



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1802

Introduced 2/9/2017, by Sen. William E. Brady

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 315/6

from Ch. 48, par. 1606

Creates the Innovation Technology Honors Program Act. Provides for the application and hiring process to the Program, and the term of employment to be served. Provides that the Program shall be limited to 50 new hires each year, with no more than 250 participants working under the Program at any given period of time. Provides that 50% of the yearly hires to the Program shall be reserved for recent graduates of an Illinois college or university. Provides for compensation to participants under the Program. Provides that the provisions of the Illinois Public Labor Relations Act regarding collective bargaining and the right to organize shall not apply to any person hired as a participant under the Program, and participants shall be barred from representation in a bargaining unit. Provides that hiring of participants under the Program shall not be subject to any veteran preference requirements as provided in the Personnel Code. Amends the Illinois Public Labor Relations Act to make a conforming change. Provides for a purpose of the Act and defines terms.

LRB100 06105 RJF 16137 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

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 Innovation Technology Honors Program Act.

6 Section 5. Purpose. With a rapidly changing information
7 technology landscape and a retirement wave set to hit State
8 government, it is important to promote and retain talent
9 quickly and efficiently in the information technology field. To
10 that end, the purpose of the Innovation Technology Honors
11 Program is to allow the Department of Innovation and Technology
12 to recruit and hire recently graduated Illinois residents with
13 21st Century skillsets, and a desire to use those skillsets
14 towards the improvement, proficiency, and use of information
15 technology in the State of Illinois.

16 Section 10. Definitions. As used in this Act:

17 "Department" means the Department of Innovation and
18 Technology.

19 "Participant" means a person hired under the Innovation
20 Technology Honors Program.

21 "Program" means the Innovation Technology Honors Program.

22 "Recent graduates" means applicants to the Innovation

1 Technology Honors Program who have graduated from an Illinois
2 college or university within 12 months prior to applying for
3 the Program.

4 "Secretary" means the Secretary of Innovation and
5 Technology.

6 Section 15. Innovation Technology Honors Program.

7 (a) The Innovation Technology Honors Program is created
8 within the Department of Innovation and Technology.

9 (b) Applicants to the Program shall complete an application
10 prescribed by the Secretary of Innovation and Technology, and
11 shall be chosen for the Program based upon qualifications
12 prescribed by the Secretary. Once accepted into the Program, a
13 participant shall complete a 2-year term, subject to suspension
14 or discharge on a just cause basis, with any layoffs, should
15 they occur, done in order of seniority, beginning with the most
16 senior participant. At the end of the 2-year term, the
17 Secretary shall have the option to either renew a participant
18 for another 2-year term, or let that participant's term expire
19 without renewal. The Program shall be limited to 50 new hires
20 each year, with no more than 250 participants working under the
21 Program at any given period of time. Fifty percent of the
22 yearly hires to the Program shall be reserved for recent
23 graduates of an Illinois college or university. Compensation
24 for participants of the Program shall be determined by the
25 Secretary.

1 (c) The provisions of Section 6 of the Illinois Public
2 Labor Relations Act regarding collective bargaining and the
3 right to organize shall not apply to any person hired as a
4 participant under the Program, and participants shall be barred
5 from representation in a bargaining unit. Nothing in this
6 subsection (c) shall prevent the future promotion of a
7 participant under the Program into a union represented
8 position.

9 (d) Hiring of participants under the Program shall not be
10 subject to any veteran preference requirements as provided in
11 Section 8b.7 of the Personnel Code. The Department shall,
12 however, develop a recruiting program that promotes diversity
13 in the State's workforce, and enhances the inclusion of women
14 and minorities in the State's information technology field.

