



Rep. Jay Hoffman

Filed: 4/18/2024

10300HB5324ham001

LRB103 38896 BDA 72561 a

1 AMENDMENT TO HOUSE BILL 5324

2 AMENDMENT NO. _____. Amend House Bill 5324 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Labor Relations Act is
5 amended by changing Sections 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

1 population not in excess of 2 million persons, and between
2 employee organizations and the Regional Transportation
3 Authority.

4 The State Panel shall consist of 5 members appointed by
5 the Governor, with the advice and consent of the Senate. The
6 Governor shall appoint to the State Panel only persons who
7 have had a minimum of 5 years of experience directly related to
8 labor and employment relations in representing public
9 employers, private employers or labor organizations; or
10 teaching labor or employment relations; or administering
11 executive orders or regulations applicable to labor or
12 employment relations. At the time of his or her appointment,
13 each member of the State Panel shall be an Illinois resident.
14 The Governor shall designate one member to serve as the
15 Chairman of the State Panel and the Board.

16 Notwithstanding any other provision of this Section, the
17 term of each member of the State Panel who was appointed by the
18 Governor and is in office on June 30, 2003 shall terminate at
19 the close of business on that date or when all of the successor
20 members to be appointed pursuant to this amendatory Act of the
21 93rd General Assembly have been appointed by the Governor,
22 whichever occurs later. As soon as possible, the Governor
23 shall appoint persons to fill the vacancies created by this
24 amendatory Act.

25 The initial appointments under this amendatory Act of the
26 93rd General Assembly shall be for terms as follows: The

1 Chairman shall initially be appointed for a term ending on the
2 4th Monday in January, 2007; 2 members shall be initially
3 appointed for terms ending on the 4th Monday in January, 2006;
4 one member shall be initially appointed for a term ending on
5 the 4th Monday in January, 2005; and one member shall be
6 initially appointed for a term ending on the 4th Monday in
7 January, 2004. Each subsequent member shall be appointed for a
8 term of 4 years, commencing on the 4th Monday in January. Upon
9 expiration of the term of office of any appointive member,
10 that member shall continue to serve until a successor shall be
11 appointed and qualified. In case of a vacancy, a successor
12 shall be appointed to serve for the unexpired portion of the
13 term. If the Senate is not in session at the time the initial
14 appointments are made, the Governor shall make temporary
15 appointments in the same manner successors are appointed to
16 fill vacancies. A temporary appointment shall remain in effect
17 no longer than 20 calendar days after the commencement of the
18 next Senate session.

19 (b) The Local Panel shall have jurisdiction over
20 collective bargaining agreement matters between employee
21 organizations and units of local government with a population
22 in excess of 2 million persons, but excluding the Regional
23 Transportation Authority.

24 The Local Panel shall consist of one person appointed by
25 the Governor with the advice and consent of the Senate (or, if
26 no such person is appointed, the Chairman of the State Panel)

1 and two additional members, one appointed by the Mayor of the
2 City of Chicago and one appointed by the President of the Cook
3 County Board of Commissioners. Appointees to the Local Panel
4 must have had a minimum of 5 years of experience directly
5 related to labor and employment relations in representing
6 public employers, private employers or labor organizations; or
7 teaching labor or employment relations; or administering
8 executive orders or regulations applicable to labor or
9 employment relations. Each member of the Local Panel shall be
10 an Illinois resident at the time of his or her appointment. The
11 member appointed by the Governor (or, if no such person is
12 appointed, the Chairman of the State Panel) shall serve as the
13 Chairman of the Local Panel.

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

24 The initial appointments under this amendatory Act of the
25 91st General Assembly shall be for terms as follows: The
26 member appointed by the Governor shall initially be appointed

1 for a term ending on the 4th Monday in January, 2001; the
2 member appointed by the President of the Cook County Board
3 shall be initially appointed for a term ending on the 4th
4 Monday in January, 2003; and the member appointed by the Mayor
5 of the City of Chicago shall be initially appointed for a term
6 ending on the 4th Monday in January, 2004. Each subsequent
7 member shall be appointed for a term of 4 years, commencing on
8 the 4th Monday in January. Upon expiration of the term of
9 office of any appointive member, the member shall continue to
10 serve until a successor shall be appointed and qualified. In
11 the case of a vacancy, a successor shall be appointed by the
12 applicable appointive authority to serve for the unexpired
13 portion of the term.

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

25 (d) Each member shall devote his or her entire time to the
26 duties of the office, and shall hold no other office or

1 position of profit, nor engage in any other business,
2 employment, or vocation. No member shall hold any other public
3 office or be employed as a labor or management representative
4 by the State or any political subdivision of the State or of
5 any department or agency thereof, or actively represent or act
6 on behalf of an employer or an employee organization or an
7 employer in labor relations matters. Any member of the State
8 Panel may be removed from office by the Governor for
9 inefficiency, neglect of duty, misconduct or malfeasance in
10 office, and for no other cause, and only upon notice and
11 hearing. Any member of the Local Panel may be removed from
12 office by the applicable appointive authority for
13 inefficiency, neglect of duty, misconduct or malfeasance in
14 office, and for no other cause, and only upon notice and
15 hearing.

