

SB1734



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1734

Introduced 2/9/2007, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

5 ILCS 315/14.5 new

Amends the Illinois Public Labor Relations Act. Enacts a Bill of Rights for members of State, county, or municipal labor organizations. Contains provisions concerning equal rights, freedom of speech and assembly, protection of the right to sue, safeguards against improper disciplinary actions, invalidity of organization constitutions and bylaws, and civil actions for infringement of rights.

LRB095 11139 JAM 31478 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning labor.

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 adding Section 14.5 as follows:

6 (5 ILCS 315/14.5 new)

7 Sec. 14.5. Protection of public employees.

8 (a) Declaration of findings, purposes, and policy.

9 Standards for labor-management relations. The General
10 Assembly finds that, in the public interest, it is the
11 responsibility of the State government to protect the right of
12 municipal, county, and State employees to organize, choose
13 their own representatives, bargain collectively, and otherwise
14 engage in concerted activities for their mutual aid or
15 protection; that the relations between employers and labor
16 organizations and the hundreds of workers they represent have a
17 substantial impact on the public health and safety of the
18 State; and that it is a matter of the highest public policy
19 that public employee labor organizations, State, county, and
20 municipal employers, and their officials adhere to the highest
21 standards of responsibility and ethical conduct in
22 administering the affairs of their organizations, particularly
23 as they affect labor-management relations.

1 Protection of the rights of members. The General Assembly
2 finds that because unions of public employees have the
3 exclusive right to represent those employees with their
4 governmental employers and to collect dues from those
5 employees, the unions have corresponding obligations to permit
6 those public employees to join as members and to participate in
7 the election of officers without reprisal or retaliation and to
8 speak freely and express their views without fear of arbitrary
9 discipline or loss of union membership.

10 (b) Bill of rights; constitution and bylaws of labor
11 organizations.

12 Equal rights. Every member of a State, county, or municipal
13 labor organization shall have equal rights and privileges
14 within that organization to nominate candidates, to vote in
15 elections or referendums of the labor organization, to attend
16 membership meetings, and to participate in the deliberations
17 and voting upon the business of those meetings, subject to
18 reasonable rules and regulations in the organization's
19 constitution and bylaws.

20 Freedom of speech and assembly. Every member of a State,
21 county, or municipal labor organization shall have the right to
22 meet and assemble freely with other members; and to express any
23 views, arguments, or opinions; and to express at meetings of
24 the labor organization his or her views, upon candidates in an
25 election of the labor organization or upon any business
26 properly before the meeting, subject to the organization's

1 established and reasonable rules pertaining to the conduct of
2 meetings. Nothing in this paragraph shall be construed,
3 however, to impair the right of a labor organization to adopt
4 and enforce reasonable rules as to the responsibility of every
5 member toward the organization as an institution and to his or
6 her refraining from conduct that would directly and
7 substantially interfere with its performance of its legal or
8 contractual obligations.

9 Protection of the right to sue. No State, county, or
10 municipal labor organization shall limit the right of any
11 member thereof to institute an action in any court, or in a
12 proceeding before any administrative agency, irrespective of
13 whether or not the labor organization or its officers are named
14 as defendants or respondents in the action or proceeding, or
15 the right of any member of a labor organization to appear as a
16 witness in any judicial, administrative, or legislative
17 proceeding, or to petition any legislature or to communicate
18 with any legislator. Any such member, however, may be required
19 to exhaust reasonable hearing procedures (but not to exceed a
20 4-month lapse of time) within the organization before
21 instituting legal or administrative proceedings against the
22 organization or any officer thereof. Moreover, no interested
23 employer or employer association shall directly or indirectly
24 finance, encourage, or participate in, except as a party, any
25 such action, proceeding, appearance, or petition.

26 Safeguards against improper disciplinary action. No member

1 of any State, county, or municipal labor organization may be
2 fined, suspended, expelled, or otherwise disciplined except
3 for nonpayment of dues by the organization or by any officer
4 thereof unless the member has been (A) served with written
5 specific charges; (B) given a reasonable rime to prepare his or
6 her defense; and (C) afforded a full and fair hearing by a
7 neutral and impartial panel or referee.

8 Invalidity of constitution and bylaws. Any provision of the
9 constitution and bylaws of any labor organization that is
10 inconsistent with the provisions of this Section shall be of no
11 force or effect.

12 (c) Civil action for infringement of rights; jurisdiction.
13 Any person whose rights secured by the provisions of this
14 Section have been infringed by any violation of this Section
15 may bring a civil action in a circuit court of the State of
16 Illinois for such relief (including injunctions) as may be
17 appropriate. Any such action against a State, county, or
18 municipal labor organization shall be brought in the circuit
19 court of the county where the alleged violation occurred, or
20 where the principal office of that labor organization is
21 located.

22 (d) Other rights. Nothing in this Section shall deprive a
23 public employee of any of his or her other statutory,
24 contractual, or legal rights.