

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Legislative Employee Labor Relations Act.

6 Section 5. Policy. It is the public policy of the State of
7 Illinois to grant legislative employees full freedom of
8 association, self-organization, and designation of
9 representatives of their own choosing for the purpose of
10 negotiating wages, hours, and other conditions of employment.

11 It is the purpose of this Act to regulate labor relations
12 between the General Assembly and legislative employees,
13 including the designation of employee representatives, the
14 negotiation of wages, hours, and other conditions of
15 employment, and the resolution of disputes arising under
16 collective bargaining agreements.

17 It is the purpose of this Act to prescribe the legitimate
18 rights of both legislative employees and the General Assembly,
19 to protect the public health and safety of the citizens of
20 Illinois, and to provide peaceful and orderly procedures for
21 protection of the rights of all.

22 Section 10. Definitions. As used in this Act:

1 (a) "Board" means the Illinois Labor Relations Board, as
2 defined in the Illinois Public Labor Relations Act, or, with
3 respect to a matter over which the jurisdiction of the Board is
4 assigned to the State Panel under Section 20, the State Panel.

5 (b) "Collective bargaining" means bargaining over terms
6 and conditions of employment, including hours, wages, and
7 other conditions of employment, as detailed in Section 35 and
8 which are not excluded by Section 15.

9 (c) "Confidential employee" means an employee who, in the
10 regular course of the employee's duties:

11 (1) assists and acts in a confidential capacity to
12 persons who formulate, determine, and effectuate
13 management policies with regard to labor relations; or

14 (2) has authorized access to information relating to
15 the effectuation or review of the collective bargaining
16 policies of the General Assembly.

17 Determinations of confidential employee status shall be
18 based on actual employee job duties and not solely on written
19 job descriptions.

20 (d) "District office employee" means any employee employed
21 by a representative or senator and paid out of the office
22 allowance that is provided to the representative or senator
23 under Section 4 of the General Assembly Compensation Act.

24 (e) "Excluded employee" means an employee involved in
25 negotiating legislation, formulating policies concerning
26 legislation, making decisions regarding legislative matters,

1 negotiating rulemaking, formulating policies concerning
2 rulemaking, or making decisions regarding rulemaking.

3 (f) "Exclusive representative" means the labor
4 organization that has been (i) designated by the Board as the
5 representative of a majority of legislative employees in an
6 appropriate bargaining unit in accordance with the procedures
7 contained in this Act or (ii) recognized by the Office of State
8 Legislative Labor Relations upon evidence, acceptable to the
9 Board, that the labor organization has been designated as the
10 exclusive representative by a majority of the legislative
11 employees in an appropriate bargaining unit.

12 (g) (Reserved).

13 (h) "General Assembly" or "General Assembly of the State
14 of Illinois" means the legislative branch of the government of
15 the State of Illinois, as provided for under Article IV of the
16 Constitution of the State of Illinois, and includes, but is
17 not limited to, the House of Representatives, the Senate, the
18 Speaker of the House of Representatives, the Minority Leader
19 of the House of Representatives, the President of the Senate,
20 the Minority Leader of the Senate, the Joint Committee on
21 Legislative Support Services, and any legislative support
22 services agency.

23 (i) "Joint Committee" or "Joint Committee on Legislative
24 Support Services" means the Joint Committee on Legislative
25 Support Services created under Section 1-2 of the Legislative
26 Commission Reorganization Act of 1984.

1 (j) "Labor organization" means any organization in which
2 legislative employees participate and that exists for the
3 purpose, in whole or in part, of dealing with the Office of
4 State Legislative Labor Relations on behalf of the General
5 Assembly concerning wages, hours, and other terms and
6 conditions of employment, including the settlement of
7 grievances.

8 (k) "Legislative employee" means any employee of the
9 General Assembly of the State of Illinois. Except to the
10 extent otherwise excluded under this subsection (k),
11 "legislative employee" includes research and appropriations
12 employees, legislative affairs employees, legal employees,
13 communications employees, clerk's office employees, district
14 office employees, and employees employed by a legislative
15 support services agency. "Legislative employee" does not
16 include a member of the General Assembly of the State of
17 Illinois; the chief of staff, deputy chief of staff, or chief
18 legal counsel for the President of the Senate, the Minority
19 Leader of the Senate, the Speaker of the House of
20 Representatives, or the Minority Leader of the House of
21 Representatives; the Secretary of the Senate; the Assistant
22 Secretary of the Senate; the Clerk of the House of
23 Representatives; the Assistant Clerk of the House of
24 Representatives; the Legislative Inspector General; an
25 employee of the Office of the Legislative Inspector General;
26 the Director or any employee of the Office of State

1 Legislative Labor Relations; the commissioners or employees of
2 the Legislative Ethics Commission; the executive director,
3 deputy director, supervising attorney, principal attorney, or
4 chief fiscal officer of a legislative support services agency;
5 a district office chief of staff, a district office deputy
6 chief of staff, or an individual in a district office
7 employment position that is functionally equivalent to a
8 district office chief of staff or a district office deputy
9 chief of staff, as designated by the representative or
10 senator; a confidential employee; a contractual employee; a
11 managerial employee; a short-term employee; a supervisor; a
12 temporary employee; or an excluded employee.

13 (l) "Legislative support services agency" means the
14 Commission on Government Forecasting and Accountability, the
15 Joint Committee on Administrative Rules, the Legislative Audit
16 Commission, the Legislative Information System, the
17 Legislative Printing Unit, and the Legislative Reference
18 Bureau.

19 (m) "Managerial employee" means an individual who is
20 engaged predominantly in executive and management functions
21 and is charged with the responsibility of directing the
22 effectuation of management policies and practices.
23 Determination of managerial employee status shall be based on
24 actual employee job duties and not solely on written job
25 descriptions. Nothing in this definition prohibits an
26 individual from also meeting the definition of "supervisor"

1 under subsection (q) of this Section.

2 (n) "Office of State Legislative Labor Relations" means
3 the Office of State Legislative Labor Relations that is
4 created under Section 25 of this Act and that is responsible
5 for representing and otherwise managing the interests of the
6 General Assembly in collective bargaining with legislative
7 employees.

8 (o) "Person" includes one or more individuals, labor
9 organizations, legislative employees, associations,
10 corporations, legal representatives, trustees, trustees in
11 bankruptcy, receivers, or the State of Illinois or any
12 political subdivision of the State, including the General
13 Assembly of the State of Illinois or any individual employed
14 by the General Assembly of the State of Illinois.

15 (p) "Professional employee" means any employee engaged in
16 work predominantly intellectual and varied in character rather
17 than routine mental, manual, mechanical or physical work;
18 involving the consistent exercise of discretion and adjustment
19 in its performance; of such a character that the output
20 produced or the result accomplished cannot be standardized in
21 relation to a given period of time; and requiring advanced
22 knowledge in a field of science or learning customarily
23 acquired by a prolonged course of specialized intellectual
24 instruction and study in an institution of higher learning, as
25 distinguished from a general academic education or from
26 apprenticeship or from training in the performance of routine

1 mental, manual, or physical processes; or any employee who has
2 completed the courses of specialized intellectual instruction
3 and study prescribed in this subsection (p) and is performing
4 related work under the supervision of a professional person to
5 qualify to become a professional employee as defined in this
6 subsection (p).

7 (q) "Short-term employee" means an employee who is
8 employed for less than 2 consecutive calendar quarters during
9 a calendar year and who does not have a reasonable assurance of
10 being rehired by the same employing entity of the General
11 Assembly for the same service in a subsequent calendar year.

12 (r) "Supervisor" means an employee whose principal work is
13 substantially different from that of the employee's
14 subordinates and who has authority, in the interest of the
15 General Assembly, to hire, transfer, suspend, lay off, recall,
16 promote, discharge, direct, reward, or discipline employees,
17 to adjust their grievances, or to effectively recommend any of
18 those actions, if the exercise of that authority is not of a
19 merely routine or clerical nature, but requires the consistent
20 use of independent judgment. The term "supervisor" includes
21 only those individuals who devote a preponderance of their
22 employment time to exercising that authority. Determinations
23 of supervisor status shall be based on actual employee job
24 duties and not solely on written job descriptions. Nothing in
25 this definition prohibits an individual from also meeting the
26 definition of "managerial employee" under subsection (m) of

1 this Section.

2 (s) "Unit" means a class of jobs or positions that are held
3 by legislative employees whose collective interests may
4 suitably be represented by a labor organization for collective
5 bargaining. A bargaining unit determined by the Board shall
6 not include (i) supervisors only or (ii) both employees and
7 supervisors. Legislative employees who are partisan employees
8 or legislative secretaries (other than district office
9 employees) and whose ultimate jurisdictional authority under
10 the State Officials and Employees Ethics Act is the President
11 of the Senate, the Minority Leader of the Senate, the Speaker
12 of the House of Representatives, or the Minority Leader of the
13 House of Representatives shall comprise one unit, regardless
14 of their political affiliation. Legislative employees who are
15 nonpartisan employees and whose ultimate jurisdictional
16 authority under the State Officials and Employees Ethics Act
17 is the Senate Operations Commission or the Speaker of the
18 House of Representatives shall comprise one unit. Legislative
19 employees who are district office employees shall comprise one
20 unit, regardless of their political affiliation.

