

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 5. The Illinois Public Labor Relations Act is
5 amended by changing Sections 9 and 10 as follows:

6 (5 ILCS 315/9) (from Ch. 48, par. 1609)

7 Sec. 9. Elections; recognition.

8 (a) Whenever in accordance with such regulations as may be
9 prescribed by the Board a petition has been filed:

10 (1) by a public employee or group of public employees
11 or any labor organization acting in their behalf
12 demonstrating that 30% of the public employees in an
13 appropriate unit (A) wish to be represented for the
14 purposes of collective bargaining by a labor organization
15 as exclusive representative, or (B) asserting that the
16 labor organization which has been certified or is
17 currently recognized by the public employer as bargaining
18 representative is no longer the representative of the
19 majority of public employees in the unit; or

20 (2) by a public employer alleging that one or more
21 labor organizations have presented to it a claim that they
22 be recognized as the representative of a majority of the
23 public employees in an appropriate unit, the Board shall

1 investigate such petition, and if it has reasonable cause
2 to believe that a question of representation exists, shall
3 provide for an appropriate hearing upon due notice. Such
4 hearing shall be held at the offices of the Board or such
5 other location as the Board deems appropriate. If it finds
6 upon the record of the hearing that a question of
7 representation exists, it shall direct an election in
8 accordance with subsection (d) of this Section, which
9 election shall be held not later than 120 days after the
10 date the petition was filed regardless of whether that
11 petition was filed before or after the effective date of
12 this amendatory Act of 1987; provided, however, the Board
13 may extend the time for holding an election by an
14 additional 60 days if, upon motion by a person who has
15 filed a petition under this Section or is the subject of a
16 petition filed under this Section and is a party to such
17 hearing, or upon the Board's own motion, the Board finds
18 that good cause has been shown for extending the election
19 date; provided further, that nothing in this Section shall
20 prohibit the Board, in its discretion, from extending the
21 time for holding an election for so long as may be
22 necessary under the circumstances, where the purpose for
23 such extension is to permit resolution by the Board of an
24 unfair labor practice charge filed by one of the parties
25 to a representational proceeding against the other based
26 upon conduct which may either affect the existence of a

1 question concerning representation or have a tendency to
2 interfere with a fair and free election, where the party
3 filing the charge has not filed a request to proceed with
4 the election; and provided further that prior to the
5 expiration of the total time allotted for holding an
6 election, a person who has filed a petition under this
7 Section or is the subject of a petition filed under this
8 Section and is a party to such hearing or the Board, may
9 move for and obtain the entry of an order in the circuit
10 court of the county in which the majority of the public
11 employees sought to be represented by such person reside,
12 such order extending the date upon which the election
13 shall be held. Such order shall be issued by the circuit
14 court only upon a judicial finding that there has been a
15 sufficient showing that there is good cause to extend the
16 election date beyond such period and shall require the
17 Board to hold the election as soon as is feasible given the
18 totality of the circumstances. Such 120 day period may be
19 extended one or more times by the agreement of all parties
20 to the hearing to a date certain without the necessity of
21 obtaining a court order. The showing of interest in
22 support of a petition filed under paragraph (1) of this
23 subsection (a) may be evidenced by electronic
24 communications, and such writing or communication may be
25 evidenced by the electronic signature of the employee as
26 provided under Section 5-120 of the Electronic Commerce

1 Security Act. The showing of interest shall be valid only
2 if signed within 12 months prior to the filing of the
3 petition. Nothing in this Section prohibits the waiving of
4 hearings by stipulation for the purpose of a consent
5 election in conformity with the rules and regulations of
6 the Board or an election in a unit agreed upon by the
7 parties. Other interested employee organizations may
8 intervene in the proceedings in the manner and within the
9 time period specified by rules and regulations of the
10 Board. Interested parties who are necessary to the
11 proceedings may also intervene in the proceedings in the
12 manner and within the time period specified by the rules
13 and regulations of the Board.

14 (a-5) The Board shall designate an exclusive
15 representative for purposes of collective bargaining when the
16 representative demonstrates a showing of majority interest by
17 employees in the unit. If the parties to a dispute are without
18 agreement on the means to ascertain the choice, if any, of
19 employee organization as their representative, the Board shall
20 ascertain the employees' choice of employee organization, on
21 the basis of dues deduction authorization or other evidence,
22 or, if necessary, by conducting an election. The showing of
23 interest in support of a petition filed under this subsection
24 (a-5) may be evidenced by electronic communications, and such
25 writing or communication may be evidenced by the electronic
26 signature of the employee as provided under Section 5-120 of

