



Sen. Ram Villivalam

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10200SB0916sam001

LRB102 04778 RJF 25286 a

1 AMENDMENT TO SENATE BILL 916

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 916 by replacing  
3 everything after the enacting clause with the following:

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

1 currently recognized by the public employer as bargaining  
2 representative is no longer the representative of the  
3 majority of public employees in the unit; or

4 (2) by a public employer alleging that one or more  
5 labor organizations have presented to it a claim that they  
6 be recognized as the representative of a majority of the  
7 public employees in an appropriate unit, the Board shall  
8 investigate such petition, and if it has reasonable cause  
9 to believe that a question of representation exists, shall  
10 provide for an appropriate hearing upon due notice. Such  
11 hearing shall be held at the offices of the Board or such  
12 other location as the Board deems appropriate. If it finds  
13 upon the record of the hearing that a question of  
14 representation exists, it shall direct an election in  
15 accordance with subsection (d) of this Section, which  
16 election shall be held not later than 120 days after the  
17 date the petition was filed regardless of whether that  
18 petition was filed before or after the effective date of  
19 this amendatory Act of 1987; provided, however, the Board  
20 may extend the time for holding an election by an  
21 additional 60 days if, upon motion by a person who has  
22 filed a petition under this Section or is the subject of a  
23 petition filed under this Section and is a party to such  
24 hearing, or upon the Board's own motion, the Board finds  
25 that good cause has been shown for extending the election  
26 date; provided further, that nothing in this Section shall

1 prohibit the Board, in its discretion, from extending the  
2 time for holding an election for so long as may be  
3 necessary under the circumstances, where the purpose for  
4 such extension is to permit resolution by the Board of an  
5 unfair labor practice charge filed by one of the parties  
6 to a representational proceeding against the other based  
7 upon conduct which may either affect the existence of a  
8 question concerning representation or have a tendency to  
9 interfere with a fair and free election, where the party  
10 filing the charge has not filed a request to proceed with  
11 the election; and provided further that prior to the  
12 expiration of the total time allotted for holding an  
13 election, a person who has filed a petition under this  
14 Section or is the subject of a petition filed under this  
15 Section and is a party to such hearing or the Board, may  
16 move for and obtain the entry of an order in the circuit  
17 court of the county in which the majority of the public  
18 employees sought to be represented by such person reside,  
19 such order extending the date upon which the election  
20 shall be held. Such order shall be issued by the circuit  
21 court only upon a judicial finding that there has been a  
22 sufficient showing that there is good cause to extend the  
23 election date beyond such period and shall require the  
24 Board to hold the election as soon as is feasible given the  
25 totality of the circumstances. Such 120 day period may be  
26 extended one or more times by the agreement of all parties

1 to the hearing to a date certain without the necessity of  
2 obtaining a court order. The showing of interest in  
3 support of a petition filed under paragraph (1) of this  
4 subsection (a) may be evidenced by electronic  
5 communications, and such writing or communication may be  
6 evidenced by the electronic signature of the employee as  
7 provided under Section 5-120 of the Electronic Commerce  
8 Security Act. The showing of interest shall be valid only  
9 if signed within 12 months prior to the filing of the  
10 petition. Nothing in this Section prohibits the waiving of  
11 hearings by stipulation for the purpose of a consent  
12 election in conformity with the rules and regulations of  
13 the Board or an election in a unit agreed upon by the  
14 parties. Other interested employee organizations may  
15 intervene in the proceedings in the manner and within the  
16 time period specified by rules and regulations of the  
17 Board. Interested parties who are necessary to the  
18 proceedings may also intervene in the proceedings in the  
19 manner and within the time period specified by the rules  
20 and regulations of the Board.

21 (a-5) The Board shall designate an exclusive  
22 representative for purposes of collective bargaining when the  
23 representative demonstrates a showing of majority interest by  
24 employees in the unit. If the parties to a dispute are without  
25 agreement on the means to ascertain the choice, if any, of  
26 employee organization as their representative, the Board shall

1 ascertain the employees' choice of employee organization, on  
2 the basis of dues deduction authorization or other evidence,  
3 or, if necessary, by conducting an election. The showing of  
4 interest in support of a petition filed under this subsection  
5 (a-5) may be evidenced by electronic communications, and such  
6 writing or communication may be evidenced by the electronic  
7 signature of the employee as provided under Section 5-120 of  
8 the Electronic Commerce Security Act. The showing of interest  
9 shall be valid only if signed within 12 months prior to the  
10 filing of the petition. All evidence submitted by an employee  
11 organization to the Board to ascertain an employee's choice of  
12 an employee organization is confidential and shall not be  
13 submitted to the employer for review. The Board shall  
14 ascertain the employee's choice of employee organization  
15 within 120 days after the filing of the majority interest  
16 petition; however, the Board may extend time by an additional  
17 60 days, upon its own motion or upon the motion of a party to  
18 the proceeding. If either party provides to the Board, before  
19 the designation of a representative, clear and convincing  
20 evidence that the dues deduction authorizations, and other  
21 evidence upon which the Board would otherwise rely to  
22 ascertain the employees' choice of representative, are  
23 fraudulent or were obtained through coercion, the Board shall  
24 promptly thereafter conduct an election. The Board shall also  
25 investigate and consider a party's allegations that the dues  
26 deduction authorizations and other evidence submitted in

1 support of a designation of representative without an election  
2 were subsequently changed, altered, withdrawn, or withheld as  
3 a result of employer fraud, coercion, or any other unfair  
4 labor practice by the employer. If the Board determines that a  
5 labor organization would have had a majority interest but for  
6 an employer's fraud, coercion, or unfair labor practice, it  
7 shall designate the labor organization as an exclusive  
8 representative without conducting an election. If a hearing is  
9 necessary to resolve any issues of representation under this  
10 Section, the Board shall conclude its hearing process and  
11 issue a certification of the entire appropriate unit not later  
12 than 120 days after the date the petition was filed. The  
13 120-day period may be extended one or more times by the  
14 agreement of all parties to a hearing to a date certain.

