

1 AN ACT concerning the use of State funds.

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 Use of State Funds for Union Organizing Act.

6 Section 5. Policy. The Legislature finds and declares
7 the following:

8 It is the policy of the State not to interfere with an
9 employee's choice about whether to join or to be represented
10 by a labor union. For this reason, the State should not
11 subsidize efforts by an employer to assist, promote, or deter
12 union organizing. It is the intent of the Legislature in
13 enacting this Act to prohibit an employer from using State
14 funds and facilities for the purpose of influencing employees
15 to support or oppose unionization and to prohibit an employer
16 from seeking to influence employees to support or oppose
17 unionization while those employees are performing work on a
18 State contract.

19 Section 10. Definitions. As used in this Act:

20 "Assist, promote, or deter union organizing" means any
21 attempt by an employer to influence the decision of its
22 employees in this State or those of its subcontractors
23 regarding either of the following:

24 (1) Whether to support or oppose a labor
25 organization that represents or seeks to represent those
26 employees.

27 (2) Whether to become a member of any labor
28 organization.

29 "Employer" means any individual, corporation,
30 unincorporated association, partnership, government agency or

1 body, or other legal entity that employs more than one person
2 in the State.

3 "Public agency" means a unit of local government or
4 school district.

5 "State contractor" means any employer that receives State
6 funds for supplying goods or services pursuant to a written
7 contract with the State or any of its agencies. "State
8 contractor" includes an employer that receives State funds
9 pursuant to a service contract in excess of \$250,000 with a
10 public agency as specified in the definition of "State
11 funds". For purposes of this Act, such a contract shall be
12 deemed to be a contract with a State agency.

13 "State funds" means any money drawn from the State
14 treasury or any special or trust fund of the State. "State
15 funds" includes any money appropriated by the State and
16 transferred to any public agency that is used by the public
17 agency to fund, in whole or in part, a service contract in
18 excess of \$250,000.

19 "State property" means any property or facility owned or
20 leased by the State or any State agency.

21 Section 15. Reimbursement for union organizing
22 prohibited.

23 (a) No State funds shall be used to reimburse a State
24 contractor for any costs incurred to assist, promote, or
25 deter union organizing.

26 (b) Every request for reimbursement from State funds by
27 a State contractor shall include a certification that the
28 contractor is not seeking reimbursement for costs incurred to
29 assist, promote, or deter union organizing. A State
30 contractor that incurs costs to assist, promote, or deter
31 union organizing shall maintain records sufficient to show
32 that no reimbursement from State funds has been sought for
33 those costs. The State contractor shall provide those

1 records to the Attorney General upon request.

2 (c) A State contractor is liable to the State for the
3 amount of any funds obtained in violation of subsection (a)
4 plus a civil penalty equal to twice the amount of those
5 funds.

6 (d) This Section does not apply to a fixed-price
7 contract or to any other arrangement by which the amount of
8 the payment of State funds does not depend on the costs
9 incurred by the State contractor.

10 Section 20. Use of grants for union organizing
11 prohibited.

12 (a) The recipient of a grant of State funds, including
13 State funds disbursed as a grant by a public agency, shall
14 not use the funds to assist, promote, or deter union
15 organizing.

16 (b) For purposes of this Section, each recipient of a
17 grant of State funds shall account for those funds as
18 follows:

19 (1) State funds designated by the grantor for use
20 for a specific expenditure of the recipient shall be
21 accounted for as allocated to that expenditure.

22 (2) State funds that are not designated as
23 described in paragraph (1) shall be allocated on a pro
24 rata basis to all expenditures by the recipient that
25 support the program for which the grant is made.

26 (c) Prior to the disbursement of a grant of State funds,
27 the recipient shall provide a certification to the State that
28 none of the funds will be used to assist, promote, or deter
29 union organizing. Any recipient that makes expenditures to
30 assist, promote, or deter union organizing shall maintain
31 records sufficient to show that State funds have not been
32 used for those expenditures. The grant recipient shall
33 provide those records to the Attorney General upon request.

1 (d) A grant recipient is liable to the State for the
2 amount of any funds expended in violation of subsection (a)
3 plus a civil penalty equal to twice the amount of those
4 funds.

5 Section 25. Union organizing by State contractor
6 employees.

7 (a) No State contractor shall assist, promote, or deter
8 union organizing by employees who are performing work on a
9 service contract, including a public works contract, for the
10 State or a State agency.

11 (b) A State contractor that violates subsection (a) is
12 liable for a civil penalty of \$1,000 per employee per
13 violation.

14 Section 30. Use of State funds for union organizing
15 prohibited.

16 (a) A State contractor that receives State funds in
17 excess of \$50,000 pursuant to a contract with the State or a
18 State agency shall not use those State funds to assist,
19 promote, or deter union organizing during the life of the
20 contract, including any extensions or renewals of the
21 contract. The dollar threshold in this subsection, however,
22 does not limit the application of other provisions of this
23 Act that restrict the use of State funds.

