

SB1474



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1474

Introduced 2/13/2019, by Sen. Ram Villivalam

SYNOPSIS AS INTRODUCED:

New Act

Creates the Collective Bargaining Freedom Act. Provides that employers and labor organizations covered by the National Labor Relations Act may execute and apply agreements requiring membership in a labor organization as a condition of employment to the fullest extent authorized by the National Labor Relations Act. Provides that it is the policy of the State that employers, employees, and their labor organizations are free to bargain collectively. Provides that the authority to enact laws or rules that restrict the use of union security agreements between an employer and a labor organization vests exclusively with the General Assembly. Prohibits local governments from enforcing any such law or rule. Defines terms. Effective immediately.

LRB101 05275 JLS 53089 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

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 1. Short title. This Act may be cited as the
5 Collective Bargaining Freedom Act.

6 Section 5. Policy. It is the policy of the State of
7 Illinois that employers, employees, and their labor
8 organizations are free to negotiate collectively. It is also
9 the policy of the State of Illinois that employers, employees,
10 and their labor organizations may freely negotiate union
11 security agreements, including, but not limited to, those
12 requiring dues to be paid to a labor organization as permitted
13 under 29 U.S.C. 158(a)(3). It is further the policy of the
14 State of Illinois that no local government or political
15 subdivision may create or enforce any local law, ordinance,
16 regulation, rule, or the like that by design or application
17 prohibits, restricts, tends to restrict, or regulates the use
18 of union security agreements between a labor organization and
19 an employer as permitted under 29 U.S.C. 158(a)(3).

20 Section 10. Definitions. In this Act:

21 "Employer" includes any person acting as an agent of an
22 employer, directly or indirectly, but does not include the

1 United States or any wholly owned government corporation, or
2 any Federal Reserve Bank, or any State or political subdivision
3 thereof, or any person subject to the Railway Labor Act, 45
4 U.S.C. 151 et seq., as amended from time to time, or any labor
5 organization (other than when acting as an employer), or anyone
6 acting in the capacity of officer or agent of such labor
7 organization.

8 "Interested party" means a person with an interest in
9 compliance with this Act.

10 "Labor organization" means any organization of any kind, or
11 any agency or employee representation committee or plan, in
12 which employees participate and that exists for the purpose, in
13 whole or in part, of dealing with employers concerning
14 grievances, labor disputes, wages, rates of pay, hours of
15 employment, or conditions of work.

16 "Local government" and "political subdivision" include,
17 but are not limited to, any county, city, town, township,
18 village, municipality or subdivision thereof, airport
19 authority, cemetery district, State college or university,
20 community college, conservation district, drainage district,
21 electric agency, exposition and auditorium authority, fire
22 protection district, flood prevention district, forest
23 preserve district, home equity program, hospital district,
24 housing authority, joint action water agency, mass transit
25 district, mosquito abatement district, multi-township
26 assessment district, museum district, natural gas agency, park

1 district, planning agency, port district, public building
2 commission, public health district, public library district,
3 public water district, rescue squad district, river
4 conservancy district, road and bridge district, road district,
5 sanitary district, school district, soil and water
6 conservation district, solid waste agency, special recreation
7 association, street lighting district, surface water district,
8 transportation authority, water authority, water commission,
9 water reclamation district, water service district, municipal
10 corporation, and any other district, agency, or political
11 subdivision authorized to legislate or enact laws affecting its
12 respective jurisdiction, notwithstanding such local government
13 or political subdivision's authority to exercise any power and
14 perform any function pertaining to its government and affairs
15 granted to it by the Illinois Constitution, a law, or
16 otherwise.

17 Section 15. Private sector union security agreements.
18 Employers and labor organizations covered by the National Labor
19 Relations Act may, anywhere within the entire State of
20 Illinois, execute and apply agreements requiring membership in
21 a labor organization as a condition of employment to the full
22 extent authorized by the National Labor Relations Act.

23 Section 20. Authority to enact legislation affecting union
24 security agreements.

1 (a) The authority to enact any legislation, law, ordinance,
2 rule, regulation, or the like that by design or application
3 prohibits, restricts, tends to restrict, or regulates in any
4 manner the use of union security agreements between an employer
5 and labor organization as authorized under 29 U.S.C. 164(b)
6 vests exclusively with the General Assembly.

7 (b) No local government or political subdivision is
8 permitted to enact or enforce any local law, ordinance, rule,
9 regulation, or the like that by design or application
10 prohibits, restricts, tends to restrict, or regulates the use
11 of union security agreements between an employer and labor
12 organization as authorized under 29 U.S.C. 164(b).

13 (c) Nothing in this Act shall be construed as prohibiting
14 the General Assembly from enacting legislation barring the
15 execution or application of union security agreements as
16 authorized under 29 U.S.C. 164(b).

17 (d) This Act is a denial and limitation of home rule powers
18 and functions under subsection (h) of Section 6 of Article VII
19 of the Illinois Constitution.

20 Section 25. Private right of action. Any interested party
21 aggrieved by a violation of this Act or any rule adopted under
22 this Act by any local government or political subdivision as
23 described in this Act may file suit in circuit court, in the
24 county where the alleged violation occurred or where any person
25 who is a party to the action resides. Actions may be brought by

1 one or more persons for and on behalf of themselves and other
2 persons similarly situated.

3 Section 30. Violation and liability. Any officer,
4 representative, director, elected official, or the like of any
5 local government or political subdivision, or agent thereof,
6 who knowingly or willfully violates this Act, or who knowingly
7 or willfully fails to comply with this Act, is guilty of a
8 Class A misdemeanor. Any legislation, rule, law, ordinance, or
9 otherwise that restricts or prohibits in any manner the use of
10 union security agreements between an employer and labor
11 organization as authorized under 29 U.S.C. 158(a)(3) is a
12 violation of this Act and void.

13 Section 35. Severability. If any Section, sentence,
14 clause, or part of this Act is for any reason held to be
15 unconstitutional, such decision shall not affect the remaining
16 portions of this Act. The General Assembly hereby declares that
17 it would have passed this Act, and each Section, sentence,
18 clause, or part thereof, irrespective of the fact that one or
19 more Sections, sentences, clauses, or parts might be declared
20 unconstitutional.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.