15 (a-6) A labor organization or an employer may file a unit  
16 clarification petition seeking to clarify an existing  
17 bargaining unit. The Board shall conclude its investigation,  
18 including any hearing process deemed necessary, and issue a  
19 certification of clarified unit or dismiss the petition not  
20 later than 120 days after the date the petition was filed. The  
21 120-day period may be extended one or more times by the  
22 agreement of all parties to a hearing to a date certain.

23 (b) The Board shall decide in each case, in order to assure  
24 public employees the fullest freedom in exercising the rights  
25 guaranteed by this Act, a unit appropriate for the purpose of  
26 collective bargaining, based upon but not limited to such

1 factors as: historical pattern of recognition; community of  
2 interest including employee skills and functions; degree of  
3 functional integration; interchangeability and contact among  
4 employees; fragmentation of employee groups; common  
5 supervision, wages, hours and other working conditions of the  
6 employees involved; and the desires of the employees. For  
7 purposes of this subsection, fragmentation shall not be the  
8 sole or predominant factor used by the Board in determining an  
9 appropriate bargaining unit. Except with respect to non-State  
10 fire fighters and paramedics employed by fire departments and  
11 fire protection districts, non-State peace officers and peace  
12 officers in the State Department of State Police, a single  
13 bargaining unit determined by the Board may not include both  
14 supervisors and nonsupervisors, except for bargaining units in  
15 existence on the effective date of this Act. With respect to  
16 non-State fire fighters and paramedics employed by fire  
17 departments and fire protection districts, non-State peace  
18 officers and peace officers in the State Department of State  
19 Police, a single bargaining unit determined by the Board may  
20 not include both supervisors and nonsupervisors, except for  
21 bargaining units in existence on the effective date of this  
22 amendatory Act of 1985.

23 In cases involving an historical pattern of recognition,  
24 and in cases where the employer has recognized the union as the  
25 sole and exclusive bargaining agent for a specified existing  
26 unit, the Board shall find the employees in the unit then

1 represented by the union pursuant to the recognition to be the  
2 appropriate unit.

3 Notwithstanding the above factors, where the majority of  
4 public employees of a craft so decide, the Board shall  
5 designate such craft as a unit appropriate for the purposes of  
6 collective bargaining.

7 The Board shall not decide that any unit is appropriate if  
8 such unit includes both professional and nonprofessional  
9 employees, unless a majority of each group votes for inclusion  
10 in such unit.

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

21 (d) In instances where the employer does not voluntarily  
22 recognize a labor organization as the exclusive bargaining  
23 representative for a unit of employees, the Board shall  
24 determine the majority representative of the public employees  
25 in an appropriate collective bargaining unit by conducting a  
26 secret ballot election, except as otherwise provided in



1 subsection (a-5). Such a secret ballot election may be  
2 conducted electronically, using an electronic voting system,  
3 in addition to paper ballot voting systems. Within 7 days  
4 after the Board issues its bargaining unit determination and  
5 direction of election or the execution of a stipulation for  
6 the purpose of a consent election, the public employer shall  
7 submit to the labor organization the complete names and  
8 addresses of those employees who are determined by the Board  
9 to be eligible to participate in the election. When the Board  
10 has determined that a labor organization has been fairly and  
11 freely chosen by a majority of employees in an appropriate  
12 unit, it shall certify such organization as the exclusive  
13 representative. If the Board determines that a majority of  
14 employees in an appropriate unit has fairly and freely chosen  
15 not to be represented by a labor organization, it shall so  
16 certify. The Board may also revoke the certification of the  
17 public employee organizations as exclusive bargaining  
18 representatives which have been found by a secret ballot  
19 election to be no longer the majority representative.

20 (e) The Board shall not conduct an election in any  
21 bargaining unit or any subdivision thereof within which a  
22 valid election has been held in the preceding 12-month period.  
23 The Board shall determine who is eligible to vote in an  
24 election and shall establish rules governing the conduct of  
25 the election or conduct affecting the results of the election.  
26 The Board shall include on a ballot in a representation

1 election a choice of "no representation". A labor organization  
2 currently representing the bargaining unit of employees shall  
3 be placed on the ballot in any representation election. In any  
4 election where none of the choices on the ballot receives a  
5 majority, a runoff election shall be conducted between the 2  
6 choices receiving the largest number of valid votes cast in  
7 the election. A labor organization which receives a majority  
8 of the votes cast in an election shall be certified by the  
9 Board as exclusive representative of all public employees in  
10 the unit.

