

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 Sections 9 and 10 as follows:

6 (5 ILCS 315/9) (from Ch. 48, par. 1609)

7 Sec. 9. Elections; recognition.

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

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

20 (2) by a public employer alleging that one or more  
21 labor organizations have presented to it a claim that they  
22 be recognized as the representative of a majority of the  
23 public employees in an appropriate unit, the Board shall

1 investigate such petition, and if it has reasonable cause  
2 to believe that a question of representation exists, shall  
3 provide for an appropriate hearing upon due notice. Such  
4 hearing shall be held at the offices of the Board or such  
5 other location as the Board deems appropriate. If it finds  
6 upon the record of the hearing that a question of  
7 representation exists, it shall direct an election in  
8 accordance with subsection (d) of this Section, which  
9 election shall be held not later than 120 days after the  
10 date the petition was filed regardless of whether that  
11 petition was filed before or after the effective date of  
12 this amendatory Act of 1987; provided, however, the Board  
13 may extend the time for holding an election by an  
14 additional 60 days if, upon motion by a person who has  
15 filed a petition under this Section or is the subject of a  
16 petition filed under this Section and is a party to such  
17 hearing, or upon the Board's own motion, the Board finds  
18 that good cause has been shown for extending the election  
19 date; provided further, that nothing in this Section shall  
20 prohibit the Board, in its discretion, from extending the  
21 time for holding an election for so long as may be  
22 necessary under the circumstances, where the purpose for  
23 such extension is to permit resolution by the Board of an  
24 unfair labor practice charge filed by one of the parties  
25 to a representational proceeding against the other based  
26 upon conduct which may either affect the existence of a

1 question concerning representation or have a tendency to  
2 interfere with a fair and free election, where the party  
3 filing the charge has not filed a request to proceed with  
4 the election; and provided further that prior to the  
5 expiration of the total time allotted for holding an  
6 election, a person who has filed a petition under this  
7 Section or is the subject of a petition filed under this  
8 Section and is a party to such hearing or the Board, may  
9 move for and obtain the entry of an order in the circuit  
10 court of the county in which the majority of the public  
11 employees sought to be represented by such person reside,  
12 such order extending the date upon which the election  
13 shall be held. Such order shall be issued by the circuit  
14 court only upon a judicial finding that there has been a  
15 sufficient showing that there is good cause to extend the  
16 election date beyond such period and shall require the  
17 Board to hold the election as soon as is feasible given the  
18 totality of the circumstances. Such 120 day period may be  
19 extended one or more times by the agreement of all parties  
20 to the hearing to a date certain without the necessity of  
21 obtaining a court order. The showing of interest in  
22 support of a petition filed under paragraph (1) of this  
23 subsection (a) may be evidenced by electronic  
24 communications, and such writing or communication may be  
25 evidenced by the electronic signature of the employee as  
26 provided under Section 5-120 of the Electronic Commerce

1       Security Act. The showing of interest shall be valid only  
2       if signed within 12 months prior to the filing of the  
3       petition. Nothing in this Section prohibits the waiving of  
4       hearings by stipulation for the purpose of a consent  
5       election in conformity with the rules and regulations of  
6       the Board or an election in a unit agreed upon by the  
7       parties. Other interested employee organizations may  
8       intervene in the proceedings in the manner and within the  
9       time period specified by rules and regulations of the  
10      Board. Interested parties who are necessary to the  
11      proceedings may also intervene in the proceedings in the  
12      manner and within the time period specified by the rules  
13      and regulations of the Board.

14      (a-5) The Board shall designate an exclusive  
15      representative for purposes of collective bargaining when the  
16      representative demonstrates a showing of majority interest by  
17      employees in the unit. If the parties to a dispute are without  
18      agreement on the means to ascertain the choice, if any, of  
19      employee organization as their representative, the Board shall  
20      ascertain the employees' choice of employee organization, on  
21      the basis of dues deduction authorization or other evidence,  
22      or, if necessary, by conducting an election. The showing of  
23      interest in support of a petition filed under this subsection  
24      (a-5) may be evidenced by electronic communications, and such  
25      writing or communication may be evidenced by the electronic  
26      signature of the employee as provided under Section 5-120 of

1 the Electronic Commerce Security Act. The showing of interest  
2 shall be valid only if signed within 12 months prior to the  
3 filing of the petition. All evidence submitted by an employee  
4 organization to the Board to ascertain an employee's choice of  
5 an employee organization is confidential and shall not be  
6 submitted to the employer for review. The Board shall  
7 ascertain the employee's choice of employee organization  
8 within 120 days after the filing of the majority interest  
9 petition; however, the Board may extend time by an additional  
10 60 days, upon its own motion or upon the motion of a party to  
11 the proceeding. If either party provides to the Board, before  
12 the designation of a representative, clear and convincing  
13 evidence that the dues deduction authorizations, and other  
14 evidence upon which the Board would otherwise rely to  
15 ascertain the employees' choice of representative, are  
16 fraudulent or were obtained through coercion, the Board shall  
17 promptly thereafter conduct an election. The Board shall also  
18 investigate and consider a party's allegations that the dues  
19 deduction authorizations and other evidence submitted in  
20 support of a designation of representative without an election  
21 were subsequently changed, altered, withdrawn, or withheld as  
22 a result of employer fraud, coercion, or any other unfair  
23 labor practice by the employer. If the Board determines that a  
24 labor organization would have had a majority interest but for  
25 an employer's fraud, coercion, or unfair labor practice, it  
26 shall designate the labor organization as an exclusive