21 Section 15. Management rights. The General Assembly shall
22 not be required to bargain over matters of inherent managerial
23 policy, which shall include such areas of discretion or policy
24 as the following matters: the functions of the General
25 Assembly, standards of services, the General Assembly's

1 overall budget, the organizational structure and selection of
2 new employees, examination techniques, and direction of
3 employees.

4 The General Assembly shall not be required to bargain over
5 any one or more of the following topics: (i) matters relating
6 to qualifications and elections of senators or
7 representatives; (ii) matters relating to the House of
8 Representatives or Senate choosing members of leadership,
9 committee chairs, or officers; (iii) matters related to the
10 House of Representatives or Senate adopting rules; (iv)
11 matters relating to establishing committees; (v) matters
12 related to considering and enacting legislation; (vi) matters
13 related to exercising the legislative power of the State;
14 (vii) matters relating to legislative calendars, schedules,
15 and deadlines for the House of Representatives or Senate; or
16 (viii) laws, rules, policies, or procedures regarding ethics
17 or conflicts of interest.

18 The General Assembly, however, shall be required to
19 bargain collectively with regard to policy matters directly
20 affecting wages, hours, and terms and conditions of
21 employment, as well as the impact thereon upon request by
22 legislative employee representatives.

23 Notwithstanding any other provision of this Act, each
24 employing entity of the General Assembly has the sole and
25 exclusive authority to designate one-third of its collective
26 employee positions as confidential employees, managerial

1 employees, supervisors, or excluded employees. The one-third
2 of employee positions shall be calculated based on the total
3 number of employee positions and not the number of employees
4 at a given time. Nothing in this Section shall preclude the
5 Board from exercising its discretion to designate additional
6 employees as confidential employees, managerial employees,
7 supervisors, or excluded employees.

8 For purposes of collective bargaining under this Act, a
9 legislative employee employed by the Speaker of the House of
10 Representatives, the Minority Leader of the House of
11 Representatives, the President of the Senate, the Minority
12 Leader of the Senate, or a legislative employee that is a
13 district office employee under Section 10 is employed by the
14 individual occupying such elected position. Upon any change in
15 a person occupying such an elected position, the newly elected
16 person has the sole and exclusive authority to act with
17 respect to employment decisions, such as hiring, promotion,
18 renewal of employment, or discharge. No collective bargaining
19 agreement may include a provision that prohibits a newly
20 elected person from exercising that person's rights under this
21 subsection with respect to the elected person's sole and
22 exclusive authority to make employment decisions for the
23 office.

24 Section 20. Illinois Labor Relations Board.

25 (a) The State Panel of the Illinois Labor Relations Board

1 established under Section 5 of the Illinois Public Labor
2 Relations Act has jurisdiction over collective bargaining
3 matters between employee organizations and the General
4 Assembly of the State of Illinois under this Act.

5 (b) To accomplish the objectives and carry out the duties
6 prescribed by this Act, the State Panel may hold elections to
7 determine whether a labor organization has majority status;
8 investigate and attempt to resolve or settle charges of unfair
9 labor practices; hold hearings in order to carry out its
10 functions; develop and effectuate appropriate impasse
11 resolution procedures for purposes of resolving labor
12 disputes; and administer oaths and affirmations. The State
13 Panel shall sign and report in full an opinion in every case
14 that it decides.

15 Section 25. Office of State Legislative Labor Relations.

16 (a) The Office of State Legislative Labor Relations is
17 hereby created and shall be responsible for representing and
18 otherwise managing the interests of the General Assembly in
19 collective bargaining between the General Assembly and
20 legislative employees.

21 (b) The Joint Committee on Legislative Support Services
22 shall appoint the Director of the Office of State Legislative
23 Labor Relations within 60 days after the effective date of
24 this Section and within 60 days after any subsequent vacancy
25 in that office.

1 (c) The Director of the Office of State Legislative Labor
2 Relations shall be appointed for a 4-year term and until a
3 successor is appointed and qualified. The Director and other
4 employees of the Office of State Legislative Labor Relations
5 shall not be subject to the Personnel Code.

6 (d) The Director of the Office of State Legislative Labor
7 Relations shall:

8 (1) conduct negotiations on behalf of the General
9 Assembly with legislative employees and their exclusive
10 representative or delegate that negotiating authority to a
11 designee of the Director's choosing;

12 (2) be authorized to employ, fix the compensation, and
13 prescribe the duties of negotiators, attorneys, and any
14 other necessary professional, technical, and secretarial
15 employees of the Office of State Legislative Labor
16 Relations;

17 (3) sign contracts;

18 (4) issue vouchers for the payment of obligations
19 pursuant to rules adopted by the Joint Committee on
20 Legislative Support Services; and

21 (5) receive a salary as fixed by the Joint Committee.

22 Section 30. Right to organize and bargain collectively;
23 exclusive representation; fair-share arrangements.

24 (a) Legislative employees have, and are protected in the
25 exercise of, the right of self-organization, and they may

1 form, join, or assist any labor organization, to bargain
2 collectively through representatives of their own choosing on
3 questions of wages, hours, and other conditions of employment,
4 not excluded by Section 15, and to engage in other concerted
5 activities not otherwise prohibited by law for the purposes of
6 collective bargaining or other mutual aid or protection, free
7 from interference, restraint, or coercion. Legislative
8 employees also have, and are protected in the exercise of, the
9 right to refrain from participating in any such concerted
10 activities.

11 (b) Nothing in this Act prevents a legislative employee
12 from presenting a grievance to the Office of State Legislative
13 Labor Relations and having the grievance heard and settled
14 without the intervention of an employee organization; provided
15 that the exclusive bargaining representative is afforded the
16 opportunity to be present at such conference and that any
17 settlement made shall not be inconsistent with the terms of
18 any agreement in effect between the General Assembly and the
19 exclusive bargaining representative.

20 (c) A labor organization designated by the Board as the
21 representative of the majority of legislative employees in an
22 appropriate unit in accordance with the procedures provided in
23 this Act or recognized by the Office of State Legislative
24 Labor Relations as the representative of the majority of
25 legislative employees in an appropriate unit is the exclusive
26 representative for the employees of such unit for the purpose

1 of collective bargaining with respect to rates of pay, wages,
2 hours, and other conditions of employment not excluded by
3 Section 15. Unless otherwise mutually agreed, the Office of
4 State Legislative Labor Relations is required at least once
5 each month and upon request, to furnish the exclusive
6 bargaining representative with a complete list of the names
7 and addresses of the legislative employees in the bargaining
8 unit, provided that the Office of State Legislative Labor
9 Relations shall not be required to furnish such a list more
10 than once per payroll period. The exclusive bargaining
11 representative shall use the list exclusively for bargaining
12 representation purposes and shall not disclose any information
13 contained in the list for any other purpose. Nothing in this
14 Section, however, prohibits a bargaining representative from
15 disseminating a list of its union members.

16 At the time the Office of State Legislative Labor
17 Relations provides such list, it shall also provide to the
18 exclusive representative, in a spreadsheet file or other
19 mutually agreed upon editable digital file format, the
20 employee's job title, work site, work telephone numbers,
21 identification number, if available, and any home and personal
22 cellular telephone numbers on file with the Office of State
23 Legislative Labor Relations, date of hire, work email address,
24 and any personal email address on file with the Office of State
25 Legislative Labor Relations. In addition, unless otherwise
26 mutually agreed, within 10 calendar days from the date of hire

1 of a bargaining unit employee, the Office of State Legislative
2 Labor Relations shall provide to the exclusive representative,
3 in an electronic file or other mutually agreed upon format,
4 the following information about the new employee: the
5 employee's name, job title, work site, home address, work
6 telephone numbers, and any home and personal cellular
7 telephone numbers on file with the Office of State Legislative
8 Labor Relations, date of hire, work email address, and any
9 personal email address on file with the Office of State
10 Legislative Labor Relations.

11 (d) The Office of State Legislative Labor Relations shall
12 not disclose the following information about any legislative
13 employee, except as provided in subsection (c): (1) the
14 legislative employee's home address (including ZIP code and
15 county); (2) the legislative employee's date of birth; (3) the
16 legislative employee's home and personal phone number; (4) the
17 legislative employee's personal email address; (5) any
18 information personally identifying employee membership or
19 membership status in a labor organization or other voluntary
20 association affiliated with a labor organization or a labor
21 federation (including whether employees are members of such
22 organization, the identity of such organization, whether or
23 not employees pay or authorize the payment of any dues or
24 moneys to such organization, and the amounts of such dues or
25 moneys); and (6) emails or other communications between a
26 labor organization and its members.

