



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5093

Introduced 1/27/2022, by Rep. Frances Ann Hurley

SYNOPSIS AS INTRODUCED:

115 ILCS 5/5

from Ch. 48, par. 1705

Amends the Illinois Educational Labor Relations Act. Provides that any subpoena, notice of hearing, or other process or notice of the Illinois Educational Labor Relations Board issued under the Act may be served by one of the methods permitted in the Board's rules (rather than requiring personal service and proof of service). Removes a provision that allows all process of any court to which application may be made under the Act to be served in the county where the persons required to be served reside or may be found.

LRB102 25944 NHT 35325 b

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 5 as follows:

6 (115 ILCS 5/5) (from Ch. 48, par. 1705)

7 Sec. 5. Illinois Educational Labor Relations Board.

8 (a) There is hereby created the Illinois Educational Labor
9 Relations Board.

10 (a-5) Until July 1, 2003 or when all of the new members to
11 be initially appointed under this amendatory Act of the 93rd
12 General Assembly have been appointed by the Governor,
13 whichever occurs later, the Illinois Educational Labor
14 Relations Board shall consist of 7 members, no more than 4 of
15 whom may be of the same political party, who are residents of
16 Illinois appointed by the Governor with the advice and consent
17 of the Senate.

18 The term of each appointed member of the Board who is in
19 office on June 30, 2003 shall terminate at the close of
20 business on that date or when all of the new members to be
21 initially appointed under this amendatory Act of the 93rd
22 General Assembly have been appointed by the Governor,
23 whichever occurs later.

1 (b) Beginning on July 1, 2003 or when all of the new
2 members to be initially appointed under this amendatory Act of
3 the 93rd General Assembly have been appointed by the Governor,
4 whichever occurs later, the Illinois Educational Labor
5 Relations Board shall consist of 5 members appointed by the
6 Governor with the advice and consent of the Senate. No more
7 than 3 members may be of the same political party.

8 The Governor shall appoint to the Board only persons who
9 are residents of Illinois and have had a minimum of 5 years of
10 experience directly related to labor and employment relations
11 in representing educational employers or educational employees
12 in collective bargaining matters. One appointed member shall
13 be designated at the time of his or her appointment to serve as
14 chairman.

15 Of the initial members appointed pursuant to this
16 amendatory Act of the 93rd General Assembly, 2 shall be
17 designated at the time of appointment to serve a term of 6
18 years, 2 shall be designated at the time of appointment to
19 serve a term of 4 years, and the other shall be designated at
20 the time of his or her appointment to serve a term of 4 years,
21 with each to serve until his or her successor is appointed and
22 qualified.

23 Each subsequent member shall be appointed in like manner
24 for a term of 6 years and until his or her successor is
25 appointed and qualified. Each member of the Board is eligible
26 for reappointment. Vacancies shall be filled in the same

1 manner as original appointments for the balance of the
2 unexpired term.

3 (c) The chairman shall be paid \$50,000 per year, or an
4 amount set by the Compensation Review Board, whichever is
5 greater. Other members of the Board shall each be paid \$45,000
6 per year, or an amount set by the Compensation Review Board,
7 whichever is greater. They shall be entitled to reimbursement
8 for necessary traveling and other official expenditures
9 necessitated by their official duties.

10 Each member shall devote his entire time to the duties of
11 the office, and shall hold no other office or position of
12 profit, nor engage in any other business, employment or
13 vocation.

14 (d) Three members of the Board constitute a quorum and a
15 vacancy on the Board does not impair the right of the remaining
16 members to exercise all of the powers of the Board.

17 (e) Any member of the Board may be removed by the Governor,
18 upon notice, for neglect of duty or malfeasance in office, but
19 for no other cause.

20 (f) The Board may appoint or employ an executive director,
21 attorneys, hearing officers, and such other employees as it
22 deems necessary to perform its functions, except that the
23 Board shall employ a minimum of 8 attorneys and 5
24 investigators. The Board shall prescribe the duties and
25 qualifications of such persons appointed and, subject to the
26 annual appropriation, fix their compensation and provide for

1 reimbursement of actual and necessary expenses incurred in the
2 performance of their duties.

3 (g) The Board may promulgate rules and regulations which
4 allow parties in proceedings before the Board to be
5 represented by counsel or any other person knowledgeable in
6 the matters under consideration.

7 (h) To accomplish the objectives and to carry out the
8 duties prescribed by this Act, the Board may subpoena
9 witnesses, subpoena the production of books, papers, records
10 and documents which may be needed as evidence on any matter
11 under inquiry and may administer oaths and affirmations.

12 In cases of neglect or refusal to obey a subpoena issued to
13 any person, the circuit court in the county in which the
14 investigation or the public hearing is taking place, upon
15 application by the Board, may issue an order requiring such
16 person to appear before the Board or any member or agent of the
17 Board to produce evidence or give testimony. A failure to obey
18 such order may be punished by the court as in civil contempt.

19 Any subpoena, notice of hearing, or other process or
20 notice of the Board issued under the provisions of this Act may
21 be served by one of the methods permitted in the Board's rules.
22 ~~personally, by registered mail or by leaving a copy at the~~
23 ~~principal office of the respondent required to be served. A~~
24 ~~return, made and verified by the individual making such~~
25 ~~service and setting forth the manner of such service, is proof~~
26 ~~of service. A post office receipt, when registered mail is~~

1 ~~used, is proof of service. All process of any court to which~~
2 ~~application may be made under the provisions of this Act may be~~
3 ~~served in the county where the persons required to be served~~
4 ~~reside or may be found.~~

5 (i) The Board shall adopt, promulgate, amend, or rescind
6 rules and regulations in accordance with the Illinois
7 Administrative Procedure Act as it deems necessary and
8 feasible to carry out this Act.

9 (j) The Board at the end of every State fiscal year shall
10 make a report in writing to the Governor and the General
11 Assembly, stating in detail the work it has done in hearing and
12 deciding cases and otherwise.

13 (Source: P.A. 96-813, eff. 10-30-09.)