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

23 (g) Within the 20-day period any other interested employee  
24 organization may petition the Board in the manner specified by  
25 rules and regulations of the Board, provided that such  
26 interested employee organization has been designated by at

1 least 10% of the employees in an appropriate bargaining unit  
2 which includes all or some of the employees in the unit  
3 recognized by the employer. In such event, the Board shall  
4 proceed with the petition in the same manner as provided by  
5 paragraph (1) of subsection (a) of this Section.

6 (h) No election shall be directed by the Board in any  
7 bargaining unit where there is in force a valid collective  
8 bargaining agreement. The Board, however, may process an  
9 election petition filed between 90 and 60 days prior to the  
10 expiration of the date of an agreement, and may further  
11 refine, by rule or decision, the implementation of this  
12 provision. Where more than 4 years have elapsed since the  
13 effective date of the agreement, the agreement shall continue  
14 to bar an election, except that the Board may process an  
15 election petition filed between 90 and 60 days prior to the end  
16 of the fifth year of such an agreement, and between 90 and 60  
17 days prior to the end of each successive year of such  
18 agreement.

19 (i) An order of the Board dismissing a representation  
20 petition, determining and certifying that a labor organization  
21 has been fairly and freely chosen by a majority of employees in  
22 an appropriate bargaining unit, determining and certifying  
23 that a labor organization has not been fairly and freely  
24 chosen by a majority of employees in the bargaining unit or  
25 certifying a labor organization as the exclusive  
26 representative of employees in an appropriate bargaining unit

1 because of a determination by the Board that the labor  
2 organization is the historical bargaining representative of  
3 employees in the bargaining unit, is a final order. Any person  
4 aggrieved by any such order issued on or after the effective  
5 date of this amendatory Act of 1987 may apply for and obtain  
6 judicial review in accordance with provisions of the  
7 Administrative Review Law, as now or hereafter amended, except  
8 that such review shall be afforded directly in the Appellate  
9 Court for the district in which the aggrieved party resides or  
10 transacts business. Any direct appeal to the Appellate Court  
11 shall be filed within 35 days from the date that a copy of the  
12 decision sought to be reviewed was served upon the party  
13 affected by the decision.

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

15 (5 ILCS 315/10) (from Ch. 48, par. 1610)

16 Sec. 10. Unfair labor practices.

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

19 (1) to interfere with, restrain or coerce public  
20 employees in the exercise of the rights guaranteed in this  
21 Act or to dominate or interfere with the formation,  
22 existence or administration of any labor organization or  
23 contribute financial or other support to it; provided, an  
24 employer shall not be prohibited from permitting employees  
25 to confer with him during working hours without loss of

1 time or pay;

2 (2) to discriminate in regard to hire or tenure of  
3 employment or any term or condition of employment in order  
4 to encourage or discourage membership in or other support  
5 for any labor organization. Nothing in this Act or any  
6 other law precludes a public employer from making an  
7 agreement with a labor organization to require as a  
8 condition of employment the payment of a fair share under  
9 paragraph (e) of Section 6;

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

14 (4) to refuse to bargain collectively in good faith  
15 with a labor organization which is the exclusive  
16 representative of public employees in an appropriate unit,  
17 including, but not limited to, the discussing of  
18 grievances with the exclusive representative;

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

23 (6) to expend or cause the expenditure of public funds  
24 to any external agent, individual, firm, agency,  
25 partnership or association in any attempt to influence the  
26 outcome of representational elections held pursuant to

1 Section 9 of this Act; provided, that nothing in this  
2 subsection shall be construed to limit an employer's right  
3 to internally communicate with its employees as provided  
4 in subsection (c) of this Section, to be represented on  
5 any matter pertaining to unit determinations, unfair labor  
6 practice charges or pre-election conferences in any formal  
7 or informal proceeding before the Board, or to seek or  
8 obtain advice from legal counsel. Nothing in this  
9 paragraph shall be construed to prohibit an employer from  
10 expending or causing the expenditure of public funds on,  
11 or seeking or obtaining services or advice from, any  
12 organization, group, or association established by and  
13 including public or educational employers, whether covered  
14 by this Act, the Illinois Educational Labor Relations Act  
15 or the public employment labor relations law of any other  
16 state or the federal government, provided that such  
17 services or advice are generally available to the  
18 membership of the organization, group or association, and  
19 are not offered solely in an attempt to influence the  
20 outcome of a particular representational election;

21 (7) to refuse to reduce a collective bargaining  
22 agreement to writing or to refuse to sign such agreement;

23 (8) to interfere with, restrain, coerce, deter, or  
24 discourage public employees or applicants to be public  
25 employees from: (i) becoming or remaining members of a  
26 labor organization; (ii) authorizing representation by a

1 labor organization; or (iii) authorizing dues or fee  
2 deductions to a labor organization, nor shall the employer  
3 intentionally permit outside third parties to use its  
4 email or other communication systems to engage in that  
5 conduct. An employer's good faith implementation of a  
6 policy to block the use of its email or other  
7 communication systems for such purposes shall be a defense  
8 to an unfair labor practice; ~~or~~

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

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

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

3 (1) to restrain or coerce public employees in the  
4 exercise of the rights guaranteed in this Act, provided,

5 (i) that this paragraph shall not impair the right of a  
6 labor organization to prescribe its own rules with respect  
7 to the acquisition or retention of membership therein or  
8 the determination of fair share payments and (ii) that a  
9 labor organization or its agents shall commit an unfair  
10 labor practice under this paragraph in duty of fair  
11 representation cases only by intentional misconduct in  
12 representing employees under this Act;

