



Sen. John J. Cullerton

Filed: 5/13/2005

09400HB1079sam001

LRB094 06722 LCB 46184 a

1 AMENDMENT TO HOUSE BILL 1079

2 AMENDMENT NO. _____. Amend House Bill 1079 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Civil Procedure is amended by
5 adding Section 8-803.5 as follows:

6 (735 ILCS 5/8-803.5 new)

7 Sec. 8-803.5. Union agent and union member.

8 (a) Except when required or allowed in subsection (b) of
9 this Section, a union agent, during the agency or
10 representative relationship or after termination of the agency
11 or representative relationship with the bargaining unit
12 member, shall not be compelled to disclose, in any court or to
13 any administrative board or agency proceeding, the content of
14 any oral or written statement made by the bargaining unit
15 member to the union agent for the purpose of enabling the union
16 agent to defend the bargaining unit member from potential
17 disciplinary action or for the purpose of representing the
18 bargaining unit member in a step of a contractual grievance
19 procedure.

20 (b) Subsection (a) of this Section shall not apply in the
21 following circumstance, and a union agent may use or reveal
22 statements otherwise covered by subsection (a):

23 (1) to the extent it appears necessary to prevent the
24 commission of a crime codified in federal or State law;

1 (2) in actions, civil or criminal, against the union
2 agent in his or her personal or official representative
3 capacity, or against the local or international union or
4 any agent thereof in their personal or official
5 representative capacities;

6 (3) when required by order of the court, administrative
7 board, or agency arbitrator, in the interest of achieving
8 justice in the matter;

9 (4) when, after full disclosure has been provided, the
10 expressed and written consent of the bargaining unit member
11 has been obtained; or

12 (5) when the bargaining unit member testifies in the
13 court or administrative board or agency arbitration or
14 proceeding, and his or her testimony contradicts a
15 statement or statements made by the bargaining unit member
16 to the union agent and constitutes perjury.

17 (c) In the event of a conflict between the application of
18 this Section and any federal or State labor law to a specific
19 situation, the provisions of the federal or State labor law
20 shall control.

21 (d) As used in this Section, the term "union agent" refers
22 only to a formally elected or appointed representative of the
23 Union who has primary responsibility for representing the
24 employee at the time the oral or written statement is made."