



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB4419**

by Rep. Allen Skillicorn

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Employment Relations Act. Provides that employees may: (a) organize together or form, join, or assist in labor organization; (b) engage in lawful concerted activities for the purpose of collective negotiation or bargaining or other mutual aid and protection; (c) negotiate or bargain collectively with their employers through representatives of their own free choice; or (d) refrain from any or all of the activities identified in items (a) through (c). Provides that an individual shall not be required as a condition of obtaining or continuing employment to: (1) refrain or resign from membership in, voluntary affiliation with, or voluntary financial support of a labor organization; (2) become or remain a member of a labor organization; (3) pay any dues, fees, assessments, or other charges or expenses to a labor organization; or (4) pay to any charitable organization or third party an amount that is in lieu of, equivalent to, or any portion of charges or expenses required of members of or employees represented by a labor organization. Makes unlawful and unenforceable any agreement or contract between an employer and labor organization that requires an employee to satisfy any activities identified in items (1) through (4). Contains provisions concerning civil penalties and other matters. Effective immediately.

LRB100 15125 KTG 29977 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Employment Relations Act.

6 Section 3. Public policy. It is the public policy of this  
7 State that:

8 (1) the best interests of the people of the State are  
9 served by protecting their right to work in a manner  
10 consistent with Section 14(b) of the National Labor  
11 Relations Act, 29 U.S.C. 164(b), and preventing or promptly  
12 settling labor disputes;

13 (2) strikes and lockouts and other forms of industrial  
14 strife, regardless of where the merits of the controversy  
15 lie, are forces productive ultimately of economic waste;

16 (3) the interests and rights of the consumers and the  
17 people of the State, while not direct parties thereto,  
18 should always be considered, respected, and protected; and

19 (4) the voluntary mediation of such disputes under the  
20 guidance and supervision of a governmental agency will tend  
21 to promote permanent industrial peace and the health,  
22 welfare, comfort, and safety of the people of the State.

1 Section 5. Definitions. As used in this Act:

2 "Company union" means any employee association, committee,  
3 agency, or representation plan, formed or existing for the  
4 purpose, in whole or in part, of dealing with employers  
5 concerning grievances or terms and conditions of employment,  
6 which in any manner or to any extent, and by any form of  
7 participation, interference, or assistance, financial or  
8 otherwise, either in its organization, operation, or  
9 administration, is dominated or controlled, sponsored or  
10 supervised, maintained, directed, or financed by the employer.

11 "Employee" means any employee, and is not limited to the  
12 employees of a particular employer, unless this Act explicitly  
13 provides otherwise, and includes any individual whose work has  
14 ceased as a consequence of, or in connection with, any current  
15 labor dispute or because of any act that is illegal under this  
16 Act, and who has not obtained any other regular and  
17 substantially equivalent employment, but does not include any  
18 individual employed as an agricultural laborer, or in the  
19 domestic service of any family or any person at his home, or  
20 any individual employed by his parent or spouse, or any  
21 individual employed as an executive or supervisor, or any  
22 individual employed by an employer subject to the Railway Labor  
23 Act, 45 U.S.C. 151 et seq., or by any other person who is not an  
24 employer as defined in this Act.

25 "Employer" means a person and includes any person acting as  
26 an agent of an employer, but does not include: the United

1 States or any corporation wholly owned by the United States;  
2 any federal reserve bank; any employer subject to the Railway  
3 Labor Act, 45 U.S.C. 151 et seq.; the State or any political  
4 subdivision thereof; any labor organization, or anyone acting  
5 in the capacity of an officer or agent of such labor  
6 organization, other than when acting as an employer; or any  
7 entity subject to the Illinois Public Labor Relations Act.

8 "Labor dispute" includes, but is not limited to, any  
9 controversy concerning terms, tenure, or conditions of  
10 employment, or concerning the association or representation of  
11 employees in negotiating, fixing, maintaining, or changing  
12 terms or conditions of employment, regardless of whether the  
13 disputants stand in the proximate relation of employer and  
14 employee.

