

SB1905



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1905

Introduced 2/10/2017, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

New Act

Creates the Collective Bargaining Freedom Act. Provides that it is the policy of the State that employers, employees, and their labor organizations are free to bargain collectively. Provides that the authority to enact laws or rules that restrict the use of union security agreements between an employer and a labor organization vests exclusively with the General Assembly. Prohibits local governments from enforcing any such law or rule. Defines terms. Effective immediately.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

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 Collective Bargaining Freedom Act.

6 Section 5. Purpose. It is the policy of the State of
7 Illinois that employers, employees, and their labor
8 organizations are free to negotiate collectively. It is also
9 the policy of the State of Illinois that employers, employees,
10 and their labor organizations may freely negotiate union
11 security agreements including, but not limited to, those
12 requiring membership in a labor organization as permitted under
13 29 U.S.C. 158(a)(3). It is further the policy of the State of
14 Illinois that no local government or political subdivision may
15 create or enforce any local law, ordinance, regulation, rule,
16 or the like that by design or application prohibits, restricts,
17 tends to restrict, or regulates the use of union security
18 agreements between a labor organization and an employer as
19 permitted under 29 U.S.C. 158(a)(3).

20 Section 10. Definitions. In this Act:

21 "Employer" includes any person acting as an agent of an
22 employer, directly or indirectly, but shall not include the

1 United States or any wholly owned government corporation, or
2 any Federal Reserve Bank, or any State or political subdivision
3 thereof, or any person subject to the Railway Labor Act, 45
4 U.S.C. 151 et seq., as amended from time to time, or any labor
5 organization (other than when acting as an employer), or anyone
6 acting in the capacity of officer or agent of such labor
7 organization.

8 "Interested party" means a person with an interest in
9 compliance with this Act.

10 "Labor organization" means any organization of any kind, or
11 any agency or employee representation committee or plan, in
12 which employees participate and which exists for the purpose,
13 in whole or in part, of dealing with employers concerning
14 grievances, labor disputes, wages, rates of pay, hours of
15 employment, or conditions of work.

16 "Local government" and "political subdivision" include,
17 but are not limited to, any county, city, town, township,
18 village, municipality or subdivision thereof, airport
19 authority, cemetery district, State college or university,
20 community college, conservation district, drainage district,
21 electric agency, exposition and auditorium, fire protection
22 district, flood prevention district, forest preserve district,
23 home equity program, hospital district, housing authority,
24 joint action water agency, mass transit district, mosquito
25 abatement district, multi-township assessment district, museum
26 district, natural gas agency, park district, planning agency,

1 port district, public building commission, public health
2 district, public library district, public water district,
3 rescue squad district, river conservancy district, road and
4 bridge district, road district, sanitary district, school
5 district, soil and water conservation district, solid waste
6 agency, special recreation, street lighting district, surface
7 water district, transportation authority, water authority,
8 water commission, water reclamation district, water service
9 district, and any other district, agency, or political
10 subdivision authorized to legislate or enact laws affecting
11 their respective jurisdiction, notwithstanding such local
12 government or political subdivision's authority to exercise
13 any power and perform any function pertaining to its government
14 and affairs granted to it by the Illinois Constitution, a law,
15 or otherwise.

16 Section 15. Authority to enact legislation affecting union
17 security agreements.

18 (a) The authority to enact any legislation, law, ordinance,
19 rule, regulation, or the like that by design or application
20 prohibits, restricts, tends to restrict, or regulates in any
21 manner the use of union security agreements between an employer
22 and labor organization as authorized under 29 U.S.C. 158(a)(3)
23 shall vest exclusively with the General Assembly.

24 (b) No local government or political subdivision is
25 permitted to enact or enforce any local law, ordinance, rule,

1 regulation, or the like that by design or application
2 prohibits, restricts, tends to restrict, or regulates the use
3 of union security agreements between an employer and labor
4 organization as authorized under 29 U.S.C. 158(a) (3).

5 (c) Nothing in this Act shall be construed as prohibiting
6 the General Assembly from enacting legislation barring the
7 execution or application of union security agreements as
8 authorized under 29 U.S.C. 164(b).

9 Section 20. Private right of action. Any interested party
10 aggrieved by a violation of this Act or any rule adopted under
11 this Act by any local government or political subdivision as
12 described in this Act may file suit in circuit court, in the
13 county where the alleged violation occurred or where any person
14 who is party to the action resides. Actions may be brought by
15 one or more persons for and on behalf of themselves and other
16 persons similarly situated.

17 Section 25. Violation and liability. Any officer,
18 representative, director, elected official, or the like of any
19 local government or political subdivision, or agent thereof who
20 knowingly or willfully violates this Act, or who knowingly or
21 willfully fails to comply with this Act, is guilty of a Class A
22 misdemeanor. Any legislation, rule, law, ordinance, or
23 otherwise that restricts or prohibits in any manner the use of
24 union security agreements between an employer and labor

1 organization as authorized under 29 U.S.C. 158(a)(3) is a
2 violation of this Act and shall be void.

3 Section 30. Savings Clause. If any Section, sentence,
4 clause or part of this Act, is for any reason held to be
5 unconstitutional, such decision shall not affect the remaining
6 portions of this Act. The General Assembly hereby declares that
7 it would have passed this Act, and each Section, sentence,
8 clause, or part thereof, irrespective of the fact that one or
9 more Sections, sentences, clauses, or parts might be declared
10 unconstitutional.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.