13 (2) to restrain or coerce a public employer in the  
14 selection of his representatives for the purposes of  
15 collective bargaining or the settlement of grievances; or

16 (3) to cause, or attempt to cause, an employer to  
17 discriminate against an employee in violation of  
18 subsection (a)(2);

19 (4) to refuse to bargain collectively in good faith  
20 with a public employer, if it has been designated in  
21 accordance with the provisions of this Act as the  
22 exclusive representative of public employees in an  
23 appropriate unit;

24 (5) to violate any of the rules and regulations  
25 established by the boards with jurisdiction over them  
26 relating to the conduct of representation elections or the



1           conduct affecting the representation elections;

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

5           (7) to picket or cause to be picketed, or threaten to  
6           picket or cause to be picketed, any public employer where  
7           an object thereof is forcing or requiring an employer to  
8           recognize or bargain with a labor organization of the  
9           representative of its employees, or forcing or requiring  
10          the employees of an employer to accept or select such  
11          labor organization as their collective bargaining  
12          representative, unless such labor organization is  
13          currently certified as the representative of such  
14          employees:

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

19           (B) where within the preceding 12 months a valid  
20           election under Section 9 of this Act has been  
21           conducted; or

22           (C) where such picketing has been conducted  
23           without a petition under Section 9 being filed within  
24           a reasonable period of time not to exceed 30 days from  
25           the commencement of such picketing; provided that when  
26           such a petition has been filed the Board shall

1           forthwith, without regard to the provisions of  
2           subsection (a) of Section 9 or the absence of a showing  
3           of a substantial interest on the part of the labor  
4           organization, direct an election in such unit as the  
5           Board finds to be appropriate and shall certify the  
6           results thereof; provided further, that nothing in  
7           this subparagraph shall be construed to prohibit any  
8           picketing or other publicity for the purpose of  
9           truthfully advising the public that an employer does  
10          not employ members of, or have a contract with, a labor  
11          organization unless an effect of such picketing is to  
12          induce any individual employed by any other person in  
13          the course of his employment, not to pick up, deliver,  
14          or transport any goods or not to perform any services;  
15          or

16          (8) to refuse to reduce a collective bargaining  
17          agreement to writing or to refuse to sign such agreement.

18          (c) The expressing of any views, argument, or opinion or  
19          the dissemination thereof, whether in written, printed,  
20          graphic, or visual form, shall not constitute or be evidence  
21          of an unfair labor practice under any of the provisions of this  
22          Act, if such expression contains no threat of reprisal or  
23          force or promise of benefit.

24          (d) The employer shall not discourage public employees or  
25          applicants to be public employees from becoming or remaining  
26          union members or authorizing dues deductions, and shall not

1 otherwise interfere with the relationship between employees  
2 and their exclusive bargaining representative. The employer  
3 shall refer all inquiries about union membership to the  
4 exclusive bargaining representative, except that the employer  
5 may communicate with employees regarding payroll processes and  
6 procedures. The employer will establish email policies in an  
7 effort to prohibit the use of its email system by outside  
8 sources.

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

10 Section 10. The Illinois Educational Labor Relations Act  
11 is amended by changing Sections 7, 8, 13, and 14 as follows:

12 (115 ILCS 5/7) (from Ch. 48, par. 1707)

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

1 inclusion in the unit.

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

1           The sole appropriate bargaining unit for tenured and  
2 tenure-track academic faculty at each campus of the University  
3 of Illinois shall be a unit that is comprised of  
4 non-supervisory academic faculty employed more than half-time  
5 and that includes all tenured and tenure-track faculty of that  
6 University campus employed by the board of trustees in all of  
7 the campus's undergraduate, graduate, and professional schools  
8 and degree and non-degree programs (with the exception of the  
9 college of medicine, the college of pharmacy, the college of  
10 dentistry, the college of law, and the college of veterinary  
11 medicine, each of which shall have its own separate unit),  
12 regardless of current or historical representation rights or  
13 patterns or the application of any other factors. Any  
14 decision, rule, or regulation promulgated by the Board to the  
15 contrary shall be null and void.

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

1 make the determination of majority status.

2       Within the 20 day notice period, however, any other  
3 interested employee organization may petition the Board to  
4 seek recognition as the exclusive representative of the unit  
5 in the manner specified by rules and regulations prescribed by  
6 the Board, if such interested employee organization has been  
7 designated by at least 15% of the employees in an appropriate  
8 bargaining unit which includes all or some of the employees in  
9 the unit intended to be recognized by the employer. In such  
10 event, the Board shall proceed with the petition in the same  
11 manner as provided in paragraph (c) of this Section.

12       (c) A labor organization may also gain recognition as the  
13 exclusive representative by an election of the employees in  
14 the unit. Petitions requesting an election may be filed with  
15 the Board:

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

24           (2) by an employer alleging that one or more labor  
25 organizations have presented a claim to be recognized as  
26 an exclusive bargaining representative of a majority of

1 the employees in an appropriate unit and that it doubts  
2 the majority status of any of the organizations or that it  
3 doubts the majority status of an exclusive bargaining  
4 representative.