15 "Labor organization" means any organization of any kind, or  
16 any agency or employee representation committee or plan, in  
17 which employees participate and that exists for the purpose, in  
18 whole or in part, of dealing with employers concerning  
19 grievances, labor disputes, wages, rates of pay, hours of  
20 employment, or conditions of work.

21 "Person" means an individual, partnership, association,  
22 corporation, business trust, labor organization, or any other  
23 private entity.

24 Section 10. Employees; rights. Employees may do any of the  
25 following:

1           (1) Organize together or form, join, or assist in labor  
2 organization; engage in lawful concerted activities for  
3 the purpose of collective negotiation or bargaining or  
4 other mutual aid and protection; or negotiate or bargain  
5 collectively with their employers through representatives  
6 of their own free choice.

7           (2) Refrain from any or all of the activities  
8 identified in paragraph (1).

9           Section 15. Prohibitions; court jurisdiction; violations;  
10 penalties.

11           (a) An individual shall not be required as a condition of  
12 obtaining or continuing employment to do any of the following:

13               (1) Refrain or resign from membership in, voluntary  
14 affiliation with, or voluntary financial support of a labor  
15 organization.

16               (2) Become or remain a member of a labor organization.

17               (3) Pay any dues, fees, assessments, or other charges  
18 or expenses of any kind or amount or provide anything of  
19 value to a labor organization.

20               (4) Pay to any charitable organization or third party  
21 an amount that is in lieu of, equivalent to, or any portion  
22 of dues, fees, assessments, or other charges or expenses  
23 required of members of or employees represented by a labor  
24 organization.

25           (b) An agreement, contract, understanding, or practice

1 between or involving an employer and a labor organization that  
2 violates subsection (a) is unlawful and unenforceable. This  
3 subsection (b) applies only to an agreement, contract,  
4 understanding, or practice that takes effect or is extended,  
5 renewed, or modified on or after January 1, 2018.

6 (c) Subsections (a) and (b) shall be implemented to the  
7 maximum extent permitted by the United States Constitution and  
8 federal law.

9 (d) The appellate court has exclusive original  
10 jurisdiction over any action challenging the validity of  
11 subsection (a), (b), or (c). The appellate court shall hear the  
12 action in an expedited manner.

13 (e) A person, employer, or labor organization that violates  
14 subsection (a) is liable for a civil fine of not more than  
15 \$500. A civil fine recovered under this Section shall be  
16 submitted to the State Treasurer for deposit into the General  
17 Revenue Fund.

18 (f) Except for actions required to be brought under  
19 subsection (d), a person who suffers an injury as a result of a  
20 violation or threatened violation of subsection (a) may bring a  
21 civil action for damages, injunctive relief, or both. In  
22 addition, a court shall award court costs and reasonable  
23 attorney fees to a plaintiff who prevails in an action brought  
24 under this subsection. Remedies provided for in this subsection  
25 are independent of and in addition to other penalties and  
26 remedies prescribed by this Act.

1 Section 20. Prohibited conduct; violation; civil fines.

2 (a) An employee or other person shall not by force,  
3 intimidation, or unlawful threats compel or attempt to compel  
4 any person to do any of the following:

5 (1) Become or remain a member of a labor organization  
6 or otherwise affiliate with or financially support a labor  
7 organization.

8 (2) Refrain from engaging in employment or refrain from  
9 joining a labor organization or otherwise affiliating with  
10 or financially supporting a labor organization.

11 (3) Pay to any charitable organization or third party  
12 an amount that is in lieu of, equivalent to, or any portion  
13 of dues, fees, assessments, or other charges or expenses  
14 required of members of or employees represented by a labor  
15 organization.

16 (b) A person who violates this Section is liable for a  
17 civil fine of not more than \$500. A civil fine recovered under  
18 this Section shall be submitted to the State Treasurer for  
19 deposit into the General Revenue Fund.

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.