15 Section 20. The Illinois Public Labor Relations Act is
16 amended by changing Section 6 as follows:

17 (5 ILCS 315/6) (from Ch. 48, par. 1606)

18 Sec. 6. Right to organize and bargain collectively;
19 exclusive representation; and fair share arrangements.

20 (a) Employees of the State and any political subdivision of
21 the State, excluding employees of the General Assembly of the
22 State of Illinois, employees hired as participants under the
23 Innovation Technology Honors Program Act, and employees
24 excluded from the definition of "public employee" under

1 subsection (n) of Section 3 of this Act, have, and are
2 protected in the exercise of, the right of self-organization,
3 and may form, join or assist any labor organization, to bargain
4 collectively through representatives of their own choosing on
5 questions of wages, hours and other conditions of employment,
6 not excluded by Section 4 of this Act, and to engage in other
7 concerted activities not otherwise prohibited by law for the
8 purposes of collective bargaining or other mutual aid or
9 protection, free from interference, restraint or coercion.
10 Employees also have, and are protected in the exercise of, the
11 right to refrain from participating in any such concerted
12 activities. Employees may be required, pursuant to the terms of
13 a lawful fair share agreement, to pay a fee which shall be
14 their proportionate share of the costs of the collective
15 bargaining process, contract administration and pursuing
16 matters affecting wages, hours and other conditions of
17 employment as defined in Section 3(g).

18 (b) Nothing in this Act prevents an employee from
19 presenting a grievance to the employer and having the grievance
20 heard and settled without the intervention of an employee
21 organization; provided that the exclusive bargaining
22 representative is afforded the opportunity to be present at
23 such conference and that any settlement made shall not be
24 inconsistent with the terms of any agreement in effect between
25 the employer and the exclusive bargaining representative.

26 (c) A labor organization designated by the Board as the

1 representative of the majority of public employees in an
2 appropriate unit in accordance with the procedures herein or
3 recognized by a public employer as the representative of the
4 majority of public employees in an appropriate unit is the
5 exclusive representative for the employees of such unit for the
6 purpose of collective bargaining with respect to rates of pay,
7 wages, hours and other conditions of employment not excluded by
8 Section 4 of this Act. A public employer is required upon
9 request to furnish the exclusive bargaining representative
10 with a complete list of the names and addresses of the public
11 employees in the bargaining unit, provided that a public
12 employer shall not be required to furnish such a list more than
13 once per payroll period. The exclusive bargaining
14 representative shall use the list exclusively for bargaining
15 representation purposes and shall not disclose any information
16 contained in the list for any other purpose. Nothing in this
17 Section, however, shall prohibit a bargaining representative
18 from disseminating a list of its union members.

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

26 (e) When a collective bargaining agreement is entered into

1 with an exclusive representative, it may include in the
2 agreement a provision requiring employees covered by the
3 agreement who are not members of the organization to pay their
4 proportionate share of the costs of the collective bargaining
5 process, contract administration and pursuing matters
6 affecting wages, hours and conditions of employment, as defined
7 in Section 3 (g), but not to exceed the amount of dues
8 uniformly required of members. The organization shall certify
9 to the employer the amount constituting each nonmember
10 employee's proportionate share which shall not exceed dues
11 uniformly required of members. In such case, the proportionate
12 share payment in this Section shall be deducted by the employer
13 from the earnings of the nonmember employees and paid to the
14 employee organization.

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

25 Where a collective bargaining agreement is terminated, or
26 continues in effect beyond its scheduled expiration date

1 pending the negotiation of a successor agreement or the
2 resolution of an impasse under Section 14, the employer shall
3 continue to honor and abide by any dues deduction or fair share
4 clause contained therein until a new agreement is reached
5 including dues deduction or a fair share clause. For the
6 benefit of any successor exclusive representative certified
7 under this Act, this provision shall be applicable, provided
8 the successor exclusive representative:

9 (i) certifies to the employer the amount constituting
10 each non-member's proportionate share under subsection
11 (e); or

12 (ii) presents the employer with employee written
13 authorizations for the deduction of dues, assessments, and
14 fees under this subsection.

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

19 (g) Agreements containing a fair share agreement must
20 safeguard the right of nonassociation of employees based upon
21 bona fide religious tenets or teachings of a church or
22 religious body of which such employees are members. Such
23 employees may be required to pay an amount equal to their fair
24 share, determined under a lawful fair share agreement, to a
25 nonreligious charitable organization mutually agreed upon by
26 the employees affected and the exclusive bargaining

1 representative to which such employees would otherwise pay such
2 service fee. If the affected employees and the bargaining
3 representative are unable to reach an agreement on the matter,
4 the Board may establish an approved list of charitable
5 organizations to which such payments may be made.

6 (Source: P.A. 97-1172, eff. 4-5-13.)