



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB0275

Introduced 2/3/2005, by Sen. James A. DeLeo

#### SYNOPSIS AS INTRODUCED:

115 ILCS 5/8  
115 ILCS 5/11

from Ch. 48, par. 1708  
from Ch. 48, par. 1711

Amends the Illinois Educational Labor Relations Act. Requires an educational employer to furnish the exclusive bargaining representative with the names and addresses of its educational employees in the bargaining unit if requested by the representative. Limits the number of requests that must be met to 4 per calendar year. With regard to non-member fair share payments, provides that only the exclusive representative may negotiate provisions in a collective bargaining agreement providing for the payroll deduction of labor organization dues, fair share fee payments, initiation fees, or assessments. Provides that if a collective bargaining agreement is terminated or continues in effect beyond its scheduled expiration date pending the negotiation of a successor agreement or the resolution of an impasse under the Act, then the employer shall continue to honor and abide by any dues deduction or fair share clause contained in the agreement until a new agreement is reached. Sets forth applicability requirements for successor exclusive representatives. Effective immediately.

LRB094 08614 RAS 38822 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 Sections 8 and 11 as follows:

6 (115 ILCS 5/8) (from Ch. 48, par. 1708)

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

23 The labor organization receiving a majority of the ballots  
24 cast shall be certified by the Board as the exclusive  
25 bargaining representative. If the choice of "no  
26 representative" receives a majority, the employer shall not  
27 recognize any exclusive bargaining representative for at least  
28 12 months. If none of the choices on the ballot receives a  
29 majority, a run-off shall be conducted between the 2 choices  
30 receiving the largest number of valid votes cast in the  
31 election. The Board shall certify the results of the election  
32 within 6 working days after the final tally of votes unless a

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

15 An educational employer is required, upon request, to  
16 furnish the exclusive representative with a complete list of  
17 the names and addresses of the educational employees in the  
18 bargaining unit, provided that the number of such requests does  
19 not exceed 4 in the same calendar year.

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

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

25 (115 ILCS 5/11) (from Ch. 48, par. 1711)

26 Sec. 11. Non-member fair share payments. When a collective  
27 bargaining agreement is entered into with an exclusive  
28 representative, it may include a provision requiring employees  
29 covered by the agreement who are not members of the  
30 organization to pay to the organization a fair share fee for  
31 services rendered. The exclusive representative shall certify  
32 to the employer an amount not to exceed the dues uniformly  
33 required of members which shall constitute each non member  
34 employee's fair share fee. The fair share fee payment shall be  
35 deducted by the employer from the earnings of the non member

1 employees and paid to the exclusive representative.

2 The amount certified by the exclusive representative shall  
3 not include any fees for contributions related to the election  
4 or support of any candidate for political office. Nothing in  
5 this Section shall preclude the non member employee from making  
6 voluntary political contributions in conjunction with his or  
7 her fair share payment.

8 Agreements containing a fair share agreement must  
9 safeguard the right of non-association of employees based upon  
10 bonafide religious tenets or teaching of a church or religious  
11 body of which such employees are members. Such employees may be  
12 required to pay an amount equal to their proportionate share,  
13 determined under a proportionate share agreement, to a  
14 non-religious charitable organization mutually agreed upon by  
15 the employees affected and the exclusive representative to  
16 which such employees would otherwise pay such fee. If the  
17 affected employees and the exclusive representative are unable  
18 to reach an agreement on the matter, the Illinois Educational  
19 Labor Relations Board may establish an approved list of  
20 charitable organizations to which such payments may be made.

21 The Board shall by rule require that in cases where an  
22 employee files an objection to the amount of the fair share  
23 fee, the employer shall continue to deduct the employee's fair  
24 share fee from the employee's pay, but shall transmit the fee,  
25 or some portion thereof, to the Board for deposit in an escrow  
26 account maintained by the Board; provided, however, that if the  
27 exclusive representative maintains an escrow account for the  
28 purpose of holding fair share fees to which an employee has  
29 objected, the employer shall transmit the entire fair share fee  
30 to the exclusive representative, and the exclusive  
31 representative shall hold in escrow that portion of the fee  
32 that the employer would otherwise have been required to  
33 transmit to the Board for escrow, provided that the escrow  
34 account maintained by the exclusive representative complies  
35 with rules to be promulgated by the Board within 30 days of the  
36 effective date of this amendatory Act of 1989 or that the

1 collective bargaining agreement requiring the payment of the  
2 fair share fee contains an indemnification provision for the  
3 purpose of indemnifying the employer with respect to the  
4 employer's transmission of fair share fees to the exclusive  
5 representative.

6 Only the exclusive representative may negotiate provisions  
7 in a collective bargaining agreement providing for the payroll  
8 deduction of labor organization dues, fair share fee payments,  
9 initiation fees, or assessments.

10 If a collective bargaining agreement is terminated or  
11 continues in effect beyond its scheduled expiration date  
12 pending the negotiation of a successor agreement or the  
13 resolution of an impasse under this Act, then the employer  
14 shall continue to honor and abide by any dues deduction or fair  
15 share clause contained in the agreement until a new agreement  
16 is reached. For the benefit of any successor exclusive  
17 representative certified under this Act, this paragraph shall  
18 be applicable, provided that the successor exclusive  
19 representative (i) certifies to the employer the amount  
20 constituting each non-member's proportionate share under this  
21 Section or (ii) presents the employer with employee written  
22 authorizations for the deduction of dues, assessments, or fees  
23 under this Section.

24 (Source: P.A. 86-412.)

25 Section 999. Effective date. This Act takes effect upon  
26 becoming law.