1 As soon as practicable after receiving a request for any
2 information prohibited from disclosure under this subsection
3 (d), excluding a request from the exclusive bargaining
4 representative of the employee, the Office of State
5 Legislative Labor Relations must provide a written copy of the
6 request, or a written summary of any oral request, to the
7 exclusive bargaining representative of the legislative
8 employee or, if no such representative exists, to the
9 legislative employee. The Office of State Legislative Labor
10 Relations must also provide a copy of any response it has made
11 within 5 business days of sending the response to any request.

12 If the Office of State Legislative Labor Relations
13 discloses information in violation of this subsection (d), an
14 aggrieved legislative employee or the legislative employee's
15 exclusive bargaining representative may file an unfair labor
16 practice charge with the Illinois Labor Relations Board
17 pursuant to Section 50 or commence an action in the circuit
18 court to enforce the provisions of this Act, including actions
19 to compel compliance, if the Office of State Legislative Labor
20 Relations willfully and wantonly discloses information in
21 violation of this subsection. The circuit court for the county
22 in which the complainant resides, in which the complainant is
23 employed, or in which the Office of State Legislative Labor
24 Relations is located shall have jurisdiction in this matter.

25 This subsection does not apply to disclosures (i) required
26 under the Freedom of Information Act, (ii) for purposes of

1 conducting public operations or business, or (iii) to the
2 exclusive representative.

3 (e) On behalf of the General Assembly, the Office of State
4 Legislative Labor Relations shall provide to exclusive
5 representatives, including their agents and employees,
6 reasonable access to legislative employees in the bargaining
7 units they represent. This access shall at all times be
8 conducted in a manner so as not to impede normal operations.

9 (1) Access includes the following:

10 (A) the right to meet with one or more employees on
11 the premises of the General Assembly, including, but
12 not limited to, the legislative complex or a district
13 office, during the workday to investigate and discuss
14 grievances and workplace-related complaints without
15 charge to pay or leave time of employees or agents of
16 the exclusive representative;

17 (B) the right to conduct work site meetings during
18 lunch and other non-work breaks, and before and after
19 the workday, on the premises of the General Assembly,
20 including, but not limited to, the legislative complex
21 or a district office, to discuss collective bargaining
22 negotiations, the administration of collective
23 bargaining agreements, other matters related to the
24 duties of the exclusive representative, and internal
25 matters involving the governance or business of the
26 exclusive representative, without charge to pay or

1 leave time of employees or agents of the exclusive
2 representative;

3 (C) the right to meet with newly hired legislative
4 employees, without charge to pay or leave time of the
5 employees or agents of the exclusive representative,
6 on the premises of the General Assembly, including,
7 but not limited to, the legislative complex or a
8 district office, or at a location mutually agreed to
9 by the Office of State Legislative Labor Relations and
10 exclusive representative for up to one hour either
11 within the first 2 weeks of employment in the
12 bargaining unit or at a later date and time if mutually
13 agreed upon by the Office of State Legislative Labor
14 Relations and the exclusive representative; and

15 (D) the right to use the facility mailboxes and
16 bulletin boards on the premises of the General
17 Assembly, including, but not limited to, the
18 legislative complex or district office, to communicate
19 with bargaining unit employees regarding collective
20 bargaining negotiations, the administration of
21 collective bargaining agreements, the investigation of
22 grievances, other workplace-related complaints and
23 issues, and internal matters involving the governance
24 or business of the exclusive representative.

25 (2) Nothing in this Section prohibits the Office of
26 State Legislative Labor Relations and exclusive

1 representative from agreeing in a collective bargaining
2 agreement to provide the exclusive representative greater
3 access to bargaining unit employees, including through the
4 use of the General Assembly's email system.

5 (f) A labor organization recognized by the Office of State
6 Legislative Labor Relations as the exclusive representative or
7 so designated in accordance with the provisions of this Act is
8 responsible for representing the interests of all legislative
9 employees in the unit. Nothing in this Act shall be construed
10 to limit an exclusive representative's right to exercise its
11 discretion to refuse to process grievances of legislative
12 employees that are unmeritorious.

13 (g) The General Assembly shall make payroll deductions of
14 labor organization dues, initiation fees, assessments, and
15 other payments for a labor organization that is the exclusive
16 representative. Such deductions shall be made in accordance
17 with the terms of a legislative employee's written
18 authorization, and shall be paid to the exclusive
19 representative. Written authorization may be evidenced by
20 electronic communications, and such writing or communication
21 may be evidenced by the electronic signature of the
22 legislative employee as provided under Section 5-120 of the
23 Uniform Electronic Transactions Act.

24 There is no impediment to a legislative employee's right
25 to resign union membership at any time. However,
26 notwithstanding any other provision of law to the contrary

1 regarding authorization and deduction of dues or other
2 payments to a labor organization, the exclusive representative
3 and a legislative employee may agree to reasonable limits on
4 the right of the employee to revoke such authorization,
5 including a period of irrevocability that exceeds one year. An
6 authorization that is irrevocable for one year, which may be
7 automatically renewed for successive annual periods in
8 accordance with the terms of the authorization, and that
9 contains at least an annual 10-day period of time during which
10 the legislative employee may revoke the authorization, shall
11 be deemed reasonable.

12 This Section applies to all claims that allege that a
13 labor organization or the General Assembly has improperly
14 deducted or collected dues from a legislative employee without
15 regard to whether the claims or the facts upon which they are
16 based occurred before, on, or after the effective date of this
17 Act.

18 (h) If a collective bargaining agreement is terminated or
19 continues in effect beyond its scheduled expiration date
20 pending the negotiation of a successor agreement, the General
21 Assembly shall continue to honor and abide by any dues
22 deduction clause contained therein until a new agreement is
23 reached including dues deduction clause. For the benefit of
24 any successor exclusive representative certified under this
25 Act, this provision applies if the successor exclusive
26 representative presents the General Assembly with employee

1 written authorization for the deduction of dues, assessments,
2 and fees under this subsection.

3 Failure to so honor and abide by dues deduction clauses
4 for the benefit of any exclusive representative, including a
5 successor, is a violation of the duty to bargain and an unfair
6 labor practice.

7 (i) Upon receiving written notice of authorization, the
8 employing entity of the General Assembly must commence dues
9 deductions as soon as practicable but in no case later than 30
10 days after receiving notice from the labor organization.
11 Employee deductions shall be transmitted to the labor
12 organization no later than 30 days after they are deducted
13 unless a shorter period is mutually agreed to.

14 (j) Deductions shall remain in effect until:

15 (1) the General Assembly receives notice that a
16 legislative employee has revoked the employee's
17 authorization in writing in accordance with the terms of
18 the authorization; or

19 (2) the individual employee is no longer employed by
20 the General Assembly in a bargaining unit position
21 represented by the same exclusive representative, provided
22 that if the legislative employee is, within a period of
23 one year, employed by the General Assembly in a position
24 represented by the same labor organization, the right to
25 dues deduction shall be automatically reinstated.

26 Nothing in this subsection prevents an employee from

1 continuing to authorize payroll deductions when no longer
2 represented by the exclusive representative that would receive
3 such deduction.

4 If the individual employee who has signed a dues deduction
5 authorization card is either removed from the General
6 Assembly's payroll or otherwise placed on any type of
7 involuntary or voluntary leave of absence, whether paid or
8 unpaid, the legislative employee's dues deduction shall be
9 continued upon that employee's return to the payroll in a
10 bargaining unit position represented by the same exclusive
11 representative or restoration to active duty from such a leave
12 of absence.

13 (k) Unless otherwise mutually agreed by the Office of
14 State Legislative Labor Relations and the exclusive
15 representative, employee requests to authorize, revoke,
16 cancel, or change authorizations for payroll deductions for
17 labor organizations shall be directed to the labor
18 organization rather than to the Office of State Legislative
19 Labor Relations or the General Assembly. The labor
20 organization shall be responsible for initially processing and
21 notifying the Office of State Legislative Labor Relations of
22 proper requests or providing proper requests to the Office of
23 State Legislative Labor Relations. If the requests are not
24 provided to the Office of State Legislative Labor Relations,
25 the Office of State Legislative Labor Relations shall rely on
26 information provided by the labor organization regarding

1 whether deductions for a labor organization were properly
2 authorized, revoked, canceled, or changed, and the labor
3 organization shall indemnify the General Assembly and the
4 Office of State Legislative Labor Relations for any damages
5 and reasonable costs incurred for any claims made by employees
6 for deductions made in good faith reliance on that
7 information.

