

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, other than a unit of local

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

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

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

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

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

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" as defined herein  
28 includes all projects financed in whole or in part with bonds  
29 issued under the Industrial Project Revenue Bond Act (Article  
30 11, Division 74 of the Illinois Municipal Code), the  
31 Industrial Building Revenue Bond Act, the Illinois  
32 Development Finance Authority Act, the Illinois Sports  
33 Facilities Authority Act, or the Build Illinois Bond Act, and  
34 all projects financed in whole or in part with loans or other

1 funds made available pursuant to the Build Illinois Act.  
2 "Public works" also means, through December 31, 2005, all  
3 projects financed in whole or in part with funds from the  
4 Fund for Illinois' Future under Section 6z-47 of the State  
5 Finance Act, funds for school construction under Section 5 of  
6 the General Obligation Bond Act, funds authorized under  
7 Section 3 of the School Construction Bond Act, funds for  
8 school infrastructure under Section 6z-45 of the State  
9 Finance Act, or funds for transportation purposes under  
10 Section 4 of the General Obligation Bond Act.

11 "Public body" means the State or any officer, board or  
12 commission of the State or any political subdivision or  
13 department thereof, or any institution supported in whole or  
14 in part by public funds, authorized by law to construct  
15 public works or to enter into any contract for the  
16 construction of public works, and includes every county,  
17 city, town, village, township, school district, irrigation,  
18 utility, reclamation improvement or other district and every  
19 other political subdivision, district, or municipality of the  
20 State whether such political subdivision, municipality, or  
21 district operates under a special charter or not.

22 Section 15. Policy requirements.

23 (a) All contractors and grantees shall certify as part  
24 of any State contract, grant, or reimbursement that they will  
25 not use State funds to promote, assist, or deter union  
26 organizing or to otherwise seek to influence the decision of  
27 any of its employees to be represented or not represented by  
28 a labor organization, and, with respect to employees engaged  
29 in employment in connection with a State contract, grant, or  
30 reimbursement, that they will:

31 (i) not require or prohibit the attendance of  
32 employees at any meeting related to union representation;  
33 and

1           (ii) not schedule or hold meetings related to union  
2 representation during an employee's work time or in work  
3 areas; and

4           (iii) allow a labor organization the same  
5 opportunity to communicate with employees as is used by  
6 the contractor or the grantee, including the right to  
7 have access to the premises of the contractor or grantee,  
8 post notices, distribute literature, and use the premises  
9 of the employer to hold meetings with employees.

10          (b) No contractor or grantee shall receive a contract or  
11 grant to provide goods or services or public works for the  
12 citizens of the State of Illinois unless the contractor or  
13 grantee has agreed to provide certification under subsection  
14 (a).

15          (c) Any reimbursement agreement, contract, or grant  
16 entered into by and between a contractor or a grantee and the  
17 State of Illinois or a State agency to provide goods or  
18 services or public works shall include a certification under  
19 subsection (a) and an agreement by the contractor or grantee  
20 to comply with the terms of the certification under  
21 subsection (a).

22          (d) Any contractor or grantee entering into a contract  
23 with any person or entity to provide goods or services or  
24 public works subject to the contract or grant agreement  
25 between the contractor or grantee and the State of Illinois  
26 or a State agency shall include in the contract or grant  
27 agreement a certification under subsection (a) identical to  
28 the certification under subsection (a) in the contract or  
29 grant agreement between the contractor or grantee and the  
30 State of Illinois or State agency.

31          Section 20. Reporting.

32          (a) Any labor organization may file a complaint with the  
33 Illinois Attorney General if it believes that a contractor or

1 grantee is expending funds in violation of this Act. Upon the  
2 filing of such a complaint, the Illinois Attorney General  
3 shall, within 14 calendar days, notify the contractor or  
4 grantee that it must provide the following accounting:

5 (1) The date, the amount of, and the nature of any  
6 use of money or other things of value for the production  
7 or distribution of literature or other similar  
8 communications, the holding of meetings, including  
9 meetings with supervisors and managerial employees, and  
10 the use of consultants or lawyers; names of any vendors  
11 including attorneys and consultants who receive payment  
12 for the purpose of influencing a unionization effort, the  
13 amount of such payment and the nature of the services  
14 provided.

15 (2) The source of the money or other things of  
16 value so used.

17 The accounting shall be made to the Illinois Attorney General  
18 within 14 calendar days of the receipt of the request for it.  
19 The accounting shall be made available to the complainant  
20 upon receipt by the Illinois Attorney General.

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

25 Section 25. Enforcement.

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

33 (b) If the State of Illinois brings an enforcement

1 action for violation of this Act, any person or labor  
2 organization with a direct interest in compliance with this  
3 Act may join in that enforcement action as a real party in  
4 interest.

5 (c) If the State of Illinois declines to institute an  
6 action for enforcement for violation of this Act, any person  
7 or labor organization with a direct interest in compliance  
8 with this Act may institute and enforce a civil action on his  
9 or her or its own behalf against the contractor or grantee  
10 and seek injunctive relief, declaratory relief, specific  
11 performance, or damages or a combination of those remedies.

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

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

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