1 representative without conducting an election. If a hearing is  
2 necessary to resolve any issues of representation under this  
3 Section, the Board shall conclude its hearing process and  
4 issue a certification of the entire appropriate unit not later  
5 than 120 days after the date the petition was filed. The  
6 120-day period may be extended one or more times by the  
7 agreement of all parties to a hearing to a date certain.

8 (a-6) A labor organization or an employer may file a unit  
9 clarification petition seeking to clarify an existing  
10 bargaining unit. The Board shall conclude its investigation,  
11 including any hearing process deemed necessary, and issue a  
12 certification of clarified unit or dismiss the petition not  
13 later than 120 days after the date the petition was filed. The  
14 120-day period may be extended one or more times by the  
15 agreement of all parties to a hearing to a date certain.

16 (b) The Board shall decide in each case, in order to assure  
17 public employees the fullest freedom in exercising the rights  
18 guaranteed by this Act, a unit appropriate for the purpose of  
19 collective bargaining, based upon but not limited to such  
20 factors as: historical pattern of recognition; community of  
21 interest including employee skills and functions; degree of  
22 functional integration; interchangeability and contact among  
23 employees; fragmentation of employee groups; common  
24 supervision, wages, hours and other working conditions of the  
25 employees involved; and the desires of the employees. For  
26 purposes of this subsection, fragmentation shall not be the

1 sole or predominant factor used by the Board in determining an  
2 appropriate bargaining unit. Except with respect to non-State  
3 fire fighters and paramedics employed by fire departments and  
4 fire protection districts, non-State peace officers and peace  
5 officers in the State Department of State Police, a single  
6 bargaining unit determined by the Board may not include both  
7 supervisors and nonsupervisors, except for bargaining units in  
8 existence on the effective date of this Act. With respect to  
9 non-State fire fighters and paramedics employed by fire  
10 departments and fire protection districts, non-State peace  
11 officers and peace officers in the State Department of State  
12 Police, a single bargaining unit determined by the Board may  
13 not include both supervisors and nonsupervisors, except for  
14 bargaining units in existence on the effective date of this  
15 amendatory Act of 1985.

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

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

26 The Board shall not decide that any unit is appropriate if

1 such unit includes both professional and nonprofessional  
2 employees, unless a majority of each group votes for inclusion  
3 in such unit.

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

14 (d) In instances where the employer does not voluntarily  
15 recognize a labor organization as the exclusive bargaining  
16 representative for a unit of employees, the Board shall  
17 determine the majority representative of the public employees  
18 in an appropriate collective bargaining unit by conducting a  
19 secret ballot election, except as otherwise provided in  
20 subsection (a-5). Such a secret ballot election may be  
21 conducted electronically, using an electronic voting system,  
22 in addition to paper ballot voting systems. Within 7 days  
23 after the Board issues its bargaining unit determination and  
24 direction of election or the execution of a stipulation for  
25 the purpose of a consent election, the public employer shall  
26 submit to the labor organization the complete names and



1 addresses of those employees who are determined by the Board  
2 to be eligible to participate in the election. When the Board  
3 has determined that a labor organization has been fairly and  
4 freely chosen by a majority of employees in an appropriate  
5 unit, it shall certify such organization as the exclusive  
6 representative. If the Board determines that a majority of  
7 employees in an appropriate unit has fairly and freely chosen  
8 not to be represented by a labor organization, it shall so  
9 certify. The Board may also revoke the certification of the  
10 public employee organizations as exclusive bargaining  
11 representatives which have been found by a secret ballot  
12 election to be no longer the majority representative.

13 (e) The Board shall not conduct an election in any  
14 bargaining unit or any subdivision thereof within which a  
15 valid election has been held in the preceding 12-month period.  
16 The Board shall determine who is eligible to vote in an  
17 election and shall establish rules governing the conduct of  
18 the election or conduct affecting the results of the election.  
19 The Board shall include on a ballot in a representation  
20 election a choice of "no representation". A labor organization  
21 currently representing the bargaining unit of employees shall  
22 be placed on the ballot in any representation election. In any  
23 election where none of the choices on the ballot receives a  
24 majority, a runoff election shall be conducted between the 2  
25 choices receiving the largest number of valid votes cast in  
26 the election. A labor organization which receives a majority

1 of the votes cast in an election shall be certified by the  
2 Board as exclusive representative of all public employees in  
3 the unit.