8 (l) Upon receipt by the exclusive representative of an
9 appropriate written authorization from a legislative employee,
10 written notice of authorization shall be provided to the
11 Office of State Legislative Labor Relations and any authorized
12 deductions shall be made in accordance with law by the
13 employing entity of the General Assembly following receipt of
14 a copy of the notice. The labor organization shall indemnify
15 the General Assembly and the Office of State Legislative Labor
16 Relations for any damages and reasonable costs incurred for
17 any claims made by employees for deductions made in good faith
18 reliance on its notification.

19 (m) The failure of an employing entity of the General
20 Assembly or the Office of State Legislative Labor Relations to
21 comply with the provisions of this Section is a violation of
22 the duty to bargain and an unfair labor practice. Relief for
23 the violation shall be reimbursement by the General Assembly
24 of dues that should have been deducted or paid based on a valid
25 authorization given by the employee or employees. In addition,
26 the provisions of a collective bargaining agreement that

1 contain the obligations set forth in this Section may be
2 enforced in accordance with Sections 40 and 80.

3 (n) The Illinois Labor Relations Board shall have
4 exclusive jurisdiction over claims under Illinois law that
5 allege that a labor organization has unlawfully collected dues
6 from a legislative employee in violation of this Act. The
7 Board shall, by rule, require that in cases in which a
8 legislative employee alleges that a labor organization has
9 unlawfully collected dues, the employing entity of the General
10 Assembly shall continue to deduct the employee's dues from the
11 employee's pay, but shall transmit the dues to the Board for
12 deposit in an escrow account maintained by the Board. If the
13 exclusive representative maintains an escrow account for the
14 purpose of holding dues to which an employee has objected, the
15 employing entity of the General Assembly shall transmit the
16 entire amount of dues to the exclusive representative, and the
17 exclusive representative shall hold in escrow the dues that
18 the employing entity would otherwise have been required to
19 transmit to the Board for escrow; provided that the escrow
20 account maintained by the exclusive representative complies
21 with rules adopted by the Board or that the collective
22 bargaining agreement requiring the payment of the dues
23 contains an indemnification provision for the purpose of
24 indemnifying the General Assembly and the Office of State
25 Legislative Labor Relations with respect to their transmission
26 of dues to the exclusive representative.

1 (o) If any clause, sentence, paragraph, or subparagraph of
2 this Section shall be adjudged by a court of competent
3 jurisdiction to be unconstitutional or otherwise invalid, that
4 judgment shall not affect, impair, or invalidate the remainder
5 thereof, but shall be confined in its operation to the clause,
6 sentence, paragraph, or subparagraph of this Section directly
7 involved in the controversy in which that judgment shall have
8 been rendered.

9 If any clause, sentence, paragraph, or part of a signed
10 authorization for payroll deductions shall be adjudged by a
11 court of competent jurisdiction to be unconstitutional or
12 otherwise invalid, that judgment shall not affect, impair, or
13 invalidate the remainder of the signed authorization, but
14 shall be confined in its operation to the clause, sentence,
15 paragraph, or part of the signed authorization directly
16 involved in the controversy in which that judgment shall have
17 been rendered.

18 Section 35. Duty to bargain. The Office of State
19 Legislative Labor Relations and the exclusive representative
20 have the authority and the duty to bargain collectively as set
21 forth in this Section.

22 As used in this Act, "to bargain collectively" means the
23 performance of the mutual obligation of the Office of State
24 Legislative Labor Relations and the representative of the
25 legislative employees to meet at reasonable times, including

1 meetings in advance of the budget-making process, and to
2 negotiate in good faith with respect to wages, hours, and
3 other conditions of employment, not excluded by Section 15, or
4 the negotiation of an agreement, or any question arising
5 thereunder and the execution of a written contract
6 incorporating any agreement reached if requested by either
7 party, but such obligation does not compel either party to
8 agree to a proposal or require the making of a concession.

9 The duty "to bargain collectively" also includes an
10 obligation to negotiate over any matter with respect to wages,
11 hours, and other conditions of employment, not specifically
12 provided for in any other law or not specifically in violation
13 of the provisions of any law. If any other law pertains, in
14 part, to a matter affecting the wages, hours, and other
15 conditions of employment, such other law shall not be
16 construed as limiting the duty "to bargain collectively" and
17 to enter into collective bargaining agreements containing
18 clauses that either supplement, implement, or relate to the
19 effect of such provisions in other laws.

20 The duty "to bargain collectively" also includes
21 negotiations as to the terms of a collective bargaining
22 agreement. The parties may, by mutual agreement, provide for
23 arbitration of impasses resulting from their inability to
24 agree upon wages, hours, and terms and conditions of
25 employment to be included in a collective bargaining
26 agreement. Such arbitration provisions shall be subject to the

1 Uniform Arbitration Act unless agreed by the parties.

2 The duty "to bargain collectively" also means that no
3 party to a collective bargaining agreement shall terminate or
4 modify such contract, unless the party desiring such
5 termination or modification:

6 (1) serves a written notice upon the other party to
7 the contract of the proposed termination or modification
8 60 days prior to the expiration date thereof, or in the
9 event such contract contains no expiration date, 60 days
10 prior to the time it is proposed to make such termination
11 or modification;

12 (2) offers to meet and confer with the other party for
13 the purpose of negotiating a new contract or a contract
14 containing the proposed modifications;

15 (3) notifies the Board within 30 days after such
16 notice of the existence of a dispute, provided no
17 agreement has been reached by that time; and

18 (4) continues in full force and effect, without
19 resorting to strike or lockout, all the terms and
20 conditions of the existing contract for a period of 60
21 days after such notice is given to the other party or until
22 the expiration date of such contract, whichever occurs
23 later.

24 The duties imposed by paragraphs (2), (3), and (4) shall
25 become inapplicable upon an intervening certification of the
26 Board, under which the labor organization, which is a party to

1 the contract, has been superseded as or ceased to be the
2 exclusive representative of the employees pursuant to the
3 provisions of subsection (a) of Section 45, and the duties so
4 imposed shall not be construed as requiring either party to
5 discuss or agree to any modification of the terms and
6 conditions contained in a contract for a fixed period, if such
7 modification is to become effective before such terms and
8 conditions can be reopened under the provisions of the
9 contract.

10 Section 40. Grievance Procedure. A collective bargaining
11 agreement negotiated between the Office of State Legislative
12 Labor Relations and the exclusive representative shall contain
13 a grievance resolution procedure that shall apply to all
14 legislative employees in the bargaining unit and shall provide
15 for final and binding arbitration of disputes concerning the
16 administration or interpretation of the agreement unless
17 mutually agreed otherwise. Any agreement containing a final
18 and binding arbitration provision shall also contain a
19 provision prohibiting strikes for the duration of the
20 agreement. The grievance and arbitration provisions of any
21 collective bargaining agreement shall be subject to the
22 Uniform Arbitration Act. The costs of such arbitration shall
23 be borne equally by the Office of State Legislative Labor
24 Relations and the employee organization.

1 Section 45. Elections; recognition.

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

4 (1) by a legislative employee or group of legislative
5 employees or any labor organization acting on their
6 behalf, demonstrating that 30% of the legislative
7 employees in an appropriate unit (A) wish to be
8 represented for the purposes of collective bargaining by a
9 labor organization as exclusive representative or (B)
10 asserting that the labor organization that has been
11 certified or is currently recognized by the Office of
12 State Legislative Labor Relations as bargaining
13 representative is no longer the representative of the
14 majority of legislative employees in the unit; or

15 (2) by the Office of State Legislative Labor Relations
16 on behalf of the General Assembly alleging that one or
17 more labor organizations have presented to it a claim that
18 they be recognized as the representative of a majority of
19 the legislative employees in an appropriate unit, the
20 Board shall investigate such petition, and if it has
21 reasonable cause to believe that a question of
22 representation exists, shall provide for an appropriate
23 hearing upon due notice. Such hearing shall be held at the
24 offices of the Board or such other location as the Board
25 deems appropriate. If the Board finds upon the record of
26 the hearing that a question of representation exists, it

1 shall direct an election in accordance with subsection (d)
2 of this Section, which election shall be held not later
3 than 120 days after the date the petition was filed
4 regardless of whether that petition was filed before or
5 after the effective date of this Act; however, the Board
6 may extend the time for holding an election by an
7 additional 60 days if, upon motion by a person who has
8 filed a petition under this Section or is the subject of a
9 petition filed under this Section and is a party to such
10 hearing, or upon the Board's own motion, the Board finds
11 that good cause has been shown for extending the election
12 date. Nothing in this Section prohibits the Board, in its
13 discretion, from extending the time for holding an
14 election for so long as may be necessary under the
15 circumstances, where the purpose for such extension is to
16 permit resolution by the Board of an unfair labor practice
17 charge filed by one of the parties to a representational
18 proceeding against the other based upon conduct that may
19 either affect the existence of a question concerning
20 representation or have a tendency to interfere with a fair
21 and free election, where the party filing the charge has
22 not filed a request to proceed with the election; and
23 provided further that prior to the expiration of the total
24 time allotted for holding an election, a person who has
25 filed a petition under this Section or is the subject of a
26 petition filed under this Section and is a party to such

