

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Public Labor Relations Act is
5 amended by changing Sections 5 and 11 as follows:

6 (5 ILCS 315/5) (from Ch. 48, par. 1605)

7 Sec. 5. Illinois Labor Relations Board; State Panel; Local
8 Panel.

9 (a) There is created the Illinois Labor Relations Board.
10 The Board shall be comprised of 2 panels, to be known as the
11 State Panel and the Local Panel.

12 (a-5) The State Panel shall have jurisdiction over
13 collective bargaining matters between employee organizations
14 and the State of Illinois, excluding the General Assembly of
15 the State of Illinois, between employee organizations and
16 units of local government and school districts with a
17 population not in excess of 2 million persons, and between
18 employee organizations and the Regional Transportation
19 Authority.

20 The State Panel shall consist of 5 members appointed by
21 the Governor, with the advice and consent of the Senate. The
22 Governor shall appoint to the State Panel only persons who
23 have had a minimum of 5 years of experience directly related to

1 labor and employment relations in representing public
2 employers, private employers or labor organizations; or
3 teaching labor or employment relations; or administering
4 executive orders or regulations applicable to labor or
5 employment relations. At the time of his or her appointment,
6 each member of the State Panel shall be an Illinois resident.
7 The Governor shall designate one member to serve as the
8 Chairman of the State Panel and the Board.

9 Notwithstanding any other provision of this Section, the
10 term of each member of the State Panel who was appointed by the
11 Governor and is in office on June 30, 2003 shall terminate at
12 the close of business on that date or when all of the successor
13 members to be appointed pursuant to this amendatory Act of the
14 93rd General Assembly have been appointed by the Governor,
15 whichever occurs later. As soon as possible, the Governor
16 shall appoint persons to fill the vacancies created by this
17 amendatory Act.

18 The initial appointments under this amendatory Act of the
19 93rd General Assembly shall be for terms as follows: The
20 Chairman shall initially be appointed for a term ending on the
21 4th Monday in January, 2007; 2 members shall be initially
22 appointed for terms ending on the 4th Monday in January, 2006;
23 one member shall be initially appointed for a term ending on
24 the 4th Monday in January, 2005; and one member shall be
25 initially appointed for a term ending on the 4th Monday in
26 January, 2004. Each subsequent member shall be appointed for a

1 term of 4 years, commencing on the 4th Monday in January. Upon
2 expiration of the term of office of any appointive member,
3 that member shall continue to serve until a successor shall be
4 appointed and qualified. In case of a vacancy, a successor
5 shall be appointed to serve for the unexpired portion of the
6 term. If the Senate is not in session at the time the initial
7 appointments are made, the Governor shall make temporary
8 appointments in the same manner successors are appointed to
9 fill vacancies. A temporary appointment shall remain in effect
10 no longer than 20 calendar days after the commencement of the
11 next Senate session.

12 (b) The Local Panel shall have jurisdiction over
13 collective bargaining agreement matters between employee
14 organizations and units of local government with a population
15 in excess of 2 million persons, but excluding the Regional
16 Transportation Authority.

17 The Local Panel shall consist of one person appointed by
18 the Governor with the advice and consent of the Senate (or, if
19 no such person is appointed, the Chairman of the State Panel)
20 and two additional members, one appointed by the Mayor of the
21 City of Chicago and one appointed by the President of the Cook
22 County Board of Commissioners. Appointees to the Local Panel
23 must have had a minimum of 5 years of experience directly
24 related to labor and employment relations in representing
25 public employers, private employers or labor organizations; or
26 teaching labor or employment relations; or administering

1 executive orders or regulations applicable to labor or
2 employment relations. Each member of the Local Panel shall be
3 an Illinois resident at the time of his or her appointment. The
4 member appointed by the Governor (or, if no such person is
5 appointed, the Chairman of the State Panel) shall serve as the
6 Chairman of the Local Panel.

7 Notwithstanding any other provision of this Section, the
8 term of the member of the Local Panel who was appointed by the
9 Governor and is in office on June 30, 2003 shall terminate at
10 the close of business on that date or when his or her successor
11 has been appointed by the Governor, whichever occurs later. As
12 soon as possible, the Governor shall appoint a person to fill
13 the vacancy created by this amendatory Act. The initial
14 appointment under this amendatory Act of the 93rd General
15 Assembly shall be for a term ending on the 4th Monday in
16 January, 2007.