4 (f) A labor organization shall be designated as the  
5 exclusive representative by a public employer, provided that  
6 the labor organization represents a majority of the public  
7 employees in an appropriate unit. Any employee organization  
8 which is designated or selected by the majority of public  
9 employees, in a unit of the public employer having no other  
10 recognized or certified representative, as their  
11 representative for purposes of collective bargaining may  
12 request recognition by the public employer in writing. The  
13 public employer shall post such request for a period of at  
14 least 20 days following its receipt thereof on bulletin boards  
15 or other places used or reserved for employee notices.

16 (g) Within the 20-day period any other interested employee  
17 organization may petition the Board in the manner specified by  
18 rules and regulations of the Board, provided that such  
19 interested employee organization has been designated by at  
20 least 10% of the employees in an appropriate bargaining unit  
21 which includes all or some of the employees in the unit  
22 recognized by the employer. In such event, the Board shall  
23 proceed with the petition in the same manner as provided by  
24 paragraph (1) of subsection (a) of this Section.

25 (h) No election shall be directed by the Board in any  
26 bargaining unit where there is in force a valid collective

1 bargaining agreement. The Board, however, may process an  
2 election petition filed between 90 and 60 days prior to the  
3 expiration of the date of an agreement, and may further  
4 refine, by rule or decision, the implementation of this  
5 provision. Where more than 4 years have elapsed since the  
6 effective date of the agreement, the agreement shall continue  
7 to bar an election, except that the Board may process an  
8 election petition filed between 90 and 60 days prior to the end  
9 of the fifth year of such an agreement, and between 90 and 60  
10 days prior to the end of each successive year of such  
11 agreement.

12 (i) An order of the Board dismissing a representation  
13 petition, determining and certifying that a labor organization  
14 has been fairly and freely chosen by a majority of employees in  
15 an appropriate bargaining unit, determining and certifying  
16 that a labor organization has not been fairly and freely  
17 chosen by a majority of employees in the bargaining unit or  
18 certifying a labor organization as the exclusive  
19 representative of employees in an appropriate bargaining unit  
20 because of a determination by the Board that the labor  
21 organization is the historical bargaining representative of  
22 employees in the bargaining unit, is a final order. Any person  
23 aggrieved by any such order issued on or after the effective  
24 date of this amendatory Act of 1987 may apply for and obtain  
25 judicial review in accordance with provisions of the  
26 Administrative Review Law, as now or hereafter amended, except

1 that such review shall be afforded directly in the Appellate  
2 Court for the district in which the aggrieved party resides or  
3 transacts business. Any direct appeal to the Appellate Court  
4 shall be filed within 35 days from the date that a copy of the  
5 decision sought to be reviewed was served upon the party  
6 affected by the decision.

7 (Source: P.A. 95-331, eff. 8-21-07; 96-813, eff. 10-30-09.)

8 (5 ILCS 315/10) (from Ch. 48, par. 1610)

9 Sec. 10. Unfair labor practices.

10 (a) It shall be an unfair labor practice for an employer or  
11 its agents:

12 (1) to interfere with, restrain or coerce public  
13 employees in the exercise of the rights guaranteed in this  
14 Act or to dominate or interfere with the formation,  
15 existence or administration of any labor organization or  
16 contribute financial or other support to it; provided, an  
17 employer shall not be prohibited from permitting employees  
18 to confer with him during working hours without loss of  
19 time or pay;

20 (2) to discriminate in regard to hire or tenure of  
21 employment or any term or condition of employment in order  
22 to encourage or discourage membership in or other support  
23 for any labor organization. Nothing in this Act or any  
24 other law precludes a public employer from making an  
25 agreement with a labor organization to require as a

1 condition of employment the payment of a fair share under  
2 paragraph (e) of Section 6;

3 (3) to discharge or otherwise discriminate against a  
4 public employee because he has signed or filed an  
5 affidavit, petition or charge or provided any information  
6 or testimony under this Act;

7 (4) to refuse to bargain collectively in good faith  
8 with a labor organization which is the exclusive  
9 representative of public employees in an appropriate unit,  
10 including, but not limited to, the discussing of  
11 grievances with the exclusive representative;

12 (5) to violate any of the rules and regulations  
13 established by the Board with jurisdiction over them  
14 relating to the conduct of representation elections or the  
15 conduct affecting the representation elections;

16 (6) to expend or cause the expenditure of public funds  
17 to any external agent, individual, firm, agency,  
18 partnership or association in any attempt to influence the  
19 outcome of representational elections held pursuant to  
20 Section 9 of this Act; provided, that nothing in this  
21 subsection shall be construed to limit an employer's right  
22 to internally communicate with its employees as provided  
23 in subsection (c) of this Section, to be represented on  
24 any matter pertaining to unit determinations, unfair labor  
25 practice charges or pre-election conferences in any formal  
26 or informal proceeding before the Board, or to seek or

1 obtain advice from legal counsel. Nothing in this  
2 paragraph shall be construed to prohibit an employer from  
3 expending or causing the expenditure of public funds on,  
4 or seeking or obtaining services or advice from, any  
5 organization, group, or association established by and  
6 including public or educational employers, whether covered  
7 by this Act, the Illinois Educational Labor Relations Act  
8 or the public employment labor relations law of any other  
9 state or the federal government, provided that such  
10 services or advice are generally available to the  
11 membership of the organization, group or association, and  
12 are not offered solely in an attempt to influence the  
13 outcome of a particular representational election;