1 hearing or the Board, may move for and obtain the entry of
2 an order in the circuit court of the county in which the
3 majority of the legislative employees sought to be
4 represented by such person reside, such order extending
5 the date upon which the election shall be held. Such order
6 shall be issued by the circuit court only upon a judicial
7 finding that there has been a sufficient showing that
8 there is good cause to extend the election date beyond
9 such period and shall require the Board to hold the
10 election as soon as is feasible given the totality of the
11 circumstances. Such 120-day period may be extended one or
12 more times by the agreement of all parties to the hearing
13 to a date certain without the necessity of obtaining a
14 court order. The showing of interest in support of a
15 petition filed under paragraph (1) of this subsection (a)
16 may be evidenced by electronic communications, and such
17 writing or communication may be evidenced by the
18 electronic signature of the employee as provided under
19 Section 5-120 of the Electronic Commerce Security Act. The
20 showing of interest shall be valid only if signed within
21 12 months prior to the filing of the petition. Nothing in
22 this Section prohibits the waiving of hearings by
23 stipulation for the purpose of a consent election in
24 conformity with the rules of the Board or an election in a
25 unit agreed upon by the parties. Other interested employee
26 organizations may intervene in the proceedings in the

1 manner and within the time period specified by rules of
2 the Board. Interested parties who are necessary to the
3 proceedings may also intervene in the proceedings in the
4 manner and within the time period specified by the rules
5 of the Board.

6 (b) A labor organization or the Office of State
7 Legislative Labor Relations on behalf of the General Assembly
8 may file a unit clarification petition seeking to clarify an
9 existing bargaining unit. Unit clarification petitions may be
10 filed if: (1) substantial changes occur in the duties and
11 functions of an existing job title, raising an issue as to the
12 title's unit placement; (2) an existing job title that is
13 logically encompassed within the existing unit was
14 inadvertently excluded by the parties at the time the unit was
15 established; (3) a newly created job title is logically
16 encompassed within an existing unit; (4) a significant change
17 takes place in statutory or case law that affects the
18 bargaining rights of employees; (5) a determination needs to
19 be made as to the unit placement of positions in dispute
20 following a certification of representative issued following a
21 direction of election under subsection (d); (6) the parties
22 have agreed to eliminate a position or title because the
23 General Assembly no longer uses it; (7) the parties have
24 agreed to exclude some of the positions in a title or
25 classification from a bargaining unit and include others; or
26 (8) as prescribed in rules set by the Board. The Board shall

1 conclude its investigation, including any hearing process
2 deemed necessary, and issue a certification of clarified unit
3 or dismiss the petition not later than 120 days after the date
4 the petition was filed. The 120-day period may be extended one
5 or more times by the agreement of all parties to a hearing to a
6 date certain.

7 (c) The Board shall decide in each case, in order to assure
8 legislative employees the fullest freedom in exercising the
9 rights guaranteed by this Act, a unit appropriate for the
10 purpose of collective bargaining, based upon, but not limited
11 to, such factors as: historical pattern of recognition;
12 community of interest including employee skills and functions;
13 degree of functional integration; interchangeability and
14 contact among employees; fragmentation of employee groups;
15 common supervision, wages, hours, and other working conditions
16 of the employees involved; and the desires of the employees.
17 For purposes of this subsection, fragmentation shall not be
18 the sole or predominant factor used by the Board in
19 determining an appropriate bargaining unit. A single
20 bargaining unit determined by the Board may not include both
21 supervisors and nonsupervisors.

22 In cases involving a historical pattern of recognition,
23 and in cases where the General Assembly has recognized the
24 union as the sole and exclusive bargaining agent for a
25 specified existing unit, the Board shall find the employees in
26 the unit then represented by the union pursuant to the

1 recognition to be the appropriate unit.

2 The Board shall not decide that any unit is appropriate if
3 such unit includes both professional employees and
4 nonprofessional employees, unless a majority of each group
5 votes for inclusion in such unit.

6 (d) If the Office of State Legislative Labor Relations
7 does not voluntarily recognize a labor organization as the
8 exclusive bargaining representative for a unit of legislative
9 employees, the Board shall determine the majority
10 representative of the legislative employees in an appropriate
11 collective bargaining unit by conducting a secret ballot
12 election. Such a secret ballot election may be conducted
13 electronically, using an electronic voting system, in addition
14 to paper ballot voting systems. Within 7 days after the Board
15 issues its bargaining unit determination and direction of
16 election or the execution of a stipulation for the purpose of a
17 consent election, the Office of State Legislative Labor
18 Relations shall submit to the labor organization the complete
19 names and addresses of those employees who are determined by
20 the Board to be eligible to participate in the election. When
21 the Board has determined that a labor organization has been
22 fairly and freely chosen by a majority of legislative
23 employees in an appropriate unit, it shall certify such
24 organization as the exclusive representative. If the Board
25 determines that a majority of employees in an appropriate unit
26 has fairly and freely chosen not to be represented by a labor

1 organization, it shall so certify. The Board may also revoke
2 the certification of the legislative employee organizations as
3 exclusive bargaining representatives which have been found by
4 a secret ballot election to be no longer the majority
5 representative.

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

23 (f) A labor organization shall be designated as the
24 exclusive representative by the Office of State Legislative
25 Labor Relations on behalf of the General Assembly, provided
26 that the labor organization represents a majority of the

1 legislative employees in an appropriate unit. Any employee
2 organization that is designated or selected by the majority of
3 legislative employees, in a unit of the General Assembly
4 having no other recognized or certified representative, as
5 their representative for purposes of collective bargaining may
6 request recognition by the Office of State Legislative Labor
7 Relations on behalf of the General Assembly in writing. The
8 Office of State Legislative Labor Relations on behalf of the
9 General Assembly shall post such request for a period of at
10 least 20 days following its receipt thereof on bulletin boards
11 or other places used or reserved for employee notices.

12 (g) Within the 20-day period any other interested employee
13 organization may petition the Board in the manner specified by
14 rules of the Board, provided that such interested employee
15 organization has been designated by at least 10% of the
16 employees in an appropriate bargaining unit which includes all
17 or some of the employees in the unit recognized by the Office
18 of State Legislative Labor Relations. In such event, the Board
19 shall proceed with the petition in the same manner as provided
20 by paragraph (1) of subsection (a) of this Section.

21 (h) No election shall be directed by the Board in any
22 bargaining unit where there is in force a valid collective
23 bargaining agreement. The Board, however, may process an
24 election petition filed between 90 and 60 days prior to the
25 expiration of the date of an agreement, and may further
26 refine, by rule or decision, the implementation of this

1 provision. Where more than 4 years have elapsed since the
2 effective date of the agreement, the agreement shall continue
3 to bar an election, except that the Board may process an
4 election petition filed between 90 and 60 days prior to the end
5 of the fifth year of such an agreement, and between 90 and 60
6 days prior to the end of each successive year of such
7 agreement.

8 (i) An order of the Board dismissing a representation
9 petition, determining and certifying that a labor organization
10 has been fairly and freely chosen by a majority of employees in
11 an appropriate bargaining unit, or determining and certifying
12 that a labor organization has not been fairly and freely
13 chosen by a majority of employees in the bargaining unit is a
14 final order. Any person aggrieved by any such order issued on
15 or after the effective date of this Act may apply for and
16 obtain judicial review in accordance with the Administrative
17 Review Law, as now or hereafter amended, except that such
18 review shall be afforded directly in the Appellate Court for
19 the district in which the aggrieved party resides or transacts
20 business. Any direct appeal to the Appellate Court shall be
21 filed within 35 days from the date that a copy of the decision
22 sought to be reviewed was served upon the party affected by the
23 decision.

