



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4062

Introduced 4/6/2021, by Rep. Angelica Guerrero-Cuellar

SYNOPSIS AS INTRODUCED:

115 ILCS 5/13

from Ch. 48, par. 1713

115 ILCS 5/4.10 rep.

Amends the Illinois Educational Labor Relations Act. In provisions concerning strikes, removes language that provides that for educational employees employed in the Chicago school district, at least three-fourths of all bargaining unit employees who are members of the exclusive bargaining representative must affirmatively vote to authorize a strike. Removes obsolete language concerning the Chicago school district. Provides that if and only if House Bill 1559 of the 101st General Assembly becomes law and takes effect, repeals a provision allowing collective bargaining between the Chicago school district and an exclusive representative of its employees to include decisions to determine the length of the work and school day and the length of the work and school year. Effective immediately or on the date House Bill 1559 of the 101st General Assembly takes effect, whichever is later.

LRB102 17838 CMG 24277 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

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

4 Section 5. The Illinois Educational Labor Relations Act is
5 amended by changing Section 13 as follows:

6 (115 ILCS 5/13) (from Ch. 48, par. 1713)

7 Sec. 13. Strikes.

8 (a) (Blank). ~~Notwithstanding the existence of any other~~
9 ~~provision in this Act or other law, educational employees~~
10 ~~employed in school districts organized under Article 34 of the~~
11 ~~School Code shall not engage in a strike at any time during the~~
12 ~~18 month period that commences on the effective date of this~~
13 ~~amendatory Act of 1995. An educational employee employed in a~~
14 ~~school district organized under Article 34 of the School Code~~
15 ~~who participates in a strike in violation of this Section is~~
16 ~~subject to discipline by the employer. In addition, no~~
17 ~~educational employer organized under Article 34 of the School~~
18 ~~Code may pay or cause to be paid to an educational employee who~~
19 ~~participates in a strike in violation of this subsection any~~
20 ~~wages or other compensation for any period during which an~~
21 ~~educational employee participates in the strike, except for~~
22 ~~wages or compensation earned before participation in the~~
23 ~~strike. Notwithstanding the existence of any other provision~~

1 ~~in this Act or other law, during the 18 month period that~~
2 ~~strikes are prohibited under this subsection nothing in this~~
3 ~~subsection shall be construed to require an educational~~
4 ~~employer to submit to a binding dispute resolution process.~~

5 (b) Notwithstanding the existence of any other provision
6 in this Act or any other law, educational employees ~~other than~~
7 ~~those employed in a school district organized under Article 34~~
8 ~~of the School Code and, after the expiration of the 18 month~~
9 ~~period that commences on the effective date of this amendatory~~
10 ~~Act of 1995, educational employees in a school district~~
11 ~~organized under Article 34 of the School Code~~ shall not engage
12 in a strike except under the following conditions:

13 (1) they are represented by an exclusive bargaining
14 representative;

15 (2) mediation has been used without success and, for
16 educational employers and exclusive bargaining
17 representatives to which subsection (a-5) of Section 12 of
18 this Act applies, at least 14 days have elapsed after the
19 Board has made public the parties' offers;

20 (2.5) if fact-finding was invoked pursuant to
21 subsection (a-10) of Section 12 of this Act, at least 30
22 days have elapsed after a fact-finding report has been
23 released for public information;

24 (2.10) (blank); ~~for educational employees employed in~~
25 ~~a school district organized under Article 34 of the School~~
26 ~~Code, at least three fourths of all bargaining unit~~

~~employees who are members of the exclusive bargaining representative have affirmatively voted to authorize the strike; provided, however, that all members of the exclusive bargaining representative at the time of a strike authorization vote shall be eligible to vote;~~

(3) at least 10 days have elapsed after a notice of intent to strike has been given by the exclusive bargaining representative to the educational employer, the regional superintendent and the Illinois Educational Labor Relations Board;

(4) the collective bargaining agreement between the educational employer and educational employees, if any, has expired or been terminated; and

(5) the employer and the exclusive bargaining representative have not mutually submitted the unresolved issues to arbitration.

If, however, in the opinion of an employer the strike is or has become a clear and present danger to the health or safety of the public, the employer may initiate in the circuit court of the county in which such danger exists an action for relief which may include, but is not limited to, injunction. The court may grant appropriate relief upon the finding that such clear and present danger exists. An unfair practice or other evidence of lack of clean hands by the educational employer is a defense to such action. Except as provided for in this paragraph, the jurisdiction of the court under this Section is

1 limited by the Labor Dispute Act.

2 (Source: P.A. 97-7, eff. 6-13-11; 97-8, eff. 6-13-11; 98-513,
3 eff. 1-1-14.)

4 (115 ILCS 5/4.10 rep.)

5 Section 10. If and only if House Bill 1559 of the 101st
6 General Assembly becomes law and takes effect, the Illinois
7 Educational Labor Relations Act is amended by repealing
8 Section 4.10.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law or on the date House Bill 1559 of the 101st
11 General Assembly takes effect, whichever is later.