14 (7) to refuse to reduce a collective bargaining  
15 agreement to writing or to refuse to sign such agreement;

16 (8) to interfere with, restrain, coerce, deter, or  
17 discourage public employees or applicants to be public  
18 employees from: (i) becoming or remaining members of a  
19 labor organization; (ii) authorizing representation by a  
20 labor organization; or (iii) authorizing dues or fee  
21 deductions to a labor organization, nor shall the employer  
22 intentionally permit outside third parties to use its  
23 email or other communication systems to engage in that  
24 conduct. An employer's good faith implementation of a  
25 policy to block the use of its email or other  
26 communication systems for such purposes shall be a defense

1 to an unfair labor practice; ~~or~~

2 (9) to disclose to any person or entity information  
3 set forth in subsection (c-5) of Section 6 of this Act that  
4 the employer knows or should know will be used to  
5 interfere with, restrain, coerce, deter, or discourage any  
6 public employee from: (i) becoming or remaining members of  
7 a labor organization, (ii) authorizing representation by a  
8 labor organization, or (iii) authorizing dues or fee  
9 deductions to a labor organization; or.

10 (10) to promise, threaten, or take any action: (i) to  
11 permanently replace an employee who participates in a  
12 strike as provided under Section 17; (ii) to discriminate  
13 against an employee who is working or has unconditionally  
14 offered to return to work for the employer because the  
15 employee supported or participated in such a strike; or  
16 (iii) to lockout, suspend, or otherwise withhold  
17 employment from employees in order to influence the  
18 position of such employees or the representative of such  
19 employees in collective bargaining prior to a strike.

20 (b) It shall be an unfair labor practice for a labor  
21 organization or its agents:

22 (1) to restrain or coerce public employees in the  
23 exercise of the rights guaranteed in this Act, provided,  
24 (i) that this paragraph shall not impair the right of a  
25 labor organization to prescribe its own rules with respect  
26 to the acquisition or retention of membership therein or

1 the determination of fair share payments and (ii) that a  
2 labor organization or its agents shall commit an unfair  
3 labor practice under this paragraph in duty of fair  
4 representation cases only by intentional misconduct in  
5 representing employees under this Act;

6 (2) to restrain or coerce a public employer in the  
7 selection of his representatives for the purposes of  
8 collective bargaining or the settlement of grievances; or

9 (3) to cause, or attempt to cause, an employer to  
10 discriminate against an employee in violation of  
11 subsection (a) (2);

12 (4) to refuse to bargain collectively in good faith  
13 with a public employer, if it has been designated in  
14 accordance with the provisions of this Act as the  
15 exclusive representative of public employees in an  
16 appropriate unit;

17 (5) to violate any of the rules and regulations  
18 established by the boards with jurisdiction over them  
19 relating to the conduct of representation elections or the  
20 conduct affecting the representation elections;

21 (6) to discriminate against any employee because he  
22 has signed or filed an affidavit, petition or charge or  
23 provided any information or testimony under this Act;

24 (7) to picket or cause to be picketed, or threaten to  
25 picket or cause to be picketed, any public employer where  
26 an object thereof is forcing or requiring an employer to



1 recognize or bargain with a labor organization of the  
2 representative of its employees, or forcing or requiring  
3 the employees of an employer to accept or select such  
4 labor organization as their collective bargaining  
5 representative, unless such labor organization is  
6 currently certified as the representative of such  
7 employees:

8 (A) where the employer has lawfully recognized in  
9 accordance with this Act any labor organization and a  
10 question concerning representation may not  
11 appropriately be raised under Section 9 of this Act;

12 (B) where within the preceding 12 months a valid  
13 election under Section 9 of this Act has been  
14 conducted; or

15 (C) where such picketing has been conducted  
16 without a petition under Section 9 being filed within  
17 a reasonable period of time not to exceed 30 days from  
18 the commencement of such picketing; provided that when  
19 such a petition has been filed the Board shall  
20 forthwith, without regard to the provisions of  
21 subsection (a) of Section 9 or the absence of a showing  
22 of a substantial interest on the part of the labor  
23 organization, direct an election in such unit as the  
24 Board finds to be appropriate and shall certify the  
25 results thereof; provided further, that nothing in  
26 this subparagraph shall be construed to prohibit any

1 picketing or other publicity for the purpose of  
2 truthfully advising the public that an employer does  
3 not employ members of, or have a contract with, a labor  
4 organization unless an effect of such picketing is to  
5 induce any individual employed by any other person in  
6 the course of his employment, not to pick up, deliver,  
7 or transport any goods or not to perform any services;  
8 or

9 (8) to refuse to reduce a collective bargaining  
10 agreement to writing or to refuse to sign such agreement.

