

1                                   AMENDMENT TO HOUSE BILL 1871

2           AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1871 by replacing  
3 everything after the enacting clause with the following:

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.

8           (a) Notwithstanding the existence of any other provision  
9 in this Act or other law, educational employees employed in  
10 school districts organized under Article 34 of the School  
11 Code shall not engage in a strike at any time during the 18  
12 month period that commences on the effective date of this  
13 amendatory Act of 1995. An educational employee employed in  
14 a school district organized under Article 34 of the School  
15 Code who participates in a strike in violation of this  
16 Section is subject to discipline by the employer. In  
17 addition, no educational employer organized under Article 34  
18 of the School Code may pay or cause to be paid to an  
19 educational employee who participates in a strike in  
20 violation of this subsection (a) any wages or other  
21 compensation for any period during which an educational  
22 employee participates in the strike, except for wages or

1 compensation earned before participation in the strike.  
2 Notwithstanding the existence of any other provision in this  
3 Act or other law, during the 18-month period that strikes are  
4 prohibited under this subsection nothing in this subsection  
5 shall be construed to require an educational employer to  
6 submit to a binding dispute resolution process.

7 (b) Notwithstanding the existence of any other provision  
8 in this Act or any other law, educational employees other  
9 than those employed in a school district organized under  
10 Article 34 of the School Code and, after the expiration of  
11 the 18 month period that commences on the effective date of  
12 this amendatory Act of 1995, educational employees in a  
13 school district organized under Article 34 of the School Code  
14 shall not engage in a strike except under the following  
15 conditions:

16 (1) they are represented by an exclusive  
17 bargaining representative;

18 (2) mediation has been used without success;

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

24 (4) the collective bargaining agreement between  
25 the educational employer and educational employees, if  
26 any, has expired; and

27 (5) the employer and the exclusive bargaining  
28 representative have not mutually submitted the unresolved  
29 issues to arbitration.

30 If, however, in the opinion of an employer the strike is  
31 or has become a clear and present danger to the health or  
32 safety of the public, the employer may initiate in the  
33 circuit court of the county in which such danger exists an  
34 action for relief which may include, but is not limited to,

1 injunction. The court may grant appropriate relief upon the  
2 finding that such clear and present danger exists. An unfair  
3 practice or other evidence of lack of clean hands by the  
4 educational employer is a defense to such action. Except as  
5 provided for in this paragraph, the jurisdiction of the court  
6 under this Section is limited by the Labor Dispute Act.

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