

# HB3749



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**HB3749**

Introduced 2/22/2021, by Rep. Jawaharial Williams

#### SYNOPSIS AS INTRODUCED:

5 ILCS 315/10

from Ch. 48, par. 1610

Amends the Illinois Public Labor Relations Act. Provides that it shall be an unfair labor practice for a labor organization or its agents to require an employee or an applicant for an employment position to possess a driver's license for the purpose of job placement or testing. Provides that any State-issued identification card shall be sufficient for purposes of job placement or testing.

LRB102 12135 RJF 17472 b

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 5. The Illinois Public Labor Relations Act is  
5 amended by changing Section 10 as follows:

6 (5 ILCS 315/10) (from Ch. 48, par. 1610)

7 Sec. 10. Unfair labor practices.

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

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

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

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

12 (1) to restrain or coerce public employees in the  
13 exercise of the rights guaranteed in this Act, provided,  
14 (i) that this paragraph shall not impair the right of a  
15 labor organization to prescribe its own rules with respect  
16 to the acquisition or retention of membership therein or  
17 the determination of fair share payments and (ii) that a  
18 labor organization or its agents shall commit an unfair  
19 labor practice under this paragraph in duty of fair  
20 representation cases only by intentional misconduct in  
21 representing employees under this Act;

22 (2) to restrain or coerce a public employer in the  
23 selection of his representatives for the purposes of  
24 collective bargaining or the settlement of grievances; or

25 (3) to cause, or attempt to cause, an employer to  
26 discriminate against an employee in violation of

1 subsection (a) (2);

2 (4) to refuse to bargain collectively in good faith  
3 with a public employer, if it has been designated in  
4 accordance with the provisions of this Act as the  
5 exclusive representative of public employees in an  
6 appropriate unit;

7 (5) to violate any of the rules and regulations  
8 established by the boards with jurisdiction over them  
9 relating to the conduct of representation elections or the  
10 conduct affecting the representation elections;

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

14 (7) to picket or cause to be picketed, or threaten to  
15 picket or cause to be picketed, any public employer where  
16 an object thereof is forcing or requiring an employer to  
17 recognize or bargain with a labor organization of the  
18 representative of its employees, or forcing or requiring  
19 the employees of an employer to accept or select such  
20 labor organization as their collective bargaining  
21 representative, unless such labor organization is  
22 currently certified as the representative of such  
23 employees:

24 (A) where the employer has lawfully recognized in  
25 accordance with this Act any labor organization and a  
26 question concerning representation may not

1 appropriately be raised under Section 9 of this Act;

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

5 (C) where such picketing has been conducted  
6 without a petition under Section 9 being filed within  
7 a reasonable period of time not to exceed 30 days from  
8 the commencement of such picketing; provided that when  
9 such a petition has been filed the Board shall  
10 forthwith, without regard to the provisions of  
11 subsection (a) of Section 9 or the absence of a showing  
12 of a substantial interest on the part of the labor  
13 organization, direct an election in such unit as the  
14 Board finds to be appropriate and shall certify the  
15 results thereof; provided further, that nothing in  
16 this subparagraph shall be construed to prohibit any  
17 picketing or other publicity for the purpose of  
18 truthfully advising the public that an employer does  
19 not employ members of, or have a contract with, a labor  
20 organization unless an effect of such picketing is to  
21 induce any individual employed by any other person in  
22 the course of his employment, not to pick up, deliver,  
23 or transport any goods or not to perform any services;  
24 ~~or~~

25 (8) to refuse to reduce a collective bargaining  
26 agreement to writing or to refuse to sign such agreement;

1 or-

2 (9) to require an employee or an applicant for an  
3 employment position to possess a driver's license for the  
4 purpose of job placement or testing; any State-issued  
5 identification card shall be sufficient for such purposes.

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

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

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