11 (c) The expressing of any views, argument, or opinion or  
12 the dissemination thereof, whether in written, printed,  
13 graphic, or visual form, shall not constitute or be evidence  
14 of an unfair labor practice under any of the provisions of this  
15 Act, if such expression contains no threat of reprisal or  
16 force or promise of benefit.

17 (d) The employer shall not discourage public employees or  
18 applicants to be public employees from becoming or remaining  
19 union members or authorizing dues deductions, and shall not  
20 otherwise interfere with the relationship between employees  
21 and their exclusive bargaining representative. The employer  
22 shall refer all inquiries about union membership to the  
23 exclusive bargaining representative, except that the employer  
24 may communicate with employees regarding payroll processes and  
25 procedures. The employer will establish email policies in an  
26 effort to prohibit the use of its email system by outside

1 sources.

2 (Source: P.A. 101-620, eff. 12-20-19.)

3 Section 10. The Illinois Educational Labor Relations Act  
4 is amended by changing Sections 7, 8, and 14 as follows:

5 (115 ILCS 5/7) (from Ch. 48, par. 1707)

6 Sec. 7. Recognition of exclusive bargaining  
7 representatives - unit determination. The Board is empowered  
8 to administer the recognition of bargaining representatives of  
9 employees of public school districts, including employees of  
10 districts which have entered into joint agreements, or  
11 employees of public community college districts, or any State  
12 college or university, and any State agency whose major  
13 function is providing educational services, making certain  
14 that each bargaining unit contains employees with an  
15 identifiable community of interest and that no unit includes  
16 both professional employees and nonprofessional employees  
17 unless a majority of employees in each group vote for  
18 inclusion in the unit.

19 (a) In determining the appropriateness of a unit, the  
20 Board shall decide in each case, in order to ensure employees  
21 the fullest freedom in exercising the rights guaranteed by  
22 this Act, the unit appropriate for the purpose of collective  
23 bargaining, based upon but not limited to such factors as  
24 historical pattern of recognition, community of interest,

1 including employee skills and functions, degree of functional  
2 integration, interchangeability and contact among employees,  
3 common supervision, wages, hours and other working conditions  
4 of the employees involved, and the desires of the employees.  
5 Nothing in this Act, except as herein provided, shall  
6 interfere with or negate the current representation rights or  
7 patterns and practices of employee organizations which have  
8 historically represented employees for the purposes of  
9 collective bargaining, including but not limited to the  
10 negotiations of wages, hours and working conditions,  
11 resolutions of employees' grievances, or resolution of  
12 jurisdictional disputes, or the establishment and maintenance  
13 of prevailing wage rates, unless a majority of the employees  
14 so represented expresses a contrary desire under the  
15 procedures set forth in this Act. This Section, however, does  
16 not prohibit multi-unit bargaining. Notwithstanding the above  
17 factors, where the majority of public employees of a craft so  
18 decide, the Board shall designate such craft as a unit  
19 appropriate for the purposes of collective bargaining.

20 The sole appropriate bargaining unit for tenured and  
21 tenure-track academic faculty at each campus of the University  
22 of Illinois shall be a unit that is comprised of  
23 non-supervisory academic faculty employed more than half-time  
24 and that includes all tenured and tenure-track faculty of that  
25 University campus employed by the board of trustees in all of  
26 the campus's undergraduate, graduate, and professional schools

1 and degree and non-degree programs (with the exception of the  
2 college of medicine, the college of pharmacy, the college of  
3 dentistry, the college of law, and the college of veterinary  
4 medicine, each of which shall have its own separate unit),  
5 regardless of current or historical representation rights or  
6 patterns or the application of any other factors. Any  
7 decision, rule, or regulation promulgated by the Board to the  
8 contrary shall be null and void.

9 (b) An educational employer shall voluntarily recognize a  
10 labor organization for collective bargaining purposes if that  
11 organization appears to represent a majority of employees in  
12 the unit. The employer shall post notice of its intent to so  
13 recognize for a period of at least 20 school days on bulletin  
14 boards or other places used or reserved for employee notices.  
15 Thereafter, the employer, if satisfied as to the majority  
16 status of the employee organization, shall send written  
17 notification of such recognition to the Board for  
18 certification. Any dispute regarding the majority status of a  
19 labor organization shall be resolved by the Board which shall  
20 make the determination of majority status.

21 Within the 20 day notice period, however, any other  
22 interested employee organization may petition the Board to  
23 seek recognition as the exclusive representative of the unit  
24 in the manner specified by rules and regulations prescribed by  
25 the Board, if such interested employee organization has been  
26 designated by at least 15% of the employees in an appropriate

1 bargaining unit which includes all or some of the employees in  
2 the unit intended to be recognized by the employer. In such  
3 event, the Board shall proceed with the petition in the same  
4 manner as provided in paragraph (c) of this Section.

