**Section 1220.100 Unfair Labor Practice Charges Involving Fair Share Fees and Unlawfully-Collected Dues**

a) Unfair Labor Practice Charges Involving Fair Share Fees

1) Unfair labor practice charges that proportionate share fees violate the Act shall be filed and processed in accordance with this Part.

2) The Board shall consolidate charges involving proportionate share fees in accordance with 80 Ill. Adm. Code 1200.105. Specifically, the Board shall consolidate in a single proceeding all proportionate share fee charges involving the same bargaining unit. The Board shall consolidate charges involving two or more bargaining units whenever it determines that the exclusive representatives are affiliated with a common employee organization, the exclusive representatives use similar methods for determining fair share fees, the consolidation would not prejudice the constitutional and statutory rights of the objecting employees, and the consolidation would resolve the charges in an efficient manner.

3) In hearings on fair share fee charges, the exclusive representative shall have the burden of proving how the fair share fee was calculated and that the fee did not exceed the employee's proportionate share of *the costs of the collective bargaining process, contract administration and pursuing matters affecting wages, hours and conditions of employment.* (Section 3(g) and (e) of the Act)

b) Unfair Labor Practice Charges Involving Unlawfully-Collected Dues

1) Unfair labor practice charges that a labor organization has unlawfully collected dues from a public employee in violation of the Act shall be filed and processed in accordance with this Part.

2) *In cases in which a public employee alleges that a labor organization has unlawfully collected dues, the public employer shall continue to deduct the employee's dues from the employee's pay, but shall transmit the dues to the Board for deposit in an escrow account maintained by the Board.* (Section 6(f-35) of the Act)

3) An exclusive representative must maintain an escrow account for the purpose of holding dues deductions to which employees have objected.

4) The employer shall transmit the entire amount of dues to the exclusive representative, and the exclusive representative shall hold them in escrow.

5) An escrow account maintained by an exclusive representative shall meet the following standards:

A) The account shall be maintained in a federally insured financial institution.

B) The account shall earn interest of at least the rate provided by commercial banks for regular passbook savings accounts.

C) If the account combines the dues of more than one objector, separate records must be kept of each objector's dues, prorating the interest earned on the account.

D) The escrow account may contain the fees of objecting employees in different bargaining units.

E) Any charges resulting from a financial institution for the cost of maintaining an escrow account shall be borne by the exclusive representative.

(Source: Amended at 45 Ill. Reg. 1880, effective February 1, 2021)