

# HB1198



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB1198

Introduced 2/17/2021, by Rep. Emanuel Chris Welch

### SYNOPSIS AS INTRODUCED:

115 ILCS 5/15

from Ch. 48, par. 1715

Amends the Illinois Educational Labor Relations Act. Makes a technical change in a Section concerning unfair labor practice procedures.

LRB102 03214 CMG 13227 b

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 15 as follows:

6 (115 ILCS 5/15) (from Ch. 48, par. 1715)

7 Sec. 15. Unfair labor practice procedure. A charge of  
8 unfair labor practice may be filed with the ~~the~~ Board by an  
9 employer, an individual or a labor organization. If the Board  
10 after investigation finds that the charge states an issue of  
11 law or fact, it shall issue and cause to be served upon the  
12 party complained of a complaint which fully states the charges  
13 and thereupon hold a hearing on the charges, giving at least 5  
14 days' notice to the parties. At hearing, the charging party  
15 may also present evidence in support of the charges and the  
16 party charged may file an answer to the charges, appear in  
17 person or by attorney, and present evidence in defense against  
18 the charges.

19 The Board has the power to issue subpoenas and administer  
20 oaths. If any party wilfully fails or neglects to appear or  
21 testify or to produce books, papers and records pursuant to  
22 subpoena issued by the Board, the Board shall apply to the  
23 circuit court for an order to compel the attendance of the

1 party at the hearing to testify or produce requested  
2 documents.

3 If the Board finds that the party charged has committed an  
4 unfair labor practice, it shall make findings of fact and is  
5 empowered to issue an order requiring the party charged to  
6 stop the unfair practice, and may take additional affirmative  
7 action, including requiring the party to make reports from  
8 time to time showing the extent to which he or she has complied  
9 with the order. No order shall be issued upon an unfair  
10 practice occurring more than 6 months before the filing of the  
11 charge alleging the unfair labor practice. If the Board awards  
12 back pay, it shall also award interest at the rate of 7% per  
13 annum. If the Board finds that the party charged has not  
14 committed any unfair labor practice, findings of fact shall be  
15 made and an order issued dismissing the charges.

16 The Board may petition the circuit court of the county in  
17 which the unfair labor practice in question occurred or where  
18 the party charged with the unfair labor practice resides or  
19 transacts business to enforce an order and for other relief  
20 which may include, but is not limited to, injunctions. The  
21 Board's order may in its discretion also include an  
22 appropriate sanction, based on the Board's rules and  
23 regulations, and the sanction may include an order to pay the  
24 other party or parties' reasonable expenses including costs  
25 and reasonable attorney's fee, if the other party has made  
26 allegations or denials without reasonable cause and found to

1 be untrue or has engaged in frivolous litigation for the  
2 purpose of delay or needless increase in the cost of  
3 litigation; the State of Illinois or any agency thereof shall  
4 be subject to the provisions of this sentence in the same  
5 manner as any other party.

6 (Source: P.A. 86-412; 87-736.)