5 (c) A labor organization may also gain recognition as the  
6 exclusive representative by an election of the employees in  
7 the unit. Petitions requesting an election may be filed with  
8 the Board:

9 (1) by an employee or group of employees or any labor  
10 organizations acting on their behalf alleging and  
11 presenting evidence that 30% or more of the employees in a  
12 bargaining unit wish to be represented for collective  
13 bargaining or that the labor organization which has been  
14 acting as the exclusive bargaining representative is no  
15 longer representative of a majority of the employees in  
16 the unit; or

17 (2) by an employer alleging that one or more labor  
18 organizations have presented a claim to be recognized as  
19 an exclusive bargaining representative of a majority of  
20 the employees in an appropriate unit and that it doubts  
21 the majority status of any of the organizations or that it  
22 doubts the majority status of an exclusive bargaining  
23 representative.

24 The Board shall investigate the petition and if it has  
25 reasonable cause to suspect that a question of representation  
26 exists, it shall give notice and conduct a hearing. If it finds

1 upon the record of the hearing that a question of  
2 representation exists, it shall direct an election, which  
3 shall be held no later than 90 days after the date the petition  
4 was filed. The showing of interest in support of a petition  
5 filed under paragraph (1) of this subsection (c) may be  
6 evidenced by electronic communications, and such writing or  
7 communication may be evidenced by the electronic signature of  
8 the employee as provided under Section 5-120 of the Electronic  
9 Commerce Security Act. The showing of interest shall be valid  
10 only if signed within 12 months prior to the filing of the  
11 petition. Nothing prohibits the waiving of hearings by the  
12 parties and the conduct of consent elections.

13 (c-5) The Board shall designate an exclusive  
14 representative for purposes of collective bargaining when the  
15 representative demonstrates a showing of majority interest by  
16 employees in the unit. If the parties to a dispute are without  
17 agreement on the means to ascertain the choice, if any, of  
18 employee organization as their representative, the Board shall  
19 ascertain the employees' choice of employee organization, on  
20 the basis of dues deduction authorization or other evidence,  
21 or, if necessary, by conducting an election. The showing of  
22 interest in support of a petition filed under this subsection  
23 (c-5) may be evidenced by electronic communications, and such  
24 writing or communication may be evidenced by the electronic  
25 signature of the employee as provided under Section 5-120 of  
26 the Electronic Commerce Security Act. The showing of interest

1 shall be valid only if signed within 12 months prior to the  
2 filing of the petition. All evidence submitted by an employee  
3 organization to the Board to ascertain an employee's choice of  
4 an employee organization is confidential and shall not be  
5 submitted to the employer for review. The Board shall  
6 ascertain the employee's choice of employee organization  
7 within 120 days after the filing of the majority interest  
8 petition; however, the Board may extend time by an additional  
9 60 days, upon its own motion or upon the motion of a party to  
10 the proceeding. If either party provides to the Board, before  
11 the designation of a representative, clear and convincing  
12 evidence that the dues deduction authorizations, and other  
13 evidence upon which the Board would otherwise rely to  
14 ascertain the employees' choice of representative, are  
15 fraudulent or were obtained through coercion, the Board shall  
16 promptly thereafter conduct an election. The Board shall also  
17 investigate and consider a party's allegations that the dues  
18 deduction authorizations and other evidence submitted in  
19 support of a designation of representative without an election  
20 were subsequently changed, altered, withdrawn, or withheld as  
21 a result of employer fraud, coercion, or any other unfair  
22 labor practice by the employer. If the Board determines that a  
23 labor organization would have had a majority interest but for  
24 an employer's fraud, coercion, or unfair labor practice, it  
25 shall designate the labor organization as an exclusive  
26 representative without conducting an election. If a hearing is



1 necessary to resolve any issues of representation under this  
2 Section, the Board shall conclude its hearing process and  
3 issue a certification of the entire appropriate unit not later  
4 than 120 days after the date the petition was filed. The  
5 120-day period may be extended one or more times by the  
6 agreement of all parties to a hearing to a date certain.

7 (c-6) A labor organization or an employer may file a unit  
8 clarification petition seeking to clarify an existing  
9 bargaining unit. The Board shall conclude its investigation,  
10 including any hearing process deemed necessary, and issue a  
11 certification of clarified unit or dismiss the petition not  
12 later than 120 days after the date the petition was filed. The  
13 120-day period may be extended one or more times by the  
14 agreement of all parties to a hearing to a date certain.

15 (d) An order of the Board dismissing a representation  
16 petition, determining and certifying that a labor organization  
17 has been fairly and freely chosen by a majority of employees in  
18 an appropriate bargaining unit, determining and certifying  
19 that a labor organization has not been fairly and freely  
20 chosen by a majority of employees in the bargaining unit or  
21 certifying a labor organization as the exclusive  
22 representative of employees in an appropriate bargaining unit  
23 because of a determination by the Board that the labor  
24 organization is the historical bargaining representative of  
25 employees in the bargaining unit, is a final order. Any person  
26 aggrieved by any such order issued on or after the effective

1 date of this amendatory Act of 1987 may apply for and obtain  
2 judicial review in accordance with provisions of the  
3 Administrative Review Law, as now or hereafter amended, except  
4 that such review shall be afforded directly in the Appellate  
5 Court of a judicial district in which the Board maintains an  
6 office. Any direct appeal to the Appellate Court shall be  
7 filed within 35 days from the date that a copy of the decision  
8 sought to be reviewed was served upon the party affected by the  
9 decision.

