

1 AN ACT concerning State services.

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
5 State Services Accountability Act.

6 Section 5. Legislative findings and declaration of
7 policy.

8 (a) The purpose of this Act is to set forth a program to
9 better provide goods, services, and public works to the
10 citizens of Illinois by ensuring that tax dollars expended
11 for goods or services or public works are properly used for
12 their allocated purpose. The State of Illinois enters into
13 reimbursement agreements and contracts with and provides
14 grants to private entities (contractors and grantees) for the
15 purpose of purchasing goods, providing services and building
16 or enhancing public works for the citizens of Illinois. The
17 State of Illinois enters into these contracts and provides
18 these grants to provide quality goods, services and public
19 works for the citizens of Illinois.

20 (b) The General Assembly finds that the needs of its
21 citizens cannot be met if the time frame for provision of
22 goods, the schedule for public works of the services
23 provided through reimbursement agreements, contracts, or
24 grant agreements between the State of Illinois and
25 contractors and grantees are subject to disruption and
26 further finds that likelihood of disruption is enhanced where
27 disputes arise over unionization.

28 (c) The General Assembly finds that some contractors and
29 grantees have opposed unionization by their employees and
30 diverted tax dollars from their appropriated intent to hire
31 consultants and conduct campaigns aimed at influencing the

1 outcome of union representation elections. Additionally,
2 contractors and grantees opposing unionization of their
3 employees have required the employees to attend compulsory
4 anti-union meetings on work time.

5 (d) The General Assembly finds that the development of a
6 stable, well-trained, committed workforce is essential to the
7 provision of quality goods and services to Illinois'
8 citizens.

9 (e) The General Assembly further finds that the tax
10 dollars intended for appropriated use should not be used to
11 conduct campaigns aimed at influencing the outcome of union
12 representation elections. In addition, staff time, paid with
13 tax dollars, should be spent providing goods or services to
14 Illinois' citizens and not consumed by attending compulsory
15 anti-union meetings.

16 (f) It is hereby declared to be the policy of the State
17 of Illinois that, to foster the development of a stable,
18 well-trained, committed workforce, the State of Illinois
19 shall prohibit its contractors or grantees from using State
20 funding to influence the decision of their employees to be
21 represented or not be represented by a union.

22 Section 10. Definitions. As used in this Act:

23 "Contractor or grantee" means an individual or entity,
24 other than the State of Illinois, a State agency, or a
25 political subdivision of the State of Illinois, which has a
26 reimbursement agreement or contractual or other relationship
27 with or has received moneys from the State of Illinois or a
28 State agency or provide goods or services, or public works
29 which reimbursement agreement, contractor, or grant is funded
30 in whole or in part by the State of Illinois, or through the
31 Medicaid program of the State of Illinois.

32 "Contractor" includes a subcontractor and a contractor of
33 a grantee and any other entity that receives State funds for

1 supplying goods or services or public works pursuant to a
2 written contract with the State or any of its agencies and
3 which is controlled in whole or in part by the contractor or
4 an entity in which the contractor has a substantial
5 beneficial interest.

6 "Grantee" includes a sub-grantee and a grantee of a
7 contractor and any other entity which provides goods or
8 services or public works controlled in whole or in part by
9 the grantee, or an entity in which the grantee has a
10 substantial beneficial interest.

11 "Employee" means a person employed by a contractor or
12 grantee other than a person employed in a bona fide
13 supervisory or managerial position as defined by applicable
14 law.

15 "Labor organization" means an organization of any kind in
16 which employees participate and which exists for the purpose,
17 in whole or in part, of representing employees concerning
18 grievances, labor disputes, wages, rates of pay, benefits,
19 hours of employment, or working conditions.

20 "State funds" means any money or other thing of value
21 provided by the State of Illinois, a State agency, or a
22 political subdivision of the State of Illinois.

23 "Public works" means all fixed works constructed for
24 public use by any public body, other than work done directly
25 by any public utility company, whether or not done under
26 public supervision or direction, or paid for wholly or in
27 part out of public funds. "Public works" includes all
28 projects financed in whole or in part with bonds issued under
29 the Industrial Project Revenue Bond Act (Article 11, Division
30 74 of the Illinois Municipal Code), the Industrial Building
31 Revenue Building Bond Act, or the Build Illinois Bond Act,
32 and all projects financed in whole or in part with loans or
33 other funds made available pursuant to the Build Illinois
34 Act.

1 "Public body" means the State or any officer, board or
2 commission of the State or any political subdivision or
3 department thereof, or any institution supported in whole or
4 in part by public funds, authorized by law to construct
5 public works or to enter into any contract for the
6 construction of public works, and includes every county, city
7 town, village, township, school district, irrigation,
8 utility, reclamation improvement or other district and every
9 other political subdivision, district, or municipality of the
10 State whether such political subdivision, municipality, or
11 district operates under a special charter or not.

