by rules and regulations of the Board, provided

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1 that such interested employee organization has been 2 designated by at least 10% of the employees in an appropriate 3 bargaining unit which includes all or some of the employees 4 in the unit recognized by the employer. In such event, the 5 Board shall proceed with the petition in the same manner as 6 provided by paragraph (1) of subsection (a) of this Section.

7 No election shall be directed by the Board in any (h) bargaining unit where there is in force a valid collective 8 9 bargaining agreement. The Board, however, may process an election petition filed between 90 and 60 days prior to 10 the 11 expiration of the date of an agreement, and may further refine, by rule or decision, the implementation of this 12 collective bargaining agreement bars 13 provision. No an election upon the petition of persons not parties thereto 14 where more than 3 years have elapsed since the effective date 15 16 of the agreement.

(i) An order of the Board dismissing a representation 17 petition, determining and certifying that 18 а labor 19 organization has been fairly and freely chosen by a majority employees in an appropriate bargaining unit, determining 20 of 21 and certifying that a labor organization has not been fairly 22 and freely chosen by a majority of employees in the 23 bargaining unit or certifying a labor organization as the exclusive representative of employees in an appropriate 24 25 bargaining unit because of a determination by the Board that historical 26 the labor organization is the bargaining representative of employees the bargaining unit, is a 27 in final order. Any person aggrieved by any such order 28 issued on or after the effective date of this amendatory Act of 1987 29 30 may apply for and obtain judicial review in accordance with provisions of the Administrative Review Law, as now or 31 32 hereafter amended, except that such review shall be afforded directly in the Appellate Court for the district in which the 33 34 aggrieved party resides or transacts business. Any direct

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1 appeal to the Appellate Court shall be filed within 35 days 2 from the date that a copy of the decision sought to be 3 reviewed was served upon the party affected by the decision. 4 (Source: P.A. 87-736; 88-1.)

- 5 (5 ILCS 315/20) (from Ch. 48, par. 1620)
- 6 Sec. 20. Prohibitions.

Nothing in this Act shall be construed to require an 7 (a) 8 individual employee to render labor or service without his consent, nor shall anything in this Act be construed to make 9 10 the quitting of his labor by an individual employee an illegal act; nor shall any court issue any process to compel 11 the performance by an individual employee of such labor or 12 service, without his consent; nor shall the quitting of labor 13 by an employee or employees in good faith because of 14 15 abnormally dangerous conditions for work at the place of employment of such employee be deemed a strike under this 16 17 Act.

(b) This Act shall not be applicable to units of local government employing less than 35 employees, except (i) with respect to bargaining units in existence on the effective date of this Act and fire protection districts required by the Fire Protection District Act to appoint a Board of Fire Commissioners and (ii) as provided by subsection (a-5) of Section 9.

25 (Source: P.A. 87-736.)

Section 99. Effective date. This Act takes effect July1, 2001.

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