10 No election may be conducted in any bargaining unit during  
11 the term of a collective bargaining agreement covering such  
12 unit or subdivision thereof, except the Board may direct an  
13 election after the filing of a petition between January 15 and  
14 March 1 of the final year of a collective bargaining  
15 agreement. Nothing in this Section prohibits the negotiation  
16 of a collective bargaining agreement covering a period not  
17 exceeding 3 years. A collective bargaining agreement of less  
18 than 3 years may be extended up to 3 years by the parties if  
19 the extension is agreed to in writing before the filing of a  
20 petition under this Section. In such case, the final year of  
21 the extension is the final year of the collective bargaining  
22 agreement. No election may be conducted in a bargaining unit,  
23 or subdivision thereof, in which a valid election has been  
24 held within the preceding 12 month period.

25 (Source: P.A. 95-331, eff. 8-21-07; 96-813, eff. 10-30-09.)

1 (115 ILCS 5/8) (from Ch. 48, par. 1708)

2 Sec. 8. Election - certification. Elections shall be by  
3 secret ballot, and conducted in accordance with rules and  
4 regulations established by the Illinois Educational Labor  
5 Relations Board. A secret ballot election may be conducted  
6 electronically, using an electronic voting system, in addition  
7 to paper ballot voting systems. An incumbent exclusive  
8 bargaining representative shall automatically be placed on any  
9 ballot with the petitioner's labor organization. An  
10 intervening labor organization may be placed on the ballot  
11 when supported by 15% or more of the employees in the  
12 bargaining unit. The Board shall give at least 30 days notice  
13 of the time and place of the election to the parties and, upon  
14 request, shall provide the parties with a list of names and  
15 addresses of persons eligible to vote in the election at least  
16 15 days before the election. The ballot must include, as one of  
17 the alternatives, the choice of "no representative". No mail  
18 ballots are permitted except where a specific individual would  
19 otherwise be unable to cast a ballot.

20 The labor organization receiving a majority of the ballots  
21 cast shall be certified by the Board as the exclusive  
22 bargaining representative. If the choice of "no  
23 representative" receives a majority, the employer shall not  
24 recognize any exclusive bargaining representative for at least  
25 12 months. If none of the choices on the ballot receives a  
26 majority, a run-off shall be conducted between the 2 choices

1 receiving the largest number of valid votes cast in the  
2 election. The Board shall certify the results of the election  
3 within 6 working days after the final tally of votes unless a  
4 charge is filed by a party alleging that improper conduct  
5 occurred which affected the outcome of the election. The Board  
6 shall promptly investigate the allegations, and if it finds  
7 probable cause that improper conduct occurred and could have  
8 affected the outcome of the election, it shall set a hearing on  
9 the matter on a date falling within 2 weeks of when it received  
10 the charge. If it determines, after hearing, that the outcome  
11 of the election was affected by improper conduct, it shall  
12 order a new election and shall order corrective action which  
13 it considers necessary to insure the fairness of the new  
14 election. If it determines upon investigation or after hearing  
15 that the alleged improper conduct did not take place or that it  
16 did not affect the results of the election, it shall  
17 immediately certify the election results.

18 Any labor organization that is the exclusive bargaining  
19 representative in an appropriate unit on the effective date of  
20 this Act shall continue as such until a new one is selected  
21 under this Act.

22 (Source: P.A. 92-206, eff. 1-1-02.)

23 (115 ILCS 5/14) (from Ch. 48, par. 1714)

24 Sec. 14. Unfair labor practices.

25 (a) Educational employers, their agents or representatives

1 are prohibited from:

2 (1) Interfering, restraining or coercing employees in  
3 the exercise of the rights guaranteed under this Act.

4 (2) Dominating or interfering with the formation,  
5 existence or administration of any employee organization.

6 (3) Discriminating in regard to hire or tenure of  
7 employment or any term or condition of employment to  
8 encourage or discourage membership in any employee  
9 organization.

10 (4) Discharging or otherwise discriminating against an  
11 employee because he or she has signed or filed an  
12 affidavit, authorization card, petition or complaint or  
13 given any information or testimony under this Act.

14 (5) Refusing to bargain collectively in good faith  
15 with an employee representative which is the exclusive  
16 representative of employees in an appropriate unit,  
17 including, but not limited to, the discussing of  
18 grievances with the exclusive representative; provided,  
19 however, that if an alleged unfair labor practice involves  
20 interpretation or application of the terms of a collective  
21 bargaining agreement and said agreement contains a  
22 grievance and arbitration procedure, the Board may defer  
23 the resolution of such dispute to the grievance and  
24 arbitration procedure contained in said agreement.

25 (6) Refusing to reduce a collective bargaining  
26 agreement to writing and signing such agreement.