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

20 (c-5) The Board shall designate an exclusive  
21 representative for purposes of collective bargaining when the  
22 representative demonstrates a showing of majority interest by  
23 employees in the unit. If the parties to a dispute are without  
24 agreement on the means to ascertain the choice, if any, of  
25 employee organization as their representative, the Board shall  
26 ascertain the employees' choice of employee organization, on

1 the basis of dues deduction authorization or other evidence,  
2 or, if necessary, by conducting an election. The showing of  
3 interest in support of a petition filed under this subsection  
4 (c-5) may be evidenced by electronic communications, and such  
5 writing or communication may be evidenced by the electronic  
6 signature of the employee as provided under Section 5-120 of  
7 the Electronic Commerce Security Act. The showing of interest  
8 shall be valid only if signed within 12 months prior to the  
9 filing of the petition. All evidence submitted by an employee  
10 organization to the Board to ascertain an employee's choice of  
11 an employee organization is confidential and shall not be  
12 submitted to the employer for review. The Board shall  
13 ascertain the employee's choice of employee organization  
14 within 120 days after the filing of the majority interest  
15 petition; however, the Board may extend time by an additional  
16 60 days, upon its own motion or upon the motion of a party to  
17 the proceeding. If either party provides to the Board, before  
18 the designation of a representative, clear and convincing  
19 evidence that the dues deduction authorizations, and other  
20 evidence upon which the Board would otherwise rely to  
21 ascertain the employees' choice of representative, are  
22 fraudulent or were obtained through coercion, the Board shall  
23 promptly thereafter conduct an election. The Board shall also  
24 investigate and consider a party's allegations that the dues  
25 deduction authorizations and other evidence submitted in  
26 support of a designation of representative without an election



1 were subsequently changed, altered, withdrawn, or withheld as  
2 a result of employer fraud, coercion, or any other unfair  
3 labor practice by the employer. If the Board determines that a  
4 labor organization would have had a majority interest but for  
5 an employer's fraud, coercion, or unfair labor practice, it  
6 shall designate the labor organization as an exclusive  
7 representative without conducting an election. If a hearing is  
8 necessary to resolve any issues of representation under this  
9 Section, the Board shall conclude its hearing process and  
10 issue a certification of the entire appropriate unit not later  
11 than 120 days after the date the petition was filed. The  
12 120-day period may be extended one or more times by the  
13 agreement of all parties to a hearing to a date certain.

14 (c-6) A labor organization or an employer may file a unit  
15 clarification petition seeking to clarify an existing  
16 bargaining unit. The Board shall conclude its investigation,  
17 including any hearing process deemed necessary, and issue a  
18 certification of clarified unit or dismiss the petition not  
19 later than 120 days after the date the petition was filed. The  
20 120-day period may be extended one or more times by the  
21 agreement of all parties to a hearing to a date certain.

22 (d) An order of the Board dismissing a representation  
23 petition, determining and certifying that a labor organization  
24 has been fairly and freely chosen by a majority of employees in  
25 an appropriate bargaining unit, determining and certifying  
26 that a labor organization has not been fairly and freely

1 chosen by a majority of employees in the bargaining unit or  
2 certifying a labor organization as the exclusive  
3 representative of employees in an appropriate bargaining unit  
4 because of a determination by the Board that the labor  
5 organization is the historical bargaining representative of  
6 employees in the bargaining unit, is a final order. Any person  
7 aggrieved by any such order issued on or after the effective  
8 date of this amendatory Act of 1987 may apply for and obtain  
9 judicial review in accordance with provisions of the  
10 Administrative Review Law, as now or hereafter amended, except  
11 that such review shall be afforded directly in the Appellate  
12 Court of a judicial district in which the Board maintains an  
13 office. Any direct appeal to the Appellate Court shall be  
14 filed within 35 days from the date that a copy of the decision  
15 sought to be reviewed was served upon the party affected by the  
16 decision.

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

1 petition under this Section. In such case, the final year of  
2 the extension is the final year of the collective bargaining  
3 agreement. No election may be conducted in a bargaining unit,  
4 or subdivision thereof, in which a valid election has been  
5 held within the preceding 12 month period.

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

7 (115 ILCS 5/8) (from Ch. 48, par. 1708)

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

1           The labor organization receiving a majority of the ballots  
2 cast shall be certified by the Board as the exclusive  
3 bargaining representative. If the choice of "no  
4 representative" receives a majority, the employer shall not  
5 recognize any exclusive bargaining representative for at least  
6 12 months. If none of the choices on the ballot receives a  
7 majority, a run-off shall be conducted between the 2 choices  
8 receiving the largest number of valid votes cast in the  
9 election. The Board shall certify the results of the election  
10 within 6 working days after the final tally of votes unless a  
11 charge is filed by a party alleging that improper conduct  
12 occurred which affected the outcome of the election. The Board  
13 shall promptly investigate the allegations, and if it finds  
14 probable cause that improper conduct occurred and could have  
15 affected the outcome of the election, it shall set a hearing on  
16 the matter on a date falling within 2 weeks of when it received  
17 the charge. If it determines, after hearing, that the outcome  
18 of the election was affected by improper conduct, it shall  
19 order a new election and shall order corrective action which  
20 it considers necessary to insure the fairness of the new  
21 election. If it determines upon investigation or after hearing  
22 that the alleged improper conduct did not take place or that it  
23 did not affect the results of the election, it shall  
24 immediately certify the election results.