24 Section 50. Unfair labor practices.

25 (a) It is an unfair labor practice for the General

1 Assembly or its agents, including, but not limited to, the
2 Office of State Legislative Labor Relations:

3 (1) to interfere with, restrain, or coerce legislative
4 employees in the exercise of the rights guaranteed in this
5 Act or to dominate or interfere with the formation,
6 existence, or administration of any labor organization or
7 contribute financial or other support to it; provided, the
8 General Assembly shall not be prohibited from permitting
9 employees to confer with their exclusive bargaining
10 representative during working hours without loss of time
11 or pay;

12 (2) to discriminate in regard to hire or tenure of
13 employment or any term or condition of employment in order
14 to encourage or discourage membership in or other support
15 for any labor organization;

16 (3) to discharge or otherwise discriminate against a
17 legislative employee because the legislative employee has
18 signed or filed an affidavit, petition, or charge or
19 provided any information or testimony under this Act;

20 (4) to refuse to bargain collectively in good faith
21 with a labor organization that is the exclusive
22 representative of legislative employees in an appropriate
23 unit, including, but not limited to, the discussing of
24 grievances with the exclusive representative;

25 (5) to violate any of the rules established by the
26 Board with jurisdiction over them relating to the conduct

1 of representation elections or the conduct affecting the
2 representation elections;

3 (6) to expend or cause the expenditure of public funds
4 to any external agent, individual, firm, agency,
5 partnership, or association in any attempt to influence
6 the outcome of representational elections held pursuant to
7 Section 45; provided that nothing in this subsection shall
8 be construed to limit the General Assembly's right to
9 internally communicate with its employees as provided in
10 subsection (c) of this Section, to be represented on any
11 matter pertaining to unit determinations, unfair labor
12 practice charges or pre-election conferences in any formal
13 or informal proceeding before the Board, or to seek or
14 obtain advice from legal counsel or the Office of State
15 Legislative Labor Relations. Nothing in this paragraph
16 shall be construed to prohibit the General Assembly from
17 expending or causing the expenditure of public funds on,
18 or seeking or obtaining services or advice from, any
19 organization, group, or association established by and
20 including public or educational employers, whether covered
21 by this Act, the Illinois Public Labor Relations Act, the
22 Illinois Educational Labor Relations Act or the public
23 employment labor relations law of any other state or the
24 federal government, provided that such services or advice
25 are generally available to the membership of the
26 organization, group, or association, and are not offered

1 solely in an attempt to influence the outcome of a
2 particular representational election;

3 (7) to refuse to reduce a collective bargaining
4 agreement to writing or to refuse to sign such agreement;

5 (8) to interfere with, restrain, coerce, deter, or
6 discourage legislative employees or applicants to be
7 legislative employees from: (i) becoming or remaining
8 members of a labor organization; (ii) authorizing
9 representation by a labor organization; or (iii)
10 authorizing dues or fee deductions to a labor
11 organization, nor shall the General Assembly intentionally
12 permit outside third parties to use its email or other
13 communication systems to engage in that conduct. The
14 General Assembly's good faith implementation of a policy
15 to block the use of its email or other communication
16 systems for such purposes shall be a defense to an unfair
17 labor practice;

18 (9) to disclose to any person or entity information
19 set forth in subsection (d) of Section 30 that the General
20 Assembly knows or should know will be used to interfere
21 with, restrain, coerce, deter, or discourage any
22 legislative employee from: (i) becoming or remaining
23 members of a labor organization, (ii) authorizing
24 representation by a labor organization, or (iii)
25 authorizing dues or fee deductions to a labor
26 organization; or

1 (10) to promise, threaten, or take any action: (i) to
2 permanently replace an employee who participates in a
3 lawful strike as provided under Section 80; (ii) to
4 discriminate against an employee who is working or has
5 unconditionally offered to return to work for the employer
6 because the employee supported or participated in such a
7 lawful strike; or (iii) to lock out, suspend, or otherwise
8 withhold employment from an employee in order to influence
9 the position of such employee or the representative of
10 such employee in collective bargaining prior to a lawful
11 strike.

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

14 (1) to restrain or coerce legislative employees in the
15 exercise of the rights guaranteed in this Act; however,
16 (i) this paragraph shall not impair the right of a labor
17 organization to prescribe its own rules with respect to
18 the acquisition or retention of membership therein and
19 (ii) a labor organization or its agents shall commit an
20 unfair labor practice under this paragraph in duty of fair
21 representation cases only by intentional misconduct in
22 representing legislative employees under this Act;

23 (2) to restrain or coerce the General Assembly or the
24 Office of State Legislative Labor Relations in the
25 selection of its representatives for the purposes of
26 collective bargaining or the settlement of grievances;

1 (3) to cause, or attempt to cause, the General
2 Assembly to discriminate against an employee in violation
3 of paragraph (2) of subsection (a);

4 (4) to refuse to bargain collectively in good faith
5 with the Office of State Legislative Labor Relations on
6 behalf of the General Assembly, if it has been designated
7 in accordance with the provisions of this Act as the
8 exclusive representative of legislative employees in an
9 appropriate unit;

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

14 (6) to discriminate against any legislative employee
15 because the employee has signed or filed an affidavit,
16 petition, or charge or provided any information or
17 testimony under this Act;

18 (7) to picket or cause to be picketed, or threaten to
19 picket or cause to be picketed, the General Assembly where
20 an object thereof is forcing or requiring the General
21 Assembly to recognize or bargain with a labor organization
22 of the representative of its employees, or forcing or
23 requiring legislative employees to accept or select such
24 labor organization as their collective bargaining
25 representative, unless such labor organization is
26 currently certified as the representative of such

1 employees:

2 (A) where the Office of State Legislative Labor
3 Relations has lawfully recognized in accordance with
4 this Act any labor organization and a question
5 concerning representation may not appropriately be
6 raised under Section 45;

7 (B) where within the preceding 12 months a valid
8 election under Section 45 has been conducted; or

9 (C) where such picketing has been conducted
10 without a petition under Section 45 being filed within
11 a reasonable period of time not to exceed 30 days from
12 the commencement of such picketing; provided that when
13 such a petition has been filed the Board shall
14 forthwith, without regard to the provisions of
15 subsection (a) of Section 45 or the absence of a
16 showing of a substantial interest on the part of the
17 labor organization, direct an election in such unit as
18 the Board finds to be appropriate and shall certify
19 the results thereof; provided further, that nothing in
20 this subparagraph shall be construed to prohibit any
21 picketing or other publicity for the purpose of
22 truthfully advising the public that the General
23 Assembly does not employ members of, or have a
24 contract with, a labor organization unless an effect
25 of such picketing is to induce any individual employed
26 by any other person in the course of the individual's

1 employment, not to pick up, deliver, or transport any
2 goods or not to perform any services;

3 (8) to refuse to reduce a collective bargaining
4 agreement to writing or to refuse to sign such agreement;
5 or

6 (9) to strike or cause a strike in any month in which
7 one or more legislative session days are scheduled or to
8 interfere in any other way with the essential operation of
9 the General Assembly.

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

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

1 system by outside sources.

2 Section 55. Unfair labor practice procedures. Unfair labor
3 practices may be dealt with by the Board in the following
4 manner:

5 (a) Whenever it is charged that any person has engaged in
6 or is engaging in any unfair labor practice under this Act, the
7 Board or any agent designated by the Board for such purposes,
8 shall conduct an investigation of the charge. If after such
9 investigation the Board finds that the charge involves a
10 dispositive issue of law or fact, the Board shall issue a
11 complaint and cause to be served upon the person a complaint
12 stating the charges, accompanied by a notice of hearing before
13 the Board or a member thereof designated by the Board, or
14 before a qualified hearing officer designated by the Board at
15 the offices of the Board or such other location as the Board
16 deems appropriate, not less than 5 days after serving of such
17 complaint provided that no complaint shall issue based upon
18 any unfair labor practice occurring more than 6 months before
19 the filing of a charge with the Board and the service of a copy
20 thereof upon the person against whom the charge is made,
21 unless the person aggrieved thereby did not reasonably have
22 knowledge of the alleged unfair labor practice or was
23 prevented from filing such a charge by reason of service in the
24 armed forces, in which event the 6-month period shall be
25 computed from the date of discharge. Any such complaint may be

1 amended by the member or hearing officer conducting the
2 hearing for the Board in the member's or hearing officer's
3 discretion at any time prior to the issuance of an order based
4 thereon. The person who is the subject of the complaint has the
5 right to file an answer to the original or amended complaint
6 and to appear in person or by a representative and give
7 testimony at the place and time fixed in the complaint. In the
8 discretion of the member or hearing officer conducting the
9 hearing or the Board, any other person may be allowed to
10 intervene in the proceeding and to present testimony. In any
11 hearing conducted by the Board, neither the Board nor the
12 member or agent conducting the hearing shall be bound by the
13 rules of evidence applicable to courts, except as to the rules
14 of privilege recognized by law.

15 (b) The Board shall have the power to issue subpoenas and
16 administer oaths. If any party willfully fails or neglects to
17 appear or testify or to produce books, papers, and records
18 pursuant to the issuance of a subpoena by the Board, then the
19 Board may apply to a court of competent jurisdiction to
20 request that such party be ordered to appear before the Board
21 to testify or produce the requested evidence.