1 the Electronic Commerce Security Act. The showing of interest
2 shall be valid only if signed within 12 months prior to the
3 filing of the petition. All evidence submitted by an employee
4 organization to the Board to ascertain an employee's choice of
5 an employee organization is confidential and shall not be
6 submitted to the employer for review. The Board shall
7 ascertain the employee's choice of employee organization
8 within 120 days after the filing of the majority interest
9 petition; however, the Board may extend time by an additional
10 60 days, upon its own motion or upon the motion of a party to
11 the proceeding. If either party provides to the Board, before
12 the designation of a representative, clear and convincing
13 evidence that the dues deduction authorizations, and other
14 evidence upon which the Board would otherwise rely to
15 ascertain the employees' choice of representative, are
16 fraudulent or were obtained through coercion, the Board shall
17 promptly thereafter conduct an election. The Board shall also
18 investigate and consider a party's allegations that the dues
19 deduction authorizations and other evidence submitted in
20 support of a designation of representative without an election
21 were subsequently changed, altered, withdrawn, or withheld as
22 a result of employer fraud, coercion, or any other unfair
23 labor practice by the employer. If the Board determines that a
24 labor organization would have had a majority interest but for
25 an employer's fraud, coercion, or unfair labor practice, it
26 shall designate the labor organization as an exclusive

1 representative without conducting an election. If a hearing is
2 necessary to resolve any issues of representation under this
3 Section, the Board shall conclude its hearing process and
4 issue a certification of the entire appropriate unit not later
5 than 120 days after the date the petition was filed. The
6 120-day period may be extended one or more times by the
7 agreement of all parties to a hearing to a date certain.

8 (a-6) A labor organization or an employer may file a unit
9 clarification petition seeking to clarify an existing
10 bargaining unit. The Board shall conclude its investigation,
11 including any hearing process deemed necessary, and issue a
12 certification of clarified unit or dismiss the petition not
13 later than 120 days after the date the petition was filed. The
14 120-day period may be extended one or more times by the
15 agreement of all parties to a hearing to a date certain.

16 (b) The Board shall decide in each case, in order to assure
17 public employees the fullest freedom in exercising the rights
18 guaranteed by this Act, a unit appropriate for the purpose of
19 collective bargaining, based upon but not limited to such
20 factors as: historical pattern of recognition; community of
21 interest including employee skills and functions; degree of
22 functional integration; interchangeability and contact among
23 employees; fragmentation of employee groups; common
24 supervision, wages, hours and other working conditions of the
25 employees involved; and the desires of the employees. For
26 purposes of this subsection, fragmentation shall not be the

1 sole or predominant factor used by the Board in determining an
2 appropriate bargaining unit. Except with respect to non-State
3 fire fighters and paramedics employed by fire departments and
4 fire protection districts, non-State peace officers and peace
5 officers in the State Department of State Police, a single
6 bargaining unit determined by the Board may not include both
7 supervisors and nonsupervisors, except for bargaining units in
8 existence on the effective date of this Act. With respect to
9 non-State fire fighters and paramedics employed by fire
10 departments and fire protection districts, non-State peace
11 officers and peace officers in the State Department of State
12 Police, a single bargaining unit determined by the Board may
13 not include both supervisors and nonsupervisors, except for
14 bargaining units in existence on the effective date of this
15 amendatory Act of 1985.

16 In cases involving an historical pattern of recognition,
17 and in cases where the employer has recognized the union as the
18 sole and exclusive bargaining agent for a specified existing
19 unit, the Board shall find the employees in the unit then
20 represented by the union pursuant to the recognition to be the
21 appropriate unit.

22 Notwithstanding the above factors, where the majority of
23 public employees of a craft so decide, the Board shall
24 designate such craft as a unit appropriate for the purposes of
25 collective bargaining.

26 The Board shall not decide that any unit is appropriate if

1 such unit includes both professional and nonprofessional
2 employees, unless a majority of each group votes for inclusion
3 in such unit.

4 (c) Nothing in this Act shall interfere with or negate the
5 current representation rights or patterns and practices of
6 labor organizations which have historically represented public
7 employees for the purpose of collective bargaining, including
8 but not limited to the negotiations of wages, hours and
9 working conditions, discussions of employees' grievances,
10 resolution of jurisdictional disputes, or the establishment
11 and maintenance of prevailing wage rates, unless a majority of
12 employees so represented express a contrary desire pursuant to
13 the procedures set forth in this Act.

14 (d) In instances where the employer does not voluntarily
15 recognize a labor organization as the exclusive bargaining
16 representative for a unit of employees, the Board shall
17 determine the majority representative of the public employees
18 in an appropriate collective bargaining unit by conducting a
19 secret ballot election, except as otherwise provided in
20 subsection (a-5). Such a secret ballot election may be
21 conducted electronically, using an electronic voting system,
22 in addition to paper ballot voting systems. Within 7 days
23 after the Board issues its bargaining unit determination and
24 direction of election or the execution of a stipulation for
25 the purpose of a consent election, the public employer shall
26 submit to the labor organization the complete names and

1 addresses of those employees who are determined by the Board
2 to be eligible to participate in the election. When the Board
3 has determined that a labor organization has been fairly and
4 freely chosen by a majority of employees in an appropriate
5 unit, it shall certify such organization as the exclusive
6 representative. If the Board determines that a majority of
7 employees in an appropriate unit has fairly and freely chosen
8 not to be represented by a labor organization, it shall so
9 certify. The Board may also revoke the certification of the
10 public employee organizations as exclusive bargaining
11 representatives which have been found by a secret ballot
12 election to be no longer the majority representative.