17 The initial appointments under this amendatory Act of the
18 91st General Assembly shall be for terms as follows: The
19 member appointed by the Governor shall initially be appointed
20 for a term ending on the 4th Monday in January, 2001; the
21 member appointed by the President of the Cook County Board
22 shall be initially appointed for a term ending on the 4th
23 Monday in January, 2003; and the member appointed by the Mayor
24 of the City of Chicago shall be initially appointed for a term
25 ending on the 4th Monday in January, 2004. Each subsequent
26 member shall be appointed for a term of 4 years, commencing on

1 the 4th Monday in January. Upon expiration of the term of
2 office of any appointive member, the member shall continue to
3 serve until a successor shall be appointed and qualified. In
4 the case of a vacancy, a successor shall be appointed by the
5 applicable appointive authority to serve for the unexpired
6 portion of the term.

7 (c) Three members of the State Panel shall at all times
8 constitute a quorum. Two members of the Local Panel shall at
9 all times constitute a quorum. A vacancy on a panel does not
10 impair the right of the remaining members to exercise all of
11 the powers of that panel. Each panel shall adopt an official
12 seal which shall be judicially noticed. The salary of the
13 Chairman of the State Panel shall be \$82,429 per year, or as
14 set by the Compensation Review Board, whichever is greater,
15 and that of the other members of the State and Local Panels
16 shall be \$74,188 per year, or as set by the Compensation Review
17 Board, whichever is greater.

18 (d) Each member shall devote his or her entire time to the
19 duties of the office, and shall hold no other office or
20 position of profit, nor engage in any other business,
21 employment, or vocation. No member shall hold any other public
22 office or be employed as a labor or management representative
23 by the State or any political subdivision of the State or of
24 any department or agency thereof, or actively represent or act
25 on behalf of an employer or an employee organization or an
26 employer in labor relations matters. Any member of the State

1 Panel may be removed from office by the Governor for
2 inefficiency, neglect of duty, misconduct or malfeasance in
3 office, and for no other cause, and only upon notice and
4 hearing. Any member of the Local Panel may be removed from
5 office by the applicable appointive authority for
6 inefficiency, neglect of duty, misconduct or malfeasance in
7 office, and for no other cause, and only upon notice and
8 hearing.

9 (e) Each panel at the end of every State fiscal year shall
10 make a report in writing to the Governor and the General
11 Assembly, stating in detail the work it has done to carry out
12 the policy of the Act in hearing and deciding cases and
13 otherwise. Each panel's report shall include:

14 (1) the number of unfair labor practice charges filed
15 during the fiscal year;

16 (2) the number of unfair labor practice charges
17 resolved during the fiscal year;

18 (3) the total number of unfair labor charges pending
19 before the Board at the end of the fiscal year;

20 (4) the number of unfair labor charge cases at the end
21 of the fiscal year that have been pending before the Board
22 between 1 and 100 days, 101 and 150 days, 151 and 200 days,
23 201 and 250 days, 251 and 300 days, 301 and 350 days, 351
24 and 400 days, 401 and 450 days, 451 and 500 days, 501 and
25 550 days, 551 and 600 days, 601 and 650 days, 651 and 700
26 days, and over 701 days;

1 (5) the number of representation cases and unit
2 clarification cases filed during the fiscal year;

3 (6) the number of representation cases and unit
4 clarification cases resolved during the fiscal year;

5 (7) the total number of representation cases and unit
6 clarification cases pending before the Board at the end of
7 the fiscal year;

8 (8) the number of representation cases and unit
9 clarification cases at the end of the fiscal year that
10 have been pending before the Board between 1 and 120 days,
11 121 and 180 days, and over 180 days; and

12 (9) the Board's progress in meeting the timeliness
13 goals established pursuant to the criteria in subsection
14 (j) of Section 11 of this Act; the report shall include,
15 but is not limited to:

16 (A) the average number of days taken to complete
17 investigations and issue complaints, dismissals, or
18 deferrals;

19 (B) the average number of days taken for the Board
20 to issue decisions on appeals of dismissals or
21 deferrals;

22 (C) the average number of days taken to schedule a
23 hearing on complaints once issued;

24 (D) the average number of days taken to issue a
25 recommended decision and order once the record is
26 closed;

1 (E) the average number of days taken for the Board
2 to issue final decisions on recommended decisions
3 where exceptions have been filed;

4 (F) the average number of days taken for the Board
5 to issue final decision on recommended decisions when
6 no exceptions have been filed; and

7 (G) in cases where the Board was unable to meet the
8 timeliness goals established in subsection (j) of
9 Section 11, an explanation as to why the goal was not
10 met.