22 (c) Any testimony taken by the Board, or a member
23 designated by the Board or a hearing officer thereof, must be
24 reduced to writing and filed with the Board. A full and
25 complete record shall be kept of all proceedings before the
26 Board, and all proceedings shall be transcribed by a reporter

1 appointed by the Board. The party on whom the burden of proof
2 rests shall be required to sustain such burden by a
3 preponderance of the evidence. If, upon a preponderance of the
4 evidence taken, the Board is of the opinion that any person
5 named in the charge has engaged in or is engaging in an unfair
6 labor practice, then it shall state its findings of fact and
7 shall issue and cause to be served upon the person an order
8 requiring the person to cease and desist from the unfair labor
9 practice, and to take such affirmative action, including
10 reinstatement of legislative employees with or without back
11 pay, as will effectuate the policies of this Act. If the Board
12 awards back pay, it shall also award interest at the rate of 7%
13 per annum. The Board's order may further require the person to
14 make reports from time to time, and demonstrate the extent to
15 which he has complied with the order. If there is no
16 preponderance of evidence to indicate to the Board that the
17 person named in the charge has engaged in or is engaging in the
18 unfair labor practice, then the Board shall state its findings
19 of fact and shall issue an order dismissing the complaint. The
20 Board's order may in its discretion also include an
21 appropriate sanction, based on the Board's rules, and the
22 sanction may include an order to pay the other party or
23 parties' reasonable expenses including costs and reasonable
24 attorney's fee, if the other party has made allegations or
25 denials without reasonable cause and found to be untrue or has
26 engaged in frivolous litigation for the purpose of delay or

1 needless increase in the cost of litigation; the State of
2 Illinois or any agency thereof shall be subject to the
3 provisions of this sentence in the same manner as any other
4 party.

5 (d) Until the record in a case has been filed in court, the
6 Board, at any time, upon reasonable notice and in such manner
7 as it deems proper, may modify or set aside, in whole or in
8 part, any finding or order made or issued by it.

9 (e) A charging party or any person aggrieved by a final
10 order of the Board granting or denying in whole or in part the
11 relief sought may apply for and obtain judicial review of an
12 order of the Board entered under this Act, in accordance with
13 the provisions of the Administrative Review Law, as now or
14 hereafter amended, except that such judicial review shall be
15 afforded directly in the Appellate Court for the district in
16 which the aggrieved party resides or transacts business, and
17 provided, that such judicial review shall not be available for
18 the purpose of challenging a final order issued by the Board
19 pursuant to Section 45 for which judicial review has been
20 petitioned pursuant to subsection (i) of Section 45. Any
21 direct appeal to the Appellate Court shall be filed within 35
22 days from the date that a copy of the decision sought to be
23 reviewed was served upon the party affected by the decision.
24 The filing of such an appeal to the Appellate Court shall not
25 automatically stay the enforcement of the Board's order. An
26 aggrieved party may apply to the Appellate Court for a stay of

1 the enforcement of the Board's order after the aggrieved party
2 has followed the procedure prescribed by Supreme Court Rule
3 335. The Board in proceedings under this Section may obtain an
4 order of the court for the enforcement of its order.

5 (f) Whenever it appears that any person has violated a
6 final order of the Board issued pursuant to this Section, the
7 Board must commence an action in the name of the People of the
8 State of Illinois by petition, alleging the violation,
9 attaching a copy of the order of the Board, and praying for the
10 issuance of an order directing the person and the person's
11 officers, agents, servants, successors, and assigns to comply
12 with the order of the Board. The Board shall be represented in
13 this action by the Attorney General in accordance with the
14 Attorney General Act. The court may grant or refuse, in whole
15 or in part, the relief sought, provided that the court may stay
16 an order of the Board in accordance with the Administrative
17 Review Law, pending disposition of the proceedings. The court
18 may punish a violation of its order as in civil contempt.

19 (g) The proceedings provided in paragraph (f) of this
20 Section shall be commenced in the Appellate Court for the
21 district where the unfair labor practice which is the subject
22 of the Board's order was committed, or where a person required
23 to cease and desist by such order resides or transacts
24 business.

25 (h) The Board through the Attorney General, shall have
26 power, upon issuance of an unfair labor practice complaint

1 alleging that a person has engaged in or is engaging in an
2 unfair labor practice, to petition the circuit court where the
3 alleged unfair labor practice which is the subject of the
4 Board's complaint was allegedly committed, or where a person
5 required to cease and desist from such alleged unfair labor
6 practice resides or transacts business, for appropriate
7 temporary relief or restraining order. Upon the filing of any
8 such petition, the court shall cause notice thereof to be
9 served upon such persons, and thereupon shall have
10 jurisdiction to grant to the Board such temporary relief or
11 restraining order as it deems just and proper.

12 (i) If an unfair labor practice charge involves the
13 interpretation or application of a collective bargaining
14 agreement and said agreement contains a grievance procedure
15 with binding arbitration as its terminal step, the Board may
16 defer the resolution of such dispute to the grievance and
17 arbitration procedure contained in said agreement.

18 Section 60. Mediation.

19 (a) The services of the mediators listed on the Public
20 Employees Mediation Roster established under Section 12 of the
21 Illinois Public Labor Relations Act shall be available to the
22 Office of State Legislative Labor Relations and to labor
23 organizations upon request of the parties for the purposes of
24 mediation of grievances or contract disputes. Upon the request
25 of either party, services of the Public Employees Mediation

1 Roster shall be available for purposes of arbitrating disputes
2 over interpretation or application of the terms of an
3 agreement pursuant to Section 40. The function of the mediator
4 shall be to communicate with the Office of State Legislative
5 Labor Relations and exclusive representative or their
6 representatives and to endeavor to bring about an amicable and
7 voluntary settlement. Compensation of Roster members for
8 services performed as mediators under this Act shall be paid
9 equally by the parties to a mediated labor dispute.

10 (b) A mediator in a mediated labor dispute shall be
11 selected by the Board from among the members of the Roster.

12 (c) Nothing in this Act or any other law prohibits the use
13 of other mediators selected by the parties for the resolution
14 of disputes over interpretation or application of the terms or
15 conditions of the collective bargaining agreements between the
16 General Assembly and a labor organization.

17 (d) If requested by the parties to a labor dispute, a
18 mediator may perform fact-finding as set forth in Section 65.

19 Section 65. Fact-finding.

20 (a) If, after a reasonable period of negotiation over the
21 terms of the agreement or upon expiration of an existing
22 collective bargaining agreement, the parties have not been
23 able to mutually resolve the dispute, the parties may, by
24 mutual consent, initiate a fact-finding.

25 (b) Within 3 days of such request the Board must submit to

1 the parties a panel of 7 qualified, disinterested persons from
2 the Illinois Public Employees Mediation Roster to serve as a
3 fact-finder. The parties to the dispute shall designate one of
4 the 7 persons to serve as fact-finder. The fact-finder must
5 act independently of the Board and may be the same person who
6 participated in the mediation of the labor dispute if both
7 parties consent. The person selected or appointed as
8 fact-finder shall immediately establish the dates and place of
9 hearings. Upon request, the Board shall schedule hearings to
10 be conducted by the fact-finder. The fact-finder may
11 administer oaths. The fact-finder shall initially determine
12 what issues are in dispute and therefore properly before the
13 fact-finder. Upon completion of the hearings, but no later
14 than 45 days from the date of appointment, the fact-finder
15 must make written findings of facts and recommendations for
16 resolution of the dispute, must serve findings on the General
17 Assembly and the labor organization involved, and must
18 publicize such findings by mailing them to all newspapers of
19 general circulation in the community. The fact-finder's
20 findings shall be advisory only and shall not be binding upon
21 the parties. If the parties do not accept the recommendations
22 of the fact-finder as the basis for settlement, or if the
23 fact-finder does not make written findings of facts and
24 recommendations for the resolution of the dispute and serve
25 and publicize such findings within 45 days of the date of
26 appointment, the parties may resume negotiations.

1 (c) The Office of State Legislative Labor Relations and
2 the labor organization that is certified as exclusive
3 representative or which is recognized as exclusive
4 representative in any particular bargaining unit by the State
5 or political subdivision are the only proper parties to the
6 fact-finding proceedings.

7 Section 70. Act takes precedence.

8 (a) In case of any conflict between the provisions of this
9 Act and any other law (other than Section 5 of the State
10 Employees Group Insurance Act of 1971 and other than the
11 changes made to the Illinois Pension Code by Public Act
12 96-889), executive order, or administrative regulation
13 relating to wages, hours, and conditions of employment and
14 employment relations, the provisions of this Act or any
15 collective bargaining agreement negotiated thereunder shall
16 prevail and control. The provisions of this Act are subject to
17 Section 5 of the State Employees Group Insurance Act of 1971.

18 (b) Except as provided in subsection (a), any collective
19 bargaining agreement between the General Assembly and a labor
20 organization executed pursuant to this Act shall supersede any
21 contrary statutes, charters, ordinances, rules, or regulations
22 relating to wages, hours, and conditions of employment and
23 employment relations adopted by the General Assembly or its
24 agents.

1 Section 75. Exhaustion of nonjudicial remedies. After the
2 exhaustion of any procedures mandated by a collective
3 bargaining agreement, suits for violation of agreements
4 between the General Assembly and a labor organization
5 representing legislative employees may be brought by the
6 parties to such agreement in the circuit court of Cook County
7 or Sangamon County.