24 (b) All contracts in excess of \$50,000 that are awarded
25 by the State or a State agency shall contain the prohibition
26 stated in subsection (a).

27 (c) A State contractor who is subject to subsection (a)
28 and who makes expenditures to assist, promote, or deter union
29 organizing shall maintain records sufficient to show that no
30 State funds were used for those expenditures. The State
31 contractor shall provide those records to the Attorney
32 General upon request.

1 (d) A State contractor is liable to the State for the
2 amount of any funds expended in violation of subsection (a)
3 plus a civil penalty equal to twice the amount of those
4 funds.

5 Section 35. Meetings on State property. An employer
6 conducting business on State property pursuant to a contract
7 or concession agreement with the State or a State agency, or
8 a subcontractor on such a contract or agreement, shall not
9 use State property to hold a meeting with any employees or
10 supervisors if the purpose of the meeting is to assist,
11 promote, or deter union organizing. This Section does not
12 apply if the State property is equally available, without
13 charge, to the general public for holding a meeting.

14 Section 40. Public employers.

15 (a) A public employer receiving State funds shall not
16 use any of those funds to assist, promote, or deter union
17 organizing.

18 (b) Any public official who knowingly authorizes the use
19 of State funds in violation of subsection (a) shall be liable
20 to the State for the amount of those funds.

21 Section 45. Private employers.

22 (a) A private employer receiving State funds in excess
23 of \$10,000 in any calendar year on account of its
24 participation in a State program shall not use any of those
25 funds to assist, promote, or deter union organizing.

26 (b) As a condition of participating in a State program
27 pursuant to which it will receive State funds in excess of
28 \$10,000 in any calendar year, a private employer shall
29 provide a certification to the State that none of those funds
30 will be used to assist, promote, or deter union organizing.

31 (c) A private employer who is subject to subsection (a)

1 and who makes expenditures to assist, promote, or deter union
2 organizing shall maintain records sufficient to show that no
3 State funds were used for those expenditures. The private
4 employer shall provide those records to the Attorney General
5 upon request.

6 (d) A private employer is liable to the State for any
7 funds expended in violation of subsection (a) plus a civil
8 penalty equal to twice the amount of those funds.

9 Section 50. Enforcement.

10 (a) A civil action for a violation of this Act may be
11 brought by the Attorney General, or by any State taxpayer, on
12 behalf of the people of the State of Illinois, for injunctive
13 relief, damages, civil penalties, and other appropriate
14 equitable relief. All damages and civil penalties collected
15 pursuant to this Act shall be paid to the State treasury.

16 (b) Before filing an action under this Section, a
17 taxpayer shall give written notice to the Attorney General of
18 the alleged violation and the intent to bring suit. If the
19 Attorney General commences a civil action for the same
20 alleged violation within 60 days of receiving the notice, a
21 separate action by the taxpayer shall be barred.

22 (c) A taxpayer may intervene as a plaintiff in any
23 action brought under this Section.

24 (d) A prevailing plaintiff in any action under this
25 Section is entitled to recover reasonable attorney's fees and
26 costs. A prevailing taxpayer intervenor who makes a
27 substantial contribution to an action under this Section is
28 entitled to recover reasonable attorney's fees and costs.

29 Section 55. Related expenses; allocation.

30 (a) For purposes of this Act, any expense, including
31 legal and consulting fees and salaries of supervisors and
32 employees, incurred for (i) research for, (ii) preparation,

1 planning, or coordination of, or (iii) carrying out an
2 activity to assist, promote, or deter union organizing shall
3 be treated as paid or incurred for that activity.

4 (b) For purposes of accounting for expenditures, if
5 State funds and other funds are commingled, any expenditures
6 to assist, promote, or deter union organizing shall be
7 allocated between State funds and other funds on a pro rata
8 basis.

9 Section 60. Application of Act.

10 (a) This Act does not apply to an activity performed, or
11 to an expense incurred, in connection with any of the
12 following:

13 (1) Addressing a grievance or negotiating or
14 administering a collective bargaining agreement.

15 (2) Allowing a labor organization or its
16 representatives access to the employer's facilities or
17 property.

18 (3) Performing an activity required by federal or
19 State law or by a collective bargaining agreement.

20 (4) Negotiating, entering into, or carrying out a
21 voluntary recognition agreement with a labor
22 organization.

23 (b) This Act does not apply to an expenditure made
24 before the effective date of this Act or to a grant or
25 contract awarded before the effective date of this Act unless
26 the grant or contract is modified, extended, or renewed after
27 the effective date of this Act. Nothing in this Act requires
28 employers to maintain records in any particular form.