13 (e) The Board shall not conduct an election in any
14 bargaining unit or any subdivision thereof within which a
15 valid election has been held in the preceding 12-month period.
16 The Board shall determine who is eligible to vote in an
17 election and shall establish rules governing the conduct of
18 the election or conduct affecting the results of the election.
19 The Board shall include on a ballot in a representation
20 election a choice of "no representation". A labor organization
21 currently representing the bargaining unit of employees shall
22 be placed on the ballot in any representation election. In any
23 election where none of the choices on the ballot receives a
24 majority, a runoff election shall be conducted between the 2
25 choices receiving the largest number of valid votes cast in
26 the election. A labor organization which receives a majority

1 of the votes cast in an election shall be certified by the
2 Board as exclusive representative of all public employees in
3 the unit.

4 (f) A labor organization shall be designated as the
5 exclusive representative by a public employer, provided that
6 the labor organization represents a majority of the public
7 employees in an appropriate unit. Any employee organization
8 which is designated or selected by the majority of public
9 employees, in a unit of the public employer having no other
10 recognized or certified representative, as their
11 representative for purposes of collective bargaining may
12 request recognition by the public employer in writing. The
13 public employer shall post such request for a period of at
14 least 20 days following its receipt thereof on bulletin boards
15 or other places used or reserved for employee notices.

16 (g) Within the 20-day period any other interested employee
17 organization may petition the Board in the manner specified by
18 rules and regulations of the Board, provided that such
19 interested employee organization has been designated by at
20 least 10% of the employees in an appropriate bargaining unit
21 which includes all or some of the employees in the unit
22 recognized by the employer. In such event, the Board shall
23 proceed with the petition in the same manner as provided by
24 paragraph (1) of subsection (a) of this Section.

25 (h) No election shall be directed by the Board in any
26 bargaining unit where there is in force a valid collective

1 bargaining agreement. The Board, however, may process an
2 election petition filed between 90 and 60 days prior to the
3 expiration of the date of an agreement, and may further
4 refine, by rule or decision, the implementation of this
5 provision. Where more than 4 years have elapsed since the
6 effective date of the agreement, the agreement shall continue
7 to bar an election, except that the Board may process an
8 election petition filed between 90 and 60 days prior to the end
9 of the fifth year of such an agreement, and between 90 and 60
10 days prior to the end of each successive year of such
11 agreement.

12 (i) An order of the Board dismissing a representation
13 petition, determining and certifying that a labor organization
14 has been fairly and freely chosen by a majority of employees in
15 an appropriate bargaining unit, determining and certifying
16 that a labor organization has not been fairly and freely
17 chosen by a majority of employees in the bargaining unit or
18 certifying a labor organization as the exclusive
19 representative of employees in an appropriate bargaining unit
20 because of a determination by the Board that the labor
21 organization is the historical bargaining representative of
22 employees in the bargaining unit, is a final order. Any person
23 aggrieved by any such order issued on or after the effective
24 date of this amendatory Act of 1987 may apply for and obtain
25 judicial review in accordance with provisions of the
26 Administrative Review Law, as now or hereafter amended, except

1 that such review shall be afforded directly in the Appellate
2 Court for the district in which the aggrieved party resides or
3 transacts business. Any direct appeal to the Appellate Court
4 shall be filed within 35 days from the date that a copy of the
5 decision sought to be reviewed was served upon the party
6 affected by the decision.

7 (Source: P.A. 95-331, eff. 8-21-07; 96-813, eff. 10-30-09.)

8 (5 ILCS 315/10) (from Ch. 48, par. 1610)

9 Sec. 10. Unfair labor practices.

10 (a) It shall be an unfair labor practice for an employer or
11 its agents:

12 (1) to interfere with, restrain or coerce public
13 employees in the exercise of the rights guaranteed in this
14 Act or to dominate or interfere with the formation,
15 existence or administration of any labor organization or
16 contribute financial or other support to it; provided, an
17 employer shall not be prohibited from permitting employees
18 to confer with him during working hours without loss of
19 time or pay;

20 (2) to discriminate in regard to hire or tenure of
21 employment or any term or condition of employment in order
22 to encourage or discourage membership in or other support
23 for any labor organization. Nothing in this Act or any
24 other law precludes a public employer from making an
25 agreement with a labor organization to require as a

1 condition of employment the payment of a fair share under
2 paragraph (e) of Section 6;

3 (3) to discharge or otherwise discriminate against a
4 public employee because he has signed or filed an
5 affidavit, petition or charge or provided any information
6 or testimony under this Act;

7 (4) to refuse to bargain collectively in good faith
8 with a labor organization which is the exclusive
9 representative of public employees in an appropriate unit,
10 including, but not limited to, the discussing of
11 grievances with the exclusive representative;