8 Section 80. Right to strike.

9 (a) Nothing in this Act makes it unlawful or makes it an
10 unfair labor practice for legislative employees to strike
11 except as otherwise provided in this Act. Legislative
12 employees who are permitted to strike may strike only if:

13 (1) the employees are represented by an exclusive
14 bargaining representative;

15 (2) the collective bargaining agreement entered into
16 on behalf of the General Assembly and the legislative
17 employees, if any, has expired, or such collective
18 bargaining agreement does not prohibit the strike;

19 (3) the exclusive representative has requested a
20 mediator pursuant to Section 60 for the purpose of
21 mediation or conciliation of a dispute between the General
22 Assembly and the exclusive representative and mediation
23 has been used;

24 (4) the strike does not occur in any month in which one
25 or more legislative session days are scheduled and does

1 not otherwise interfere with the essential operation of
2 the General Assembly; and

3 (5) at least 5 days have elapsed after a notice of
4 intent to strike has been given by the exclusive
5 bargaining representative to the Office of State
6 Legislative Labor Relations.

7 In mediation under this Section, if either party requests
8 the use of mediation services from the Federal Mediation and
9 Conciliation Service, the other party shall either join in
10 such request or bear the additional cost of mediation services
11 from another source. As used in this Section, "legislative
12 session day" does not include a day that is solely a
13 perfunctory session day or a day when only a legislative
14 committee is meeting.

15 (b) A legislative employee who participates in a strike, a
16 work stoppage, or a work slowdown against the General
17 Assembly, in violation of this Section shall be subject to
18 discipline by the employing entity of the General Assembly.

19 Section 85. Prohibitions. Nothing in this Act shall be
20 construed to require an individual legislative employee to
21 render labor or service without the legislative employee's
22 consent; nor shall anything in this Act be construed to make
23 the quitting of employment by an individual legislative
24 employee an illegal act; nor shall any court issue any process
25 to compel the performance by an individual legislative

1 employee of such labor or service, without the employee's
2 consent; nor shall the quitting of labor by a legislative
3 employee or legislative employees in good faith because of
4 abnormally dangerous conditions for work at the place of
5 employment of such employee be deemed a strike under this Act.

6 Section 90. Multiyear collective bargaining agreements.
7 Subject to the appropriation power of the General Assembly,
8 the Office of State Legislative Labor Relations and exclusive
9 representatives may negotiate multiyear collective bargaining
10 agreements pursuant to the provisions of this Act.

11 Section 95. Meetings. The provisions of the Open Meetings
12 Act do not apply to collective bargaining negotiations and
13 grievance arbitration conducted pursuant to this Act.

14 Section 100. Waiver of sovereign immunity. For purposes of
15 this Act, the State of Illinois waives sovereign immunity.

16 Section 105. Application of Labor Dispute Act. The
17 provisions of the Labor Dispute Act apply.

18 Section 900. The Criminal Code of 2012 is amended by
19 changing Section 33G-4 as follows:

20 (720 ILCS 5/33G-4)

1 (Section scheduled to be repealed on June 1, 2025)

2 Sec. 33G-4. Prohibited activities.

3 (a) It is unlawful for any person, who intentionally
4 participates in the operation or management of an enterprise,
5 directly or indirectly, to:

6 (1) knowingly do so, directly or indirectly, through a
7 pattern of predicate activity;

8 (2) knowingly cause another to violate this Article;
9 or

10 (3) knowingly conspire to violate this Article.

11 Notwithstanding any other provision of law, in any
12 prosecution for a conspiracy to violate this Article, no
13 person may be convicted of that conspiracy unless an overt act
14 in furtherance of the agreement is alleged and proved to have
15 been committed by him, her, or by a coconspirator, but the
16 commission of the overt act need not itself constitute
17 predicate activity underlying the specific violation of this
18 Article.

19 (b) It is unlawful for any person knowingly to acquire or
20 maintain, directly or indirectly, through a pattern of
21 predicate activity any interest in, or control of, to any
22 degree, any enterprise, real property, or personal property of
23 any character, including money.

24 (c) Nothing in this Article shall be construed as to make
25 unlawful any activity which is arguably protected or
26 prohibited by the National Labor Relations Act, the Illinois

1 Educational Labor Relations Act, the Legislative Employee
2 Labor Relations Act, the Illinois Public Labor Relations Act,
3 or the Railway Labor Act.

4 (d) The following organizations, and any officer or agent
5 of those organizations acting in his or her official capacity
6 as an officer or agent, may not be sued in civil actions under
7 this Article:

8 (1) a labor organization; or

9 (2) any business defined in Division D, E, F, G, H, or
10 I of the Standard Industrial Classification as established
11 by the Occupational Safety and Health Administration, U.S.
12 Department of Labor.

13 (e) Any person prosecuted under this Article may be
14 convicted and sentenced either:

15 (1) for the offense of conspiring to violate this
16 Article, and for any other particular offense or offenses
17 that may be one of the objects of a conspiracy to violate
18 this Article; or

19 (2) for the offense of violating this Article, and for
20 any other particular offense or offenses that may
21 constitute predicate activity underlying a violation of
22 this Article.

23 (f) The State's Attorney, or a person designated by law to
24 act for him or her and to perform his or her duties during his
25 or her absence or disability, may authorize a criminal
26 prosecution under this Article. Prior to any State's Attorney

1 authorizing a criminal prosecution under this Article, the
2 State's Attorney shall adopt rules and procedures governing
3 the investigation and prosecution of any offense enumerated in
4 this Article. These rules and procedures shall set forth
5 guidelines which require that any potential prosecution under
6 this Article be subject to an internal approval process in
7 which it is determined, in a written prosecution memorandum
8 prepared by the State's Attorney's Office, that (1) a
9 prosecution under this Article is necessary to ensure that the
10 indictment adequately reflects the nature and extent of the
11 criminal conduct involved in a way that prosecution only on
12 the underlying predicate activity would not, and (2) a
13 prosecution under this Article would provide the basis for an
14 appropriate sentence under all the circumstances of the case
15 in a way that a prosecution only on the underlying predicate
16 activity would not. No State's Attorney, or person designated
17 by law to act for him or her and to perform his or her duties
18 during his or her absence or disability, may authorize a
19 criminal prosecution under this Article prior to reviewing the
20 prepared written prosecution memorandum. However, any internal
21 memorandum shall remain protected from disclosure under the
22 attorney-client privilege, and this provision does not create
23 any enforceable right on behalf of any defendant or party, nor
24 does it subject the exercise of prosecutorial discretion to
25 judicial review.

26 (g) A labor organization and any officer or agent of that

1 organization acting in his or her capacity as an officer or
2 agent of the labor organization are exempt from prosecution
3 under this Article.

4 (Source: P.A. 97-686, eff. 6-11-12; 98-463, eff. 8-16-13.)

5 Section 905. The State Lawsuit Immunity Act is amended by
6 changing Section 1 as follows:

7 (745 ILCS 5/1) (from Ch. 127, par. 801)

8 Sec. 1. Except as provided in the Illinois Public Labor
9 Relations Act, the Legislative Employee Labor Relations Act,
10 the Court of Claims Act, the State Officials and Employees
11 Ethics Act, and Section 1.5 of this Act, the State of Illinois
12 shall not be made a defendant or party in any court.

13 (Source: P.A. 97-618, eff. 10-26-11.)

14 Section 910. The Workplace Violence Prevention Act is
15 amended by changing Section 120 as follows:

16 (820 ILCS 275/120)

17 Sec. 120. Exemptions.

18 (a) The court may not enter a workplace protection
19 restraining order that enjoins the following activities:

20 (1) lawful monitoring of compliance with public or
21 worker safety laws, wage and hour requirements, or other
22 statutory workplace requirements;

1 (2) lawful picketing, patrolling, using a banner, or
2 other lawful protesting at the workplace which arises out
3 of a bona fide labor dispute; and

4 (3) engaging in concerted and protected activities as
5 defined in applicable labor law.

6 (b) As used in this Section, "bona fide labor dispute"
7 means any activity recognized as a labor dispute by the
8 National Labor Relations Act, the Illinois Public Labor
9 Relations Act, the Legislative Employee Labor Relations Act,
10 or the Illinois Educational Labor Relations Act, and includes
11 a controversy concerning: wages, salaries, hours, working
12 conditions, or benefits, including health and welfare, sick
13 leave, insurance, and pension or retirement provisions; the
14 terms to be included in collective bargaining agreements; and
15 the making, maintaining, administering, and filing of protests
16 or grievances under a collective bargaining agreement.

17 (Source: P.A. 98-766, eff. 7-16-14.)

18 Section 995. Severability. The provisions of this Act are
19 severable under Section 1.31 of the Statute on Statutes.

20 Section 999. Effective date. This Act takes effect July 1,
21 2026, except that this Section and Section 25 take effect on
22 July 1, 2025.