11 (f) In order to accomplish the objectives and carry out
12 the duties prescribed by this Act, a panel or its authorized
13 designees may hold elections to determine whether a labor
14 organization has majority status; investigate and attempt to
15 resolve or settle charges of unfair labor practices; hold
16 hearings in order to carry out its functions; develop and
17 effectuate appropriate impasse resolution procedures for
18 purposes of resolving labor disputes; require the appearance
19 of witnesses and the production of evidence on any matter
20 under inquiry; and administer oaths and affirmations. The
21 panels shall sign and report in full an opinion in every case
22 which they decide.

23 (g) Each panel may appoint or employ an executive
24 director, attorneys, hearing officers, mediators,
25 fact-finders, arbitrators, and such other employees as it may
26 deem necessary to perform its functions. The governing boards

1 shall prescribe the duties and qualifications of such persons
2 appointed and, subject to the annual appropriation, fix their
3 compensation and provide for reimbursement of actual and
4 necessary expenses incurred in the performance of their
5 duties. The Board shall employ a minimum of 16 attorneys and 6
6 investigators.

7 (h) Each panel shall exercise general supervision over all
8 attorneys which it employs and over the other persons employed
9 to provide necessary support services for such attorneys. The
10 panels shall have final authority in respect to complaints
11 brought pursuant to this Act.

12 (i) The following rules and regulations shall be adopted
13 by the panels meeting in joint session: (1) procedural rules
14 and regulations which shall govern all Board proceedings; (2)
15 procedures for election of exclusive bargaining
16 representatives pursuant to Section 9, except for the
17 determination of appropriate bargaining units; and (3)
18 appointment of counsel pursuant to subsection (k) of this
19 Section.

20 (j) Rules and regulations may be adopted, amended or
21 rescinded only upon a vote of 5 of the members of the State and
22 Local Panels meeting in joint session. The adoption, amendment
23 or rescission of rules and regulations shall be in conformity
24 with the requirements of the Illinois Administrative Procedure
25 Act.

26 (k) The panels in joint session shall promulgate rules and

1 regulations providing for the appointment of attorneys or
2 other Board representatives to represent persons in unfair
3 labor practice proceedings before a panel. The regulations
4 governing appointment shall require the applicant to
5 demonstrate an inability to pay for or inability to otherwise
6 provide for adequate representation before a panel. Such rules
7 must also provide: (1) that an attorney may not be appointed in
8 cases which, in the opinion of a panel, are clearly without
9 merit; (2) the stage of the unfair labor proceeding at which
10 counsel will be appointed; and (3) the circumstances under
11 which a client will be allowed to select counsel.

12 (1) The panels in joint session may promulgate rules and
13 regulations which allow parties in proceedings before a panel
14 to be represented by counsel or any other representative of
15 the party's choice.

16 (m) The Chairman of the State Panel shall serve as
17 Chairman of a joint session of the panels. Attendance of at
18 least 2 members of the State Panel and at least one member of
19 the Local Panel, in addition to the Chairman, shall constitute
20 a quorum at a joint session. The panels shall meet in joint
21 session at least annually.

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

23 (5 ILCS 315/11) (from Ch. 48, par. 1611)

24 Sec. 11. Unfair labor practice procedures. Unfair labor
25 practices may be dealt with by the Board in the following

1 manner:

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

1 complaint and to appear in person or by a representative and
2 give testimony at the place and time fixed in the complaint. In
3 the discretion of the member or hearing officer conducting the
4 hearing or the Board, any other person may be allowed to
5 intervene in the proceeding and to present testimony. In any
6 hearing conducted by the Board, neither the Board nor the
7 member or agent conducting the hearing shall be bound by the
8 rules of evidence applicable to courts, except as to the rules
9 of privilege recognized by law.

10 (b) The Board shall have the power to issue subpoenas and
11 administer oaths. If any party wilfully fails or neglects to
12 appear or testify or to produce books, papers and records
13 pursuant to the issuance of a subpoena by the Board, the Board
14 may apply to a court of competent jurisdiction to request that
15 such party be ordered to appear before the Board to testify or
16 produce the requested evidence.