25           Any labor organization that is the exclusive bargaining  
26 representative in an appropriate unit on the effective date of

1 this Act shall continue as such until a new one is selected  
2 under this Act.

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

4 (115 ILCS 5/13) (from Ch. 48, par. 1713)

5 Sec. 13. Strikes.

6 (a) Notwithstanding the existence of any other provision  
7 in this Act or other law, educational employees employed in  
8 school districts organized under Article 34 of the School Code  
9 shall not engage in a strike at any time during the 18 month  
10 period that commences on the effective date of this amendatory  
11 Act of 1995. An educational employee employed in a school  
12 district organized under Article 34 of the School Code who  
13 participates in a strike in violation of this Section is  
14 subject to discipline by the employer. In addition, no  
15 educational employer organized under Article 34 of the School  
16 Code may pay or cause to be paid to an educational employee who  
17 participates in a strike in violation of this subsection any  
18 wages or other compensation for any period during which an  
19 educational employee participates in the strike, except for  
20 wages or compensation earned before participation in the  
21 strike. Notwithstanding the existence of any other provision  
22 in this Act or other law, during the 18-month period that  
23 strikes are prohibited under this subsection nothing in this  
24 subsection shall be construed to require an educational  
25 employer to submit to a binding dispute resolution process.

1           (b) Notwithstanding the existence of any other provision  
2 in this Act or any other law, educational employees other than  
3 those employed in a school district organized under Article 34  
4 of the School Code and, after the expiration of the 18 month  
5 period that commences on the effective date of this amendatory  
6 Act of 1995, educational employees in a school district  
7 organized under Article 34 of the School Code shall not engage  
8 in a strike except under the following conditions:

9           (1) they are represented by an exclusive bargaining  
10 representative;

11           (2) mediation has been used without success and, for  
12 educational employers and exclusive bargaining  
13 representatives to which subsection (a-5) of Section 12 of  
14 this Act applies, at least 14 days have elapsed after the  
15 Board has made public the parties' offers;

16           (2.5) if fact-finding was invoked pursuant to  
17 subsection (a-10) of Section 12 of this Act, at least 30  
18 days have elapsed after a fact-finding report has been  
19 released for public information;

20           (2.10) for educational employees employed in a school  
21 district organized under Article 34 of the School Code, at  
22 least three-fourths of all bargaining unit employees who  
23 are members of the exclusive bargaining representative  
24 have affirmatively voted to authorize the strike;  
25 provided, however, that all members of the exclusive  
26 bargaining representative at the time of a strike

1 authorization vote shall be eligible to vote;

2 (3) at least 10 days have elapsed after a notice of  
3 intent to strike has been given by the exclusive  
4 bargaining representative to the educational employer, the  
5 regional superintendent and the Illinois Educational Labor  
6 Relations Board;

7 (4) the collective bargaining agreement between the  
8 educational employer and educational employees, if any,  
9 has expired or been terminated; and

10 (5) the employer and the exclusive bargaining  
11 representative have not mutually submitted the unresolved  
12 issues to arbitration.

13 If, however, in the opinion of an employer the strike is or  
14 has become a clear and present danger to the health or safety  
15 of the public, the employer may initiate in the circuit court  
16 of the county in which such danger exists an action for relief  
17 which may include, but is not limited to, injunction. The  
18 court may grant appropriate relief upon the finding that such  
19 clear and present danger exists. However, no such relief shall  
20 be granted unless the educational employer demonstrates an  
21 inability to procure temporary replacements despite its best  
22 efforts. Cost shall not be a factor in determining such  
23 inability. An unfair practice or other evidence of lack of  
24 clean hands by the educational employer is a defense to such  
25 action. Except as provided for in this paragraph, the  
26 jurisdiction of the court under this Section is limited by the

1 Labor Dispute Act.

2 (6) If the court orders any of the educational  
3 employees in the affected unit to return to work, the  
4 court shall require the educational employer and exclusive  
5 representative to participate in the impasse arbitration  
6 procedures set forth in this paragraph (6). The court  
7 shall also require the educational employer to provide  
8 educational employees ordered to return to work with an  
9 hourly wage, exclusive of benefits or other pay,  
10 equivalent to those the educational employer is paying any  
11 temporary replacement employees in connection with the  
12 work stoppage, provided that such hourly wage rate for any  
13 temporary replacement employee exceeds the educational  
14 employee's regular hourly wage rate. The court shall  
15 determine for which employees such procedures in this  
16 paragraph (6) shall apply.

17 (A) After such a court order, either the exclusive  
18 representative or the educational employer may request  
19 of the other, in writing, arbitration, and shall  
20 submit a copy of the request to the Board. Within 14  
21 days after such request, each party shall appoint one  
22 member to a panel of arbitration as provided in this  
23 subsection (b) unless the parties agree to proceed  
24 without a tri-partite panel. Following these  
25 appointments, if any, the parties shall select a  
26 qualified impartial individual to serve as the neutral



1           chairperson of the arbitration panel, if applicable.  
2           An individual shall be considered qualified to serve  
3           as the chairperson of the arbitration panel, if  
4           appropriate, if he or she was not the same individual  
5           who was appointed as the mediator and if the  
6           individual satisfies all of the following  
7           requirements:

8                   (i) The individual's membership is in good  
9                   standing with the National Academy of Arbitrators,  
10                   Federal Mediation and Conciliation Service, or the  
11                   American Arbitration Association for a minimum of  
12                   10 years membership on the mediation roster for  
13                   the Illinois Labor Relations Board or Illinois  
14                   Educational Labor Relations Board.

