

HB3403



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3403

by Rep. Joe Sosnowski

SYNOPSIS AS INTRODUCED:

115 ILCS 5/13

from Ch. 48, par. 1713

Amends the strike provisions of the Illinois Educational Labor Relations Act. With respect to the conditions that must be met in order for educational employees to engage in a strike, provides that the condition that at least three-fourths of all bargaining unit employees who are members of the exclusive bargaining representative must have affirmatively voted to authorize the strike applies to all educational employees (not just those employed in the Chicago school district). Effective July 1, 2017.

LRB100 05871 MLM 15896 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

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

1 Act or other law, during the 18-month period that strikes are
2 prohibited under this subsection nothing in this subsection
3 shall be construed to require an educational employer to submit
4 to a binding dispute resolution process.

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

13 (1) they are represented by an exclusive bargaining
14 representative;

15 (2) mediation has been used without success and, for
16 educational employers and exclusive bargaining
17 representatives to which subsection (a-5) of Section 12 of
18 this Act applies, at least 14 days have elapsed after the
19 Board has made public the parties' offers;

20 (2.5) if fact-finding was invoked pursuant to
21 subsection (a-10) of Section 12 of this Act, at least 30
22 days have elapsed after a fact-finding report has been
23 released for public information;

24 ~~(2.10) for educational employees employed in a school~~
25 ~~district organized under Article 34 of the School Code,~~ at
26 least three-fourths of all bargaining unit employees who

1 are members of the exclusive bargaining representative
2 have affirmatively voted to authorize the strike;
3 provided,~~however,~~ that all members of the exclusive
4 bargaining representative at the time of a strike
5 authorization vote shall be eligible to vote;

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

11 (4) the collective bargaining agreement between the
12 educational employer and educational employees, if any,
13 has expired or been terminated; and

14 (5) the employer and the exclusive bargaining
15 representative have not mutually submitted the unresolved
16 issues to arbitration.

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

1 Labor Dispute Act.

2 (Source: P.A. 97-7, eff. 6-13-11; 97-8, eff. 6-13-11; 98-513,
3 eff. 1-1-14.)

4 Section 99. Effective date. This Act takes effect July 1,
5 2017.