12 (5) to violate any of the rules and regulations
13 established by the Board with jurisdiction over them
14 relating to the conduct of representation elections or the
15 conduct affecting the representation elections;

16 (6) to expend or cause the expenditure of public funds
17 to any external agent, individual, firm, agency,
18 partnership or association in any attempt to influence the
19 outcome of representational elections held pursuant to
20 Section 9 of this Act; provided, that nothing in this
21 subsection shall be construed to limit an employer's right
22 to internally communicate with its employees as provided
23 in subsection (c) of this Section, to be represented on
24 any matter pertaining to unit determinations, unfair labor
25 practice charges or pre-election conferences in any formal
26 or informal proceeding before the Board, or to seek or

1 obtain advice from legal counsel. Nothing in this
2 paragraph shall be construed to prohibit an employer from
3 expending or causing the expenditure of public funds on,
4 or seeking or obtaining services or advice from, any
5 organization, group, or association established by and
6 including public or educational employers, whether covered
7 by this Act, the Illinois Educational Labor Relations Act
8 or the public employment labor relations law of any other
9 state or the federal government, provided that such
10 services or advice are generally available to the
11 membership of the organization, group or association, and
12 are not offered solely in an attempt to influence the
13 outcome of a particular representational election;

14 (7) to refuse to reduce a collective bargaining
15 agreement to writing or to refuse to sign such agreement;

16 (8) to interfere with, restrain, coerce, deter, or
17 discourage public employees or applicants to be public
18 employees from: (i) becoming or remaining members of a
19 labor organization; (ii) authorizing representation by a
20 labor organization; or (iii) authorizing dues or fee
21 deductions to a labor organization, nor shall the employer
22 intentionally permit outside third parties to use its
23 email or other communication systems to engage in that
24 conduct. An employer's good faith implementation of a
25 policy to block the use of its email or other
26 communication systems for such purposes shall be a defense

1 to an unfair labor practice; ~~or~~

2 (9) to disclose to any person or entity information
3 set forth in subsection (c-5) of Section 6 of this Act that
4 the employer knows or should know will be used to
5 interfere with, restrain, coerce, deter, or discourage any
6 public employee from: (i) becoming or remaining members of
7 a labor organization, (ii) authorizing representation by a
8 labor organization, or (iii) authorizing dues or fee
9 deductions to a labor organization; or.

10 (10) to promise, threaten, or take any action: (i) to
11 permanently replace an employee who participates in a
12 lawful strike as provided under Section 17; (ii) to
13 discriminate against an employee who is working or has
14 unconditionally offered to return to work for the employer
15 because the employee supported or participated in such a
16 lawful strike; or (iii) to lockout, suspend, or otherwise
17 withhold employment from employees in order to influence
18 the position of such employees or the representative of
19 such employees in collective bargaining prior to a lawful
20 strike.

21 (b) It shall be an unfair labor practice for a labor
22 organization or its agents:

23 (1) to restrain or coerce public employees in the
24 exercise of the rights guaranteed in this Act, provided,
25 (i) that this paragraph shall not impair the right of a
26 labor organization to prescribe its own rules with respect

1 to the acquisition or retention of membership therein or
2 the determination of fair share payments and (ii) that a
3 labor organization or its agents shall commit an unfair
4 labor practice under this paragraph in duty of fair
5 representation cases only by intentional misconduct in
6 representing employees under this Act;

7 (2) to restrain or coerce a public employer in the
8 selection of his representatives for the purposes of
9 collective bargaining or the settlement of grievances; or

10 (3) to cause, or attempt to cause, an employer to
11 discriminate against an employee in violation of
12 subsection (a)(2);

13 (4) to refuse to bargain collectively in good faith
14 with a public employer, if it has been designated in
15 accordance with the provisions of this Act as the
16 exclusive representative of public employees in an
17 appropriate unit;

18 (5) to violate any of the rules and regulations
19 established by the boards with jurisdiction over them
20 relating to the conduct of representation elections or the
21 conduct affecting the representation elections;

22 (6) to discriminate against any employee because he
23 has signed or filed an affidavit, petition or charge or
24 provided any information or testimony under this Act;

25 (7) to picket or cause to be picketed, or threaten to
26 picket or cause to be picketed, any public employer where

1 an object thereof is forcing or requiring an employer to
2 recognize or bargain with a labor organization of the
3 representative of its employees, or forcing or requiring
4 the employees of an employer to accept or select such
5 labor organization as their collective bargaining
6 representative, unless such labor organization is
7 currently certified as the representative of such
8 employees:

9 (A) where the employer has lawfully recognized in
10 accordance with this Act any labor organization and a
11 question concerning representation may not
12 appropriately be raised under Section 9 of this Act;

13 (B) where within the preceding 12 months a valid
14 election under Section 9 of this Act has been
15 conducted; or

16 (C) where such picketing has been conducted
17 without a petition under Section 9 being filed within
18 a reasonable period of time not to exceed 30 days from
19 the commencement of such picketing; provided that when
20 such a petition has been filed the Board shall
21 forthwith, without regard to the provisions of
22 subsection (a) of Section 9 or the absence of a showing
23 of a substantial interest on the part of the labor
24 organization, direct an election in such unit as the
25 Board finds to be appropriate and shall certify the
26 results thereof; provided further, that nothing in

1 this subparagraph shall be construed to prohibit any
2 picketing or other publicity for the purpose of
3 truthfully advising the public that an employer does
4 not employ members of, or have a contract with, a labor
5 organization unless an effect of such picketing is to
6 induce any individual employed by any other person in
7 the course of his employment, not to pick up, deliver,
8 or transport any goods or not to perform any services;
9 or

10 (8) to refuse to reduce a collective bargaining
11 agreement to writing or to refuse to sign such agreement.