15                   (ii) The individual has received issuance of  
16                   at least 5 interest arbitration awards arising  
17                   under the Illinois Public Labor Relations Act.

18                   (iii) The individual has participated in  
19                   impasse resolution processes arising under private  
20                   or public sector collective bargaining statutes in  
21                   other states.

22           If the parties are unable to agree on a  
23           chairperson, the parties shall request a panel of  
24           arbitrators who satisfy the requirements set forth in  
25           this paragraph (A) from either the Federal Mediation  
26           and Conciliation Service or the American Arbitration

1           Association and shall select a chairperson from such  
2           panel in accordance with the procedures established by  
3           the organization providing the panel.

4           (B) The chairperson shall call a hearing to begin  
5           within 15 days and give reasonable notice of the time  
6           and place of the hearing. The hearing shall be held at  
7           the offices of the Board or at such other location as  
8           the Board deems appropriate. The chairperson shall  
9           preside over the hearing and shall take testimony. Any  
10           oral or documentary evidence and other data deemed  
11           relevant by the arbitration panel may be received in  
12           evidence. The proceedings shall be informal. Technical  
13           rules of evidence shall not apply and the competency  
14           of the evidence shall not thereby be deemed impaired.  
15           A verbatim record of the proceedings shall be made and  
16           the arbitrator shall arrange for the necessary  
17           recording service. Transcripts may be ordered at the  
18           expense of the party ordering the transcripts, but the  
19           transcripts shall not be necessary for a decision by  
20           the arbitration panel. The expense of the proceedings,  
21           including a fee for the chairperson, shall be borne  
22           equally by each of the parties to the dispute. The  
23           delegates, if public officers or employees, shall  
24           continue on the payroll of the public employer without  
25           loss of pay. The hearing conducted by the arbitration  
26           panel may be adjourned from time to time but, unless

1 otherwise agreed by the parties, shall be concluded  
2 within 30 days of the time of its commencement.  
3 Majority actions and rulings shall constitute the  
4 actions and rulings of the arbitration panel.  
5 Arbitration proceedings under this Section shall not  
6 be interrupted or terminated by reason of any unfair  
7 labor practice charge filed by either party at any  
8 time.

9 (C) The arbitration panel may administer oaths and  
10 require the attendance of witnesses and the production  
11 of such books, papers, contracts, agreements, and  
12 documents as may be deemed material to a just  
13 determination of the issues in dispute and may issue  
14 subpoenas for such purpose. If any person refuses to  
15 obey a subpoena, refuses to be sworn, or refuses to  
16 testify or if any witness, party, or attorney is found  
17 guilty of contempt while in attendance at any hearing,  
18 the arbitration panel may, or the attorney general if  
19 requested shall, invoke the aid of any circuit court  
20 within the jurisdiction in which the hearing is being  
21 held, which court shall issue an appropriate order.  
22 Any failure to obey the order may be punished by the  
23 court as contempt.

24 (D) At any time before the rendering of an award,  
25 the chairperson of the arbitration panel, if the  
26 chairperson is of the opinion that it is useful or

1           beneficial to do so, may remand the dispute to the  
2           parties for further collective bargaining for a period  
3           not to exceed 2 weeks. If the dispute is remanded for  
4           further collective bargaining, the time provisions of  
5           this Act shall be extended for a time period equal to  
6           that of the remand. The chairperson of the panel of  
7           arbitration shall notify the Board of the remand.

8           (E) At or before the conclusion of the hearing  
9           held pursuant to subparagraph (B), the arbitration  
10          panel shall identify the economic issues in dispute  
11          and direct each of the parties to submit, within such  
12          time limit as the panel shall prescribe, to the  
13          arbitration panel and to each other its last offer of  
14          settlement on each economic issue. The determination  
15          of the arbitration panel as to the issues in dispute  
16          and as to which of these issues are economic shall be  
17          conclusive. The arbitration panel, within 30 days  
18          after the conclusion of the hearing, or such further  
19          additional periods to which the parties may agree,  
20          shall make written findings of fact and promulgate a  
21          written opinion and shall mail or otherwise deliver a  
22          true copy thereof to the parties and their  
23          representatives and to the Board. As to each economic  
24          issue, the arbitration panel shall adopt the last  
25          offer of settlement that, in the opinion of the  
26          arbitration panel, more nearly complies with the

1           applicable factors prescribed in subparagraph (F). The  
2           findings, opinions, and order as to all other issues  
3           shall be based upon the applicable factors prescribed  
4           in subparagraph (F).