17 (c) Any testimony taken by the Board, or a member
18 designated by the Board or a hearing officer thereof, must be
19 reduced to writing and filed with the Board. A full and
20 complete record shall be kept of all proceedings before the
21 Board, and all proceedings shall be transcribed by a reporter
22 appointed by the Board. The party on whom the burden of proof
23 rests shall be required to sustain such burden by a
24 preponderance of the evidence. If, upon a preponderance of the
25 evidence taken, the Board is of the opinion that any person
26 named in the charge has engaged in or is engaging in an unfair

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

26 (d) Until the record in a case has been filed in court, the

1 Board at any time, upon reasonable notice and in such manner as
2 it deems proper, may modify or set aside, in whole or in part,
3 any finding or order made or issued by it.

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

26 (f) Whenever it appears that any person has violated a

1 final order of the Board issued pursuant to this Section, the
2 Board must commence an action in the name of the People of the
3 State of Illinois by petition, alleging the violation,
4 attaching a copy of the order of the Board, and praying for the
5 issuance of an order directing the person, his officers,
6 agents, servants, successors, and assigns to comply with the
7 order of the Board. The Board shall be represented in this
8 action by the Attorney General in accordance with the Attorney
9 General Act. The court may grant or refuse, in whole or in
10 part, the relief sought, provided that the court may stay an
11 order of the Board in accordance with the Administrative
12 Review Law, pending disposition of the proceedings. The court
13 may punish a violation of its order as in civil contempt.

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

20 (h) The Board through the Attorney General, shall have
21 power, upon issuance of an unfair labor practice complaint
22 alleging that a person has engaged in or is engaging in an
23 unfair labor practice, to petition the circuit court where the
24 alleged unfair labor practice which is the subject of the
25 Board's complaint was allegedly committed, or where a person
26 required to cease and desist from such alleged unfair labor

1 practice resides or transacts business, for appropriate
2 temporary relief or restraining order. Upon the filing of any
3 such petition, the court shall cause notice thereof to be
4 served upon such persons, and thereupon shall have
5 jurisdiction to grant to the Board such temporary relief or
6 restraining order as it deems just and proper.

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

13 (j) To effectuate this Act's policy, the Board shall adopt
14 goals (i) to ensure effective enforcement of this Act through
15 timely and quality consideration and resolution of unfair
16 labor practices with appropriate remedies and (ii) to protect
17 employee free choice with timely and effective mechanisms to
18 resolve questions concerning representation. To measure and
19 report on its success in achieving these goals, the Board
20 shall also adopt the following timeliness goals for the
21 processing of unfair labor practice charges filed under
22 Section 10:

23 (1) Complete the investigation and issue a complaint,
24 dismissal, or deferral within 100 days of the charges
25 being filed. If the dismissal or deferral is appealed to
26 the Board, issue Board decisions within 90 days of the

1 completion of the Board's process for filing appeals.

2 (2) Upon the issuance of complaints for hearing: (i)
3 schedule hearings to begin within 60 days of a complaint's
4 issuance; (ii) issue recommended decisions and orders
5 within 120 days of the close of the record; and (iii) if
6 exceptions to recommended decisions and orders are filed,
7 issue Board decisions within 90 days of the completion of
8 the Board's process for filing exceptions.

9 (Source: P.A. 100-516, eff. 9-22-17.)

10 Section 10. The Illinois Educational Labor Relations Act
11 is amended by changing Sections 5 and 15 as follows:

12 (115 ILCS 5/5) (from Ch. 48, par. 1705)

13 Sec. 5. Illinois Educational Labor Relations Board.

14 (a) There is hereby created the Illinois Educational Labor
15 Relations Board.

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

24 The term of each appointed member of the Board who is in

1 office on June 30, 2003 shall terminate at the close of
2 business on that date or when all of the new members to be
3 initially appointed under this amendatory Act of the 93rd
4 General Assembly have been appointed by the Governor,
5 whichever occurs later.

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

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

20 Of the initial members appointed pursuant to this
21 amendatory Act of the 93rd General Assembly, 2 shall be
22 designated at the time of appointment to serve a term of 6
23 years, 2 shall be designated at the time of appointment to
24 serve a term of 4 years, and the other shall be designated at
25 the time of his or her appointment to serve a term of 4 years,
26 with each to serve until his or her successor is appointed and

1 qualified.

2 Each subsequent member shall be appointed in like manner
3 for a term of 6 years and until his or her successor is
4 appointed and qualified. Each member of the Board is eligible
5 for reappointment. Vacancies shall be filled in the same
6 manner as original appointments for the balance of the
7 unexpired term.

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

15 Each member shall devote his entire time to the duties of
16 the office, and shall hold no other office or position of
17 profit, nor engage in any other business, employment or
18 vocation.