12 (c) The expressing of any views, argument, or opinion or
13 the dissemination thereof, whether in written, printed,
14 graphic, or visual form, shall not constitute or be evidence
15 of an unfair labor practice under any of the provisions of this
16 Act, if such expression contains no threat of reprisal or
17 force or promise of benefit.

18 (d) The employer shall not discourage public employees or
19 applicants to be public employees from becoming or remaining
20 union members or authorizing dues deductions, and shall not
21 otherwise interfere with the relationship between employees
22 and their exclusive bargaining representative. The employer
23 shall refer all inquiries about union membership to the
24 exclusive bargaining representative, except that the employer
25 may communicate with employees regarding payroll processes and
26 procedures. The employer will establish email policies in an

1 effort to prohibit the use of its email system by outside
2 sources.

3 (Source: P.A. 101-620, eff. 12-20-19.)

4 Section 10. The Illinois Educational Labor Relations Act
5 is amended by changing Sections 7, 8, and 14 as follows:

6 (115 ILCS 5/7) (from Ch. 48, par. 1707)

7 Sec. 7. Recognition of exclusive bargaining
8 representatives - unit determination. The Board is empowered
9 to administer the recognition of bargaining representatives of
10 employees of public school districts, including employees of
11 districts which have entered into joint agreements, or
12 employees of public community college districts, or any State
13 college or university, and any State agency whose major
14 function is providing educational services, making certain
15 that each bargaining unit contains employees with an
16 identifiable community of interest and that no unit includes
17 both professional employees and nonprofessional employees
18 unless a majority of employees in each group vote for
19 inclusion in the unit.

20 (a) In determining the appropriateness of a unit, the
21 Board shall decide in each case, in order to ensure employees
22 the fullest freedom in exercising the rights guaranteed by
23 this Act, the unit appropriate for the purpose of collective
24 bargaining, based upon but not limited to such factors as

1 historical pattern of recognition, community of interest,
2 including employee skills and functions, degree of functional
3 integration, interchangeability and contact among employees,
4 common supervision, wages, hours and other working conditions
5 of the employees involved, and the desires of the employees.
6 Nothing in this Act, except as herein provided, shall
7 interfere with or negate the current representation rights or
8 patterns and practices of employee organizations which have
9 historically represented employees for the purposes of
10 collective bargaining, including but not limited to the
11 negotiations of wages, hours and working conditions,
12 resolutions of employees' grievances, or resolution of
13 jurisdictional disputes, or the establishment and maintenance
14 of prevailing wage rates, unless a majority of the employees
15 so represented expresses a contrary desire under the
16 procedures set forth in this Act. This Section, however, does
17 not prohibit multi-unit bargaining. Notwithstanding the above
18 factors, where the majority of public employees of a craft so
19 decide, the Board shall designate such craft as a unit
20 appropriate for the purposes of collective bargaining.

21 The sole appropriate bargaining unit for tenured and
22 tenure-track academic faculty at each campus of the University
23 of Illinois shall be a unit that is comprised of
24 non-supervisory academic faculty employed more than half-time
25 and that includes all tenured and tenure-track faculty of that
26 University campus employed by the board of trustees in all of

1 the campus's undergraduate, graduate, and professional schools
2 and degree and non-degree programs (with the exception of the
3 college of medicine, the college of pharmacy, the college of
4 dentistry, the college of law, and the college of veterinary
5 medicine, each of which shall have its own separate unit),
6 regardless of current or historical representation rights or
7 patterns or the application of any other factors. Any
8 decision, rule, or regulation promulgated by the Board to the
9 contrary shall be null and void.

10 (b) An educational employer shall voluntarily recognize a
11 labor organization for collective bargaining purposes if that
12 organization appears to represent a majority of employees in
13 the unit. The employer shall post notice of its intent to so
14 recognize for a period of at least 20 school days on bulletin
15 boards or other places used or reserved for employee notices.
16 Thereafter, the employer, if satisfied as to the majority
17 status of the employee organization, shall send written
18 notification of such recognition to the Board for
19 certification. Any dispute regarding the majority status of a
20 labor organization shall be resolved by the Board which shall
21 make the determination of majority status.

