



Rep. Larry McKeon

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09300HB4374ham001

LRB093 19397 MKM 49255 a

1 AMENDMENT TO HOUSE BILL 4374

2 AMENDMENT NO. _____. Amend House Bill 4374 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Labor Relations Act is
5 amended by changing Section 6 as follows:

6 (5 ILCS 315/6) (from Ch. 48, par. 1606)

7 Sec. 6. Right to organize and bargain collectively;
8 exclusive representation; and fair share arrangements. (a)
9 Employees of the State and any political subdivision of the
10 State, excluding employees of the General Assembly of the State
11 of Illinois, have, and are protected in the exercise of, the
12 right of self-organization, and may form, join or assist any
13 labor organization, to bargain collectively through
14 representatives of their own choosing on questions of wages,
15 hours and other conditions of employment, not excluded by
16 Section 4 of this Act, and to engage in other concerted
17 activities not otherwise prohibited by law for the purposes of
18 collective bargaining or other mutual aid or protection, free
19 from interference, restraint or coercion. Employees also have,
20 and are protected in the exercise of, the right to refrain from
21 participating in any such concerted activities. Employees may
22 be required, pursuant to the terms of a lawful fair share
23 agreement, to pay a fee which shall be their proportionate
24 share of the costs of the collective bargaining process,

1 contract administration and pursuing matters affecting wages,
2 hours and other conditions of employment as defined in Section
3 3(g).

4 (b) Nothing in this Act prevents an employee from
5 presenting a grievance to the employer and having the grievance
6 heard and settled without the intervention of an employee
7 organization; provided that the exclusive bargaining
8 representative is afforded the opportunity to be present at
9 such conference and that any settlement made shall not be
10 inconsistent with the terms of any agreement in effect between
11 the employer and the exclusive bargaining representative.

12 (c) A labor organization designated by the Board as the
13 representative of the majority of public employees in an
14 appropriate unit in accordance with the procedures herein or
15 recognized by a public employer as the representative of the
16 majority of public employees in an appropriate unit is the
17 exclusive representative for the employees of such unit for the
18 purpose of collective bargaining with respect to rates of pay,
19 wages, hours and other conditions of employment not excluded by
20 Section 4 of this Act.

21 (d) Labor organizations recognized by a public employer as
22 the exclusive representative or so designated in accordance
23 with the provisions of this Act are responsible for
24 representing the interests of all public employees in the unit.
25 Nothing herein shall be construed to limit an exclusive
26 representative's right to exercise its discretion to refuse to
27 process grievances of employees that are unmeritorious.

28 (e) When a collective bargaining agreement is entered into
29 with an exclusive representative, it may include in the
30 agreement a provision requiring employees covered by the
31 agreement who are not members of the organization to pay their
32 proportionate share of the costs of the collective bargaining
33 process, contract administration and pursuing matters
34 affecting wages, hours and conditions of employment, as defined

1 in Section 3 (g), but not to exceed the amount of dues
2 uniformly required of members. The organization shall certify
3 to the employer the amount constituting each nonmember
4 employee's proportionate share which shall not exceed dues
5 uniformly required of members. In such case, the proportionate
6 share payment in this Section shall be deducted by the employer
7 from the earnings of the nonmember employees and paid to the
8 employee organization.

9 (f) Only the exclusive representative may negotiate
10 provisions in a collective bargaining agreement providing for
11 the payroll deduction of labor organization dues, fair share
12 payment, initiation fees and assessments. Except as provided in
13 subsection (e) of this Section, any such deductions shall only
14 be made upon an employee's written authorization, and continued
15 until revoked in writing in the same manner or until the
16 termination date of an applicable collective bargaining
17 agreement. Such payments shall be paid to the exclusive
18 representative.

19 Where a collective bargaining agreement is terminated, or
20 continues in effect beyond its scheduled expiration date
21 pending the negotiation of a successor agreement or the
22 resolution of an impasse under Section 14, the employer shall
23 continue to honor and abide by any dues deduction or fair share
24 clause contained therein until a new agreement is reached
25 including dues deduction or a fair share clause. For the
26 benefit of any successor exclusive representative certified
27 under this Act, this provision shall be applicable, provided
28 the successor exclusive representative:

29 (i) certifies to the employer the amount constituting
30 each non-member's proportionate share under subsection
31 (e); or

32 (ii) presents the employer with employee written
33 authorizations for the deduction of dues, assessments, and
34 fees under this subsection.

1 Failure to so honor and abide by dues deduction or fair
2 share clauses for the benefit of any exclusive representative,
3 including a successor, shall be a violation of the duty to
4 bargain and an unfair labor practice.

5 (g) Agreements containing a fair share agreement must
6 safeguard the right of nonassociation of employees based upon
7 bona fide religious tenets or teachings of a church or
8 religious body of which such employees are members. Such
9 employees may be required to pay an amount equal to their fair
10 share, determined under a lawful fair share agreement, to a
11 nonreligious charitable organization mutually agreed upon by
12 the employees affected and the exclusive bargaining
13 representative to which such employees would otherwise pay such
14 service fee. If the affected employees and the bargaining
15 representative are unable to reach an agreement on the matter,
16 the Board may establish an approved list of charitable
17 organizations to which such payments may be made.

18 (Source: P.A. 85-1032.)".