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

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

25 (f) The Board may appoint or employ an executive director,
26 attorneys, hearing officers, and such other employees as it

1 deems necessary to perform its functions, except that the
2 Board shall employ a minimum of 8 attorneys and 5
3 investigators. The Board shall prescribe the duties and
4 qualifications of such persons appointed and, subject to the
5 annual appropriation, fix their compensation and provide for
6 reimbursement of actual and necessary expenses incurred in the
7 performance of their duties.

8 (g) The Board may promulgate rules and regulations which
9 allow parties in proceedings before the Board to be
10 represented by counsel or any other person knowledgeable in
11 the matters under consideration.

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

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

24 Any subpoena, notice of hearing, or other process or
25 notice of the Board issued under the provisions of this Act may
26 be served by one of the methods permitted in the Board's rules.

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

5 (j) The Board at the end of every State fiscal year shall
6 make a report in writing to the Governor and the General
7 Assembly, stating in detail the work it has done to carry out
8 the policy of the Act in hearing and deciding cases and
9 otherwise. The Board's report shall include:

10 (1) the number of unfair labor practice charges filed
11 during the fiscal year;

12 (2) the number of unfair labor practice charges
13 resolved during the fiscal year;

14 (3) the total number of unfair labor charges pending
15 before the Board at the end of the fiscal year;

16 (4) the number of unfair labor charge cases at the end
17 of the fiscal year that have been pending before the Board
18 between 1 and 100 days, 101 and 150 days, 151 and 200 days,
19 201 and 250 days, 251 and 300 days, 301 and 350 days, 351
20 and 400 days, 401 and 450 days, 451 and 500 days, 501 and
21 550 days, 551 and 600 days, 601 and 650 days, 651 and 700
22 days, and over 701 days;

23 (5) the number of representation cases and unit
24 clarification cases filed during the fiscal year;

25 (6) the number of representation cases and unit
26 clarification cases resolved during the fiscal year;

1 (7) the total number of representation cases and unit
2 clarification cases pending before the Board at the end of
3 the fiscal year;

4 (8) the number of representation cases and unit
5 clarification cases at the end of the fiscal year that
6 have been pending before the Board between 1 and 120 days,
7 121 and 180 days, and over 180 days; and

8 (9) the Board's progress in meeting the timeliness
9 goals established pursuant to the criteria in Section 15
10 of this Act; the report shall include, but is not limited
11 to:

12 (A) the average number of days taken to complete
13 investigations and issue complaints, dismissals or
14 deferrals;

15 (B) the average number of days taken for the Board
16 to issue decisions on appeals of dismissals or
17 deferrals;

18 (C) the average number of days taken to schedule a
19 hearing on complaints once issued;

20 (D) the average number of days taken to issue a
21 recommended decision and order once the record is
22 closed;

23 (E) the average number of days taken for the Board
24 to issue final decisions on recommended decisions
25 where exceptions have been filed;

26 (F) the average number of days taken for the Board

1 to issue final decision on recommended decisions when
2 no exceptions have been filed; and

3 (G) in cases where the Board was unable to meet the
4 timeliness goals established in Section 15, an
5 explanation as to why the goal was not met.

6 (Source: P.A. 102-797, eff. 1-1-23.)

7 (115 ILCS 5/15) (from Ch. 48, par. 1715)

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

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

1 documents.

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

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

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

5 To effectuate this Act's policy, the Board shall adopt
6 goals (i) to ensure effective enforcement of this Act through
7 timely and quality consideration and resolution of unfair
8 labor practices with appropriate remedies and (ii) to protect
9 employee free choice with timely and effective mechanisms to
10 resolve questions concerning representation. To measure and
11 report on its success in achieving these goals, the Board
12 shall also adopt the following timeliness goals for the
13 processing of unfair labor practice charges filed under
14 Section 14:

15 (1) Complete the investigation and issue a complaint,
16 dismissal, or deferral within 100 days of the charges
17 being filed. If the dismissal or deferral is appealed to
18 the Board, issue Board decisions within 90 days of the
19 completion of the Board's process for filing appeals.

20 (2) Upon the issuance of complaints for hearing: (i)
21 schedule hearings to begin within 60 days of a complaint's
22 issuance; (ii) issue recommended decisions and orders
23 within 120 days of the close of the record; and (iii) if
24 exceptions to recommended decisions and orders are filed,
25 issue Board decisions within 90 days of the completion of
26 the Board's process for filing exceptions.

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