22 Within the 20 day notice period, however, any other
23 interested employee organization may petition the Board to
24 seek recognition as the exclusive representative of the unit
25 in the manner specified by rules and regulations prescribed by
26 the Board, if such interested employee organization has been

1 designated by at least 15% of the employees in an appropriate
2 bargaining unit which includes all or some of the employees in
3 the unit intended to be recognized by the employer. In such
4 event, the Board shall proceed with the petition in the same
5 manner as provided in paragraph (c) of this Section.

6 (c) A labor organization may also gain recognition as the
7 exclusive representative by an election of the employees in
8 the unit. Petitions requesting an election may be filed with
9 the Board:

10 (1) by an employee or group of employees or any labor
11 organizations acting on their behalf alleging and
12 presenting evidence that 30% or more of the employees in a
13 bargaining unit wish to be represented for collective
14 bargaining or that the labor organization which has been
15 acting as the exclusive bargaining representative is no
16 longer representative of a majority of the employees in
17 the unit; or

18 (2) by an employer alleging that one or more labor
19 organizations have presented a claim to be recognized as
20 an exclusive bargaining representative of a majority of
21 the employees in an appropriate unit and that it doubts
22 the majority status of any of the organizations or that it
23 doubts the majority status of an exclusive bargaining
24 representative.

25 The Board shall investigate the petition and if it has
26 reasonable cause to suspect that a question of representation

1 exists, it shall give notice and conduct a hearing. If it finds
2 upon the record of the hearing that a question of
3 representation exists, it shall direct an election, which
4 shall be held no later than 90 days after the date the petition
5 was filed. The showing of interest in support of a petition
6 filed under paragraph (1) of this subsection (c) may be
7 evidenced by electronic communications, and such writing or
8 communication may be evidenced by the electronic signature of
9 the employee as provided under Section 5-120 of the Electronic
10 Commerce Security Act. The showing of interest shall be valid
11 only if signed within 12 months prior to the filing of the
12 petition. Nothing prohibits the waiving of hearings by the
13 parties and the conduct of consent elections.

14 (c-5) The Board shall designate an exclusive
15 representative for purposes of collective bargaining when the
16 representative demonstrates a showing of majority interest by
17 employees in the unit. If the parties to a dispute are without
18 agreement on the means to ascertain the choice, if any, of
19 employee organization as their representative, the Board shall
20 ascertain the employees' choice of employee organization, on
21 the basis of dues deduction authorization or other evidence,
22 or, if necessary, by conducting an election. The showing of
23 interest in support of a petition filed under this subsection
24 (c-5) may be evidenced by electronic communications, and such
25 writing or communication may be evidenced by the electronic
26 signature of the employee as provided under Section 5-120 of

1 the Electronic Commerce Security Act. The showing of interest
2 shall be valid only if signed within 12 months prior to the
3 filing of the petition. All evidence submitted by an employee
4 organization to the Board to ascertain an employee's choice of
5 an employee organization is confidential and shall not be
6 submitted to the employer for review. The Board shall
7 ascertain the employee's choice of employee organization
8 within 120 days after the filing of the majority interest
9 petition; however, the Board may extend time by an additional
10 60 days, upon its own motion or upon the motion of a party to
11 the proceeding. If either party provides to the Board, before
12 the designation of a representative, clear and convincing
13 evidence that the dues deduction authorizations, and other
14 evidence upon which the Board would otherwise rely to
15 ascertain the employees' choice of representative, are
16 fraudulent or were obtained through coercion, the Board shall
17 promptly thereafter conduct an election. The Board shall also
18 investigate and consider a party's allegations that the dues
19 deduction authorizations and other evidence submitted in
20 support of a designation of representative without an election
21 were subsequently changed, altered, withdrawn, or withheld as
22 a result of employer fraud, coercion, or any other unfair
23 labor practice by the employer. If the Board determines that a
24 labor organization would have had a majority interest but for
25 an employer's fraud, coercion, or unfair labor practice, it
26 shall designate the labor organization as an exclusive

1 representative without conducting an election. If a hearing is
2 necessary to resolve any issues of representation under this
3 Section, the Board shall conclude its hearing process and
4 issue a certification of the entire appropriate unit not later
5 than 120 days after the date the petition was filed. The
6 120-day period may be extended one or more times by the
7 agreement of all parties to a hearing to a date certain.

8 (c-6) A labor organization or an employer may file a unit
9 clarification petition seeking to clarify an existing
10 bargaining unit. The Board shall conclude its investigation,
11 including any hearing process deemed necessary, and issue a
12 certification of clarified unit or dismiss the petition not
13 later than 120 days after the date the petition was filed. The
14 120-day period may be extended one or more times by the
15 agreement of all parties to a hearing to a date certain.