1           (7) Violating any of the rules and regulations  
2 promulgated by the Board regulating the conduct of  
3 representation elections.

4           (8) Refusing to comply with the provisions of a  
5 binding arbitration award.

6           (9) Expending or causing the expenditure of public  
7 funds to any external agent, individual, firm, agency,  
8 partnership or association in any attempt to influence the  
9 outcome of representational elections held pursuant to  
10 paragraph (c) of Section 7 of this Act; provided, that  
11 nothing in this subsection shall be construed to limit an  
12 employer's right to be represented on any matter  
13 pertaining to unit determinations, unfair labor practice  
14 charges or pre-election conferences in any formal or  
15 informal proceeding before the Board, or to seek or obtain  
16 advice from legal counsel. Nothing in this paragraph shall  
17 be construed to prohibit an employer from expending or  
18 causing the expenditure of public funds on, or seeking or  
19 obtaining services or advice from, any organization, group  
20 or association established by, and including educational  
21 or public employers, whether or not covered by this Act,  
22 the Illinois Public Labor Relations Act or the public  
23 employment labor relations law of any other state or the  
24 federal government, provided that such services or advice  
25 are generally available to the membership of the  
26 organization, group, or association, and are not offered

1 solely in an attempt to influence the outcome of a  
2 particular representational election.

3 (10) Interfering with, restraining, coercing,  
4 deterring or discouraging educational employees or  
5 applicants to be educational employees from: (1) becoming  
6 members of an employee organization; (2) authorizing  
7 representation by an employee organization; or (3)  
8 authorizing dues or fee deductions to an employee  
9 organization, nor shall the employer intentionally permit  
10 outside third parties to use its email or other  
11 communications systems to engage in that conduct. An  
12 employer's good faith implementation of a policy to block  
13 the use of its email or other communication systems for  
14 such purposes shall be a defense to an unfair labor  
15 practice.

16 (11) Disclosing to any person or entity information  
17 set forth in subsection (d) of Section 3 of this Act that  
18 the employer knows or should know will be used to  
19 interfere with, restrain, coerce, deter, or discourage any  
20 public employee from: (i) becoming or remaining members of  
21 a labor organization, (ii) authorizing representation by a  
22 labor organization, or (iii) authorizing dues or fee  
23 deductions to a labor organization.

24 (12) Promising, threatening, or taking any action (i)  
25 to permanently replace an employee who participates in a  
26 strike under Section 13 of this Act, (ii) to discriminate

1       against an employee who is working or has unconditionally  
2       offered to return to work for the employer because the  
3       employee supported or participated in such as a strike, or  
4       (iii) to lockout, suspend, or otherwise withhold from  
5       employment employees in order to influence the position of  
6       such employees or the representative of such employees in  
7       collective bargaining prior to a strike.

8       (b)     Employee organizations, their agents or  
9       representatives or educational employees are prohibited from:

10       (1) Restraining or coercing employees in the exercise  
11       of the rights guaranteed under this Act, provided that a  
12       labor organization or its agents shall commit an unfair  
13       labor practice under this paragraph in duty of fair  
14       representation cases only by intentional misconduct in  
15       representing employees under this Act.

16       (2) Restraining or coercing an educational employer in  
17       the selection of his representative for the purposes of  
18       collective bargaining or the adjustment of grievances.

19       (3) Refusing to bargain collectively in good faith  
20       with an educational employer, if they have been designated  
21       in accordance with the provisions of this Act as the  
22       exclusive representative of employees in an appropriate  
23       unit.

24       (4) Violating any of the rules and regulations  
25       promulgated by the Board regulating the conduct of  
26       representation elections.



1           (5) Refusing to reduce a collective bargaining  
2 agreement to writing and signing such agreement.

3           (6) Refusing to comply with the provisions of a  
4 binding arbitration award.

5           (c) The expressing of any views, argument, opinion or the  
6 dissemination thereof, whether in written, printed, graphic or  
7 visual form, shall not constitute or be evidence of an unfair  
8 labor practice under any of the provisions of this Act, if such  
9 expression contains no threat of reprisal or force or promise  
10 of benefit.

11           (c-5) The employer shall not discourage public employees  
12 or applicants to be public employees from becoming or  
13 remaining union members or authorizing dues deductions, and  
14 shall not otherwise interfere with the relationship between  
15 employees and their exclusive bargaining representative. The  
16 employer shall refer all inquiries about union membership to  
17 the exclusive bargaining representative, except that the  
18 employer may communicate with employees regarding payroll  
19 processes and procedures. The employer will establish email  
20 policies in an effort to prohibit the use of its email system  
21 by outside sources.

22           (d) The actions of a Financial Oversight Panel created  
23 pursuant to Section 1A-8 of the School Code due to a district  
24 violating a financial plan shall not constitute or be evidence  
25 of an unfair labor practice under any of the provisions of this  
26 Act. Such actions include, but are not limited to, reviewing,

1 approving, or rejecting a school district budget or a  
2 collective bargaining agreement.

3 (Source: P.A. 101-620, eff. 12-20-19; revised 8-21-20.)