

1 AN ACT concerning educational labor relations.

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
5 is amended by changing Section 13 as follows:

6 (115 ILCS 5/13) (from Ch. 48, par. 1713)

7 Sec. 13. Strikes. (a) ~~Notwithstanding the existence of~~
8 ~~any other provision in this Act or other law,~~ Educational
9 employees employed ~~in school districts organized under~~
10 ~~Article 34 of the School Code~~ shall not engage in a strike at
11 ~~any time during the 18-month period that commences on the~~
12 ~~effective date of this amendatory Act of 1995.~~ ~~An~~
13 ~~educational employee employed in a school district organized~~
14 ~~under Article 34 of the School Code who participates in a~~
15 ~~strike in violation of this Section is subject to discipline~~
16 ~~by the employer.~~ ~~In addition,~~ ~~no educational employer~~
17 ~~organized under Article 34 of the School Code may pay or~~
18 ~~cause to be paid to an educational employee who participates~~
19 ~~in a strike in violation of this subsection any wages or~~
20 ~~other compensation for any period during which an educational~~
21 ~~employee participates in the strike, except for wages or~~
22 ~~compensation earned before participation in the strike.~~
23 ~~Notwithstanding the existence of any other provision in this~~
24 ~~Act or other law, during the 18-month period that strikes are~~
25 ~~prohibited under this subsection nothing in this subsection~~
26 ~~shall be construed to require an educational employer to~~
27 ~~submit to a binding dispute resolution process.~~

28 (b) ~~Notwithstanding the existence of any other provision~~
29 ~~in this Act or any other law,~~ educational employees other
30 than those employed in a school district organized under
31 Article 34 of the School Code and, after the expiration of

1 the-18-month-period-that-commences-on-the-effective--date--of
2 this--amendatory--Act--of--1995,--educational--employees-in-a
3 school-district-organized-under-Article-34-of-the-School-Code
4 shall-not-engage-in--a--strike except under the following
5 conditions:

6 (1) they are represented by an exclusive
7 bargaining representative;

8 (2) mediation has been used without success;

9 (3) at least 10 days have elapsed after a notice
10 of intent to strike has been given by the exclusive
11 bargaining representative to the educational employer,
12 the regional superintendent and the Illinois Educational
13 Labor Relations Board;

14 (4) the collective bargaining agreement between
15 the educational employer and educational employees, if
16 any, has expired; and

17 (5) the employer and the exclusive bargaining
18 representative have not mutually submitted the unresolved
19 issues to arbitration.

20 If, however, in the opinion of an employer the strike is
21 or has become a clear and present danger to the health or
22 safety of the public, the employer may initiate in the
23 circuit court of the county in which such danger exists an
24 action for relief which may include, but is not limited to,
25 injunction. The court may grant appropriate relief upon the
26 finding that such clear and present danger exists. An unfair
27 practice or other evidence of lack of clean hands by the
28 educational employer is a defense to such action. Except as
29 provided for in this paragraph, the jurisdiction of the court
30 under this Section is limited by the Labor Dispute Act.

31 (Source: P.A. 89-15, eff. 5-30-95; 90-548, eff. 1-1-98.)

32 (115 ILCS 5/4.5 rep.)

33 Section 10. The Illinois Educational Labor Relations Act

1 is amended by repealing Section 4.5.

2 Section 99. Effective date. This Act takes effect upon

3 becoming law.