16 (d) An order of the Board dismissing a representation
17 petition, determining and certifying that a labor organization
18 has been fairly and freely chosen by a majority of employees in
19 an appropriate bargaining unit, determining and certifying
20 that a labor organization has not been fairly and freely
21 chosen by a majority of employees in the bargaining unit or
22 certifying a labor organization as the exclusive
23 representative of employees in an appropriate bargaining unit
24 because of a determination by the Board that the labor
25 organization is the historical bargaining representative of
26 employees in the bargaining unit, is a final order. Any person

1 aggrieved by any such order issued on or after the effective
2 date of this amendatory Act of 1987 may apply for and obtain
3 judicial review in accordance with provisions of the
4 Administrative Review Law, as now or hereafter amended, except
5 that such review shall be afforded directly in the Appellate
6 Court of a judicial district in which the Board maintains an
7 office. Any direct appeal to the Appellate Court shall be
8 filed within 35 days from the date that a copy of the decision
9 sought to be reviewed was served upon the party affected by the
10 decision.

11 No election may be conducted in any bargaining unit during
12 the term of a collective bargaining agreement covering such
13 unit or subdivision thereof, except the Board may direct an
14 election after the filing of a petition between January 15 and
15 March 1 of the final year of a collective bargaining
16 agreement. Nothing in this Section prohibits the negotiation
17 of a collective bargaining agreement covering a period not
18 exceeding 3 years. A collective bargaining agreement of less
19 than 3 years may be extended up to 3 years by the parties if
20 the extension is agreed to in writing before the filing of a
21 petition under this Section. In such case, the final year of
22 the extension is the final year of the collective bargaining
23 agreement. No election may be conducted in a bargaining unit,
24 or subdivision thereof, in which a valid election has been
25 held within the preceding 12 month period.

26 (Source: P.A. 95-331, eff. 8-21-07; 96-813, eff. 10-30-09.)

1 (115 ILCS 5/8) (from Ch. 48, par. 1708)

2 Sec. 8. Election - certification. Elections shall be by
3 secret ballot, and conducted in accordance with rules and
4 regulations established by the Illinois Educational Labor
5 Relations Board. A secret ballot election may be conducted
6 electronically, using an electronic voting system, in addition
7 to paper ballot voting systems. An incumbent exclusive
8 bargaining representative shall automatically be placed on any
9 ballot with the petitioner's labor organization. An
10 intervening labor organization may be placed on the ballot
11 when supported by 15% or more of the employees in the
12 bargaining unit. The Board shall give at least 30 days notice
13 of the time and place of the election to the parties and, upon
14 request, shall provide the parties with a list of names and
15 addresses of persons eligible to vote in the election at least
16 15 days before the election. The ballot must include, as one of
17 the alternatives, the choice of "no representative". No mail
18 ballots are permitted except where a specific individual would
19 otherwise be unable to cast a ballot.

20 The labor organization receiving a majority of the ballots
21 cast shall be certified by the Board as the exclusive
22 bargaining representative. If the choice of "no
23 representative" receives a majority, the employer shall not
24 recognize any exclusive bargaining representative for at least
25 12 months. If none of the choices on the ballot receives a

1 majority, a run-off shall be conducted between the 2 choices
2 receiving the largest number of valid votes cast in the
3 election. The Board shall certify the results of the election
4 within 6 working days after the final tally of votes unless a
5 charge is filed by a party alleging that improper conduct
6 occurred which affected the outcome of the election. The Board
7 shall promptly investigate the allegations, and if it finds
8 probable cause that improper conduct occurred and could have
9 affected the outcome of the election, it shall set a hearing on
10 the matter on a date falling within 2 weeks of when it received
11 the charge. If it determines, after hearing, that the outcome
12 of the election was affected by improper conduct, it shall
13 order a new election and shall order corrective action which
14 it considers necessary to insure the fairness of the new
15 election. If it determines upon investigation or after hearing
16 that the alleged improper conduct did not take place or that it
17 did not affect the results of the election, it shall
18 immediately certify the election results.

19 Any labor organization that is the exclusive bargaining
20 representative in an appropriate unit on the effective date of
21 this Act shall continue as such until a new one is selected
22 under this Act.

23 (Source: P.A. 92-206, eff. 1-1-02.)

24 (115 ILCS 5/14) (from Ch. 48, par. 1714)

25 Sec. 14. Unfair labor practices.

1 (a) Educational employers, their agents or representatives
2 are prohibited from:

3 (1) Interfering, restraining or coercing employees in
4 the exercise of the rights guaranteed under this Act.

5 (2) Dominating or interfering with the formation,
6 existence or administration of any employee organization.

7 (3) Discriminating in regard to hire or tenure of
8 employment or any term or condition of employment to
9 encourage or discourage membership in any employee
10 organization.

11 (4) Discharging or otherwise discriminating against an
12 employee because he or she has signed or filed an
13 affidavit, authorization card, petition or complaint or
14 given any information or testimony under this Act.

15 (5) Refusing to bargain collectively in good faith
16 with an employee representative which is the exclusive
17 representative of employees in an appropriate unit,
18 including, but not limited to, the discussing of
19 grievances with the exclusive representative; provided,
20 however, that if an alleged unfair labor practice involves
21 interpretation or application of the terms of a collective
22 bargaining agreement and said agreement contains a
23 grievance and arbitration procedure, the Board may defer
24 the resolution of such dispute to the grievance and
25 arbitration procedure contained in said agreement.