5           (F) If there is no agreement between the parties,  
6           or if there is an agreement but the parties have begun  
7           negotiations or discussions looking to a new agreement  
8           or amendment of the existing agreement, and wage rates  
9           or other conditions of employment under the proposed  
10          new or amended agreement are in dispute, the  
11          arbitration panel shall base its findings, opinions,  
12          and order upon any of the following factors as may be  
13          applicable:

14               (i) the lawful authority of the educational  
15               employer;

16               (ii) the stipulations of the parties;

17               (iii) the interests and welfare of the public  
18               and the financial ability of the unit of  
19               government to meet those costs;

20               (iv) comparison of the wages, hours, and  
21               conditions of employment of the employees involved  
22               in the arbitration proceeding with the wages,  
23               hours, and conditions of employment of other  
24               employees performing similar services and with  
25               other employees generally in public employment in  
26               comparable communities or in private employment in

1 comparable communities;

2 (v) the average consumer prices for goods and  
3 services, commonly known as the cost of living;

4 (vi) the overall compensation presently  
5 received by the employees, including direct wage  
6 compensation, vacations, holidays and other  
7 excused time, insurance and pensions, medical and  
8 hospitalization benefits, the continuity and  
9 stability of employment, and all other benefits  
10 received;

11 (vii) any changes in circumstances in  
12 subdivision (i) through (vi) during the pendency  
13 of the arbitration proceedings; and

14 (viii) other factors, not confined to the  
15 foregoing, that are normally or traditionally  
16 taken into consideration in the determination of  
17 wages, hours, and conditions of employment through  
18 voluntary collective bargaining, mediation,  
19 fact-finding, or arbitration or otherwise between  
20 the parties in public service or in private  
21 employment.

22 (G) Arbitration procedures shall be deemed to be  
23 initiated by the filing of a letter requesting  
24 mediation as required under subparagraph (A). The  
25 commencement of a new fiscal year after the initiation  
26 of arbitration procedures under this Section but

1 before the arbitration decision or its enforcement  
2 shall not be deemed to render a dispute moot or to  
3 otherwise impair the jurisdiction or authority of the  
4 arbitration panel or its decision. Increases in the  
5 rates of compensation awarded by the arbitration panel  
6 may be effective only at the beginning of the fiscal  
7 year commencing after the date of the arbitration  
8 award. If a new fiscal year has commenced either since  
9 the initiation of arbitration procedures under this  
10 Act or since any mutually agreed extension of the  
11 statutorily required period of mediation under this  
12 Section by the parties to the labor dispute causing a  
13 delay in the initiation of arbitration, the foregoing  
14 limitations shall be inapplicable, and such awarded  
15 increases may be retroactive to the commencement of  
16 the fiscal year, notwithstanding any other law or  
17 charter provision to the contrary. The parties may, by  
18 stipulation, amend or modify an award of arbitration  
19 at any time.

20 (H) Orders of the arbitration panel shall be  
21 reviewable, upon appropriate petition by either the  
22 educational employer or the exclusive bargaining  
23 representative, by the circuit court for the county in  
24 which the dispute arose or in which a majority of the  
25 affected employees reside, but only if (i) the  
26 arbitration panel was without or exceeded its

1           statutory authority, (ii) the order is arbitrary or  
2           capricious, or (iii) the order was procured by fraud,  
3           collusion, or other similar and unlawful means. The  
4           petition for review must be filed with the appropriate  
5           circuit court within 90 days following the issuance of  
6           the arbitration order. The pendency of such proceeding  
7           for review shall not automatically stay the order of  
8           the arbitration panel. The party against whom the  
9           final decision of any such court shall be adverse, if  
10           such court finds such appeal or petition to be  
11           frivolous, shall pay reasonable attorney's fees and  
12           costs to the successful party as determined by the  
13           court in its discretion. If the court's decision  
14           affirms the award of money, the award, if retroactive,  
15           shall bear interest at the rate of 12% per annum from  
16           the effective retroactive date.

17           (I) During the pendency of proceedings before the  
18           arbitration panel, existing wages, hours, and other  
19           conditions of employment shall not be changed by the  
20           action of either party without the consent of the  
21           other party, but a party may so consent without  
22           prejudice to the party's rights or position under this  
23           Act. The proceedings are deemed to be pending before  
24           the arbitration panel upon the initiation of  
25           arbitration procedures under this Act.

26           (J) Educational employees who are covered under



1           this subsection (b) may not withhold services.  
2           Educational employers who are covered under this  
3           subsection (b) may not lock out or prevent educational  
4           employees from performing services at any time.

5           (K) All of the terms decided upon by the  
6           arbitration panel shall be included in an agreement to  
7           be submitted to the educational employer's governing  
8           body for ratification and adoption by law, ordinance,  
9           or the equivalent appropriate means. The governing  
10           body shall review each term decided by the arbitration  
11           panel. If the governing body fails to reject one or  
12           more terms of the arbitration panel's decision by a  
13           three-fifth vote of those duly elected and qualified  
14           members of the governing body within 20 days of  
15           issuance, the term or terms shall become a part of the  
16           collective bargaining agreement of the parties. If the  
17           governing body affirmatively rejects one or more terms  
18           of the arbitration panel's decision, the governing  
19           body must provide reasons for the rejection with  
20           respect to each term rejected by the governing body  
21           within 20 days after the rejection. The parties shall  
22           return to the arbitration panel for further  
23           proceedings and issuance of a supplemental decision  
24           with respect to the rejected terms. Any supplemental  
25           decision made by an arbitration panel or other  
26           decision maker that is agreed to by the parties shall



1           Sec. 14. Unfair labor practices.

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

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

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

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

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

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

1           (6) Refusing to reduce a collective bargaining  
2 agreement to writing and signing such agreement.

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

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

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

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

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

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

26 (12) Promising, threatening, or taking any action (i)

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