12 Section 15. Policy requirements.

13 (a) All contractors and grantees shall certify as part
14 of any contract, grant or reimbursement that they will:

15 (i) not use State funds to promote, assist, or
16 deter union organizing or to otherwise seek to influence
17 the decision of any of its employees to be represented or
18 not represented by a labor organization; and

19 (ii) not require or prohibit the attendance of
20 employees at any meeting related to union representation;
21 and

22 (iii) not schedule or hold meetings related to
23 union representation during an employee's work time or in
24 work areas; and

25 (iv) allow a labor organization the same
26 opportunity to communicate with employees as is used by
27 the contractor or the grantee, including the right to
28 have access to the premises of the contractor or grantee,
29 post notices, distribute literature, and use the premises
30 of the employer to hold meetings with employees.

31 (b) No contractor or grantee shall receive a contract or
32 grant to provide goods or services or public works for the
33 citizens of the State of Illinois unless the contractor or

1 grantee has agreed to provide certification under subsection
2 (a).

3 (c) Any reimbursement agreement, contract, or grant
4 entered into by and between a contractor or a grantee and the
5 State of Illinois or a State agency to provide goods or
6 services or public works shall include an certification under
7 subsection (a) and an agreement by the contractor or grantee
8 to comply with the terms of the certification under
9 subsection (a).

10 (d) Any grant agreement entered into by and between a
11 grantee and the State of Illinois or a State agency to
12 provide goods or services or public works shall include
13 certification under subsection (a) and an agreement by the
14 grantee to comply with the terms of the certification under
15 subsection (a).

16 (e) Any contractor or grantee entering into a contract
17 with any person or entity to provide goods or services or
18 public works subject to the contract or grant agreement
19 between the contractor or grantee and the State of Illinois
20 or a State agency shall include in the contract or grant
21 agreement a certification under subsection (a) identical to
22 the certification under subsection (a) in the contract or
23 grant agreement between the contractor or grantee and the
24 State of Illinois or State agency.

25 Section 20. Reporting.

26 (a) Any labor organization may file a complaint with the
27 Illinois Attorney General if it believes that a contractor or
28 grantee is expending funds in violation of this Act. Upon the
29 filing of such a complaint, the Illinois Attorney General
30 shall, within 14 calendar days, notify the contractor or
31 grantee that it must provide the following accounting:

32 (1) The date, the amount of, and the nature of any
33 use of money or other things of value for the production

1 or distribution of literature or other similar
2 communications, the holding of meetings, including
3 meetings with supervisors and managerial employees, and
4 the use of consultants or lawyers; name of any vendor
5 including attorneys and consultants who receive payment
6 for the purpose of influencing a unionization effort, the
7 amount of such payment and the nature of the services
8 provided.

9 (2) The source of the money or other things of
10 value so used.

11 The accounting shall be made to the Illinois Attorney General
12 within 14 calendar days of the receipt of the request for it.
13 The accounting shall be made available to the complainant
14 upon receipt by the Illinois Attorney General.

15 (b) Any contractor or grantee who is subject to this
16 Section and who makes expenditures to assist, promote, or
17 deter union organizing shall maintain records sufficient to
18 show that no State funds were used for those expenditures.

19 Section 25. Enforcement.

20 (a) If a contractor or grantee breaches its
21 certification under Section 15 or fails to comply with the
22 reporting requirements of Section 20, the State of Illinois
23 may take any action necessary to enforce compliance,
24 including but not limited to a civil action for injunctive
25 relief, declaratory relief, specific performance, or damages
26 or a combination of those remedies.

27 (b) If the State of Illinois brings an enforcement
28 action for violation of this Act, any person or labor
29 organization with a direct interest in compliance with this
30 Act may join in that enforcement action as a real party in
31 interest.

32 (c) If the State of Illinois declines to institute an
33 action for enforcement for violation of this Act, any person

1 or labor organization with a direct interest in compliance
2 with this Act may institute and enforce a civil action on his
3 or her or its own behalf against the contractor or grantee
4 and seek injunctive relief, declaratory relief, specific
5 performance, or damages or a combination of those remedies.

6 (d) Remedies for violation of this Act include but are
7 not limited to injunctive and declaratory relief, specific
8 performance, and monetary damages. In view of the difficulty
9 of determining actual damages incurred because of a violation
10 of this Act, liquidated damages shall be awarded at the rate
11 of \$1,000 for each violation, plus an additional \$500 for
12 each day the violation continues without remedy. All damages
13 shall inure to the benefit of the State of Illinois.

14 Section 90. Severability. The provisions of this Act are
15 severable under Section 1.31 of the Statute on Statutes.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.