26 (6) Refusing to reduce a collective bargaining

1 agreement to writing and signing such agreement.

2 (7) Violating any of the rules and regulations
3 promulgated by the Board regulating the conduct of
4 representation elections.

5 (8) Refusing to comply with the provisions of a
6 binding arbitration award.

7 (9) Expending or causing the expenditure of public
8 funds to any external agent, individual, firm, agency,
9 partnership or association in any attempt to influence the
10 outcome of representational elections held pursuant to
11 paragraph (c) of Section 7 of this Act; provided, that
12 nothing in this subsection shall be construed to limit an
13 employer's right to be represented on any matter
14 pertaining to unit determinations, unfair labor practice
15 charges or pre-election conferences in any formal or
16 informal proceeding before the Board, or to seek or obtain
17 advice from legal counsel. Nothing in this paragraph shall
18 be construed to prohibit an employer from expending or
19 causing the expenditure of public funds on, or seeking or
20 obtaining services or advice from, any organization, group
21 or association established by, and including educational
22 or public employers, whether or not covered by this Act,
23 the Illinois Public Labor Relations Act or the public
24 employment labor relations law of any other state or the
25 federal government, provided that such services or advice
26 are generally available to the membership of the

1 organization, group, or association, and are not offered
2 solely in an attempt to influence the outcome of a
3 particular representational election.

4 (10) Interfering with, restraining, coercing,
5 deterring or discouraging educational employees or
6 applicants to be educational employees from: (1) becoming
7 members of an employee organization; (2) authorizing
8 representation by an employee organization; or (3)
9 authorizing dues or fee deductions to an employee
10 organization, nor shall the employer intentionally permit
11 outside third parties to use its email or other
12 communications systems to engage in that conduct. An
13 employer's good faith implementation of a policy to block
14 the use of its email or other communication systems for
15 such purposes shall be a defense to an unfair labor
16 practice.

17 (11) Disclosing to any person or entity information
18 set forth in subsection (d) of Section 3 of this Act that
19 the employer knows or should know will be used to
20 interfere with, restrain, coerce, deter, or discourage any
21 public employee from: (i) becoming or remaining members of
22 a labor organization, (ii) authorizing representation by a
23 labor organization, or (iii) authorizing dues or fee
24 deductions to a labor organization.

25 (12) Promising, threatening, or taking any action (i)
26 to permanently replace an employee who participates in a

1 lawful strike under Section 13 of this Act, (ii) to
2 discriminate against an employee who is working or has
3 unconditionally offered to return to work for the employer
4 because the employee supported or participated in such as
5 a lawful strike, or (iii) to lockout, suspend, or
6 otherwise withhold from employment employees in order to
7 influence the position of such employees or the
8 representative of such employees in collective bargaining
9 prior to a lawful strike.

10 (b) Employee organizations, their agents or
11 representatives or educational employees are prohibited from:

12 (1) Restraining or coercing employees in the exercise
13 of the rights guaranteed under this Act, provided that a
14 labor organization or its agents shall commit an unfair
15 labor practice under this paragraph in duty of fair
16 representation cases only by intentional misconduct in
17 representing employees under this Act.

18 (2) Restraining or coercing an educational employer in
19 the selection of his representative for the purposes of
20 collective bargaining or the adjustment of grievances.

21 (3) Refusing to bargain collectively in good faith
22 with an educational employer, if they have been designated
23 in accordance with the provisions of this Act as the
24 exclusive representative of employees in an appropriate
25 unit.

26 (4) Violating any of the rules and regulations

1 promulgated by the Board regulating the conduct of
2 representation elections.

3 (5) Refusing to reduce a collective bargaining
4 agreement to writing and signing such agreement.

5 (6) Refusing to comply with the provisions of a
6 binding arbitration award.

7 (c) The expressing of any views, argument, opinion or the
8 dissemination thereof, whether in written, printed, graphic or
9 visual form, shall not constitute or be evidence of an unfair
10 labor practice under any of the provisions of this Act, if such
11 expression contains no threat of reprisal or force or promise
12 of benefit.

13 (c-5) The employer shall not discourage public employees
14 or applicants to be public employees from becoming or
15 remaining union members or authorizing dues deductions, and
16 shall not otherwise interfere with the relationship between
17 employees and their exclusive bargaining representative. The
18 employer shall refer all inquiries about union membership to
19 the exclusive bargaining representative, except that the
20 employer may communicate with employees regarding payroll
21 processes and procedures. The employer will establish email
22 policies in an effort to prohibit the use of its email system
23 by outside sources.

24 (d) The actions of a Financial Oversight Panel created
25 pursuant to Section 1A-8 of the School Code due to a district
26 violating a financial plan shall not constitute or be evidence

1 of an unfair labor practice under any of the provisions of this
2 Act. Such actions include, but are not limited to, reviewing,
3 approving, or rejecting a school district budget or a
4 collective bargaining agreement.

5 (Source: P.A. 101-620, eff. 12-20-19; revised 8-21-20.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.