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

21 (1) the number of unfair labor practice charges filed
22 during the fiscal year;

23 (2) the number of unfair labor practice charges
24 resolved during the fiscal year;

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

1 (4) the number of unfair labor charge cases at the end
2 of the fiscal year that have been pending before the Board
3 between 1 and 100 days, 101 and 150 days, 151 and 200 days,
4 201 and 250 days, 251 and 300 days, 301 and 350 days, 351
5 and 400 days, 401 and 450 days, 451 and 500 days, 501 and
6 550 days, 551 and 600 days, 601 and 650 days, 651 and 700
7 days, and over 701 days;

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

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

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

15 (8) the number of representation cases and unit
16 clarification cases at the end of the fiscal year that
17 have been pending before the Board between 1 and 120 days,
18 121 and 180 days, and over 180 days; and

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

23 (A) the average number of days taken to complete
24 investigations and issue complaints, dismissals, or
25 deferrals;

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

1 to issue decisions on appeals of dismissals or
2 deferrals;

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

5 (D) the average number of days taken to issue a
6 recommended decision and order once the record is
7 closed;

8 (E) the average number of days taken for the Board
9 to issue final decisions on recommended decisions
10 where exceptions have been filed;

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

14 (G) in cases where the Board was unable to meet the
15 timeliness goals established in subsection (j) of
16 Section 11, an explanation as to why the goal was not
17 met.

18 (f) In order to accomplish the objectives and carry out
19 the duties prescribed by this Act, a panel or its authorized
20 designees may hold elections to determine whether a labor
21 organization has majority status; investigate and attempt to
22 resolve or settle charges of unfair labor practices; hold
23 hearings in order to carry out its functions; develop and
24 effectuate appropriate impasse resolution procedures for
25 purposes of resolving labor disputes; require the appearance
26 of witnesses and the production of evidence on any matter

1 under inquiry; and administer oaths and affirmations. The
2 panels shall sign and report in full an opinion in every case
3 which they decide.

4 (g) Each panel may appoint or employ an executive
5 director, attorneys, hearing officers, mediators,
6 fact-finders, arbitrators, and such other employees as it may
7 deem necessary to perform its functions. The governing boards
8 shall prescribe the duties and qualifications of such persons
9 appointed and, subject to the annual appropriation, fix their
10 compensation and provide for reimbursement of actual and
11 necessary expenses incurred in the performance of their
12 duties. The Board shall employ a minimum of 16 attorneys and 6
13 investigators.

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

19 (i) The following rules and regulations shall be adopted
20 by the panels meeting in joint session: (1) procedural rules
21 and regulations which shall govern all Board proceedings; (2)
22 procedures for election of exclusive bargaining
23 representatives pursuant to Section 9, except for the
24 determination of appropriate bargaining units; and (3)
25 appointment of counsel pursuant to subsection (k) of this
26 Section.

1 (j) Rules and regulations may be adopted, amended or
2 rescinded only upon a vote of 5 of the members of the State and
3 Local Panels meeting in joint session. The adoption, amendment
4 or rescission of rules and regulations shall be in conformity
5 with the requirements of the Illinois Administrative Procedure
6 Act.

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

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

23 (m) The Chairman of the State Panel shall serve as
24 Chairman of a joint session of the panels. Attendance of at
25 least 2 members of the State Panel and at least one member of
26 the Local Panel, in addition to the Chairman, shall constitute

1 a quorum at a joint session. The panels shall meet in joint
2 session at least annually.

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

4 (5 ILCS 315/11) (from Ch. 48, par. 1611)

5 Sec. 11. Unfair labor practice procedures. Unfair labor
6 practices may be dealt with by the Board in the following
7 manner:

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

1 such a charge by reason of service in the armed forces, in
2 which event the six month period shall be computed from the
3 date of his discharge. Any such complaint may be amended by the
4 member or hearing officer conducting the hearing for the Board
5 in his discretion at any time prior to the issuance of an order
6 based thereon. The person who is the subject of the complaint
7 has the right to file an answer to the original or amended
8 complaint and to appear in person or by a representative and
9 give testimony at the place and time fixed in the complaint. In
10 the discretion of the member or hearing officer conducting the
11 hearing or the Board, any other person may be allowed to
12 intervene in the proceeding and to present testimony. In any
13 hearing conducted by the Board, neither the Board nor the
14 member or agent conducting the hearing shall be bound by the
15 rules of evidence applicable to courts, except as to the rules
16 of privilege recognized by law.

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

24 (c) Any testimony taken by the Board, or a member
25 designated by the Board or a hearing officer thereof, must be
26 reduced to writing and filed with the Board. A full and

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

1 allegations or denials without reasonable cause and found to
2 be untrue or has engaged in frivolous litigation for the
3 purpose of delay or needless increase in the cost of
4 litigation; the State of Illinois or any agency thereof shall
5 be subject to the provisions of this sentence in the same
6 manner as any other party.

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

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

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

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

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

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

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

20 (j) To effectuate this Act's policy, the Board shall adopt
21 goals (i) to ensure effective enforcement of this Act through
22 timely and quality consideration and resolution of unfair
23 labor practices with appropriate remedies and (ii) to protect
24 employee free choice with timely and effective mechanisms to
25 resolve questions concerning representation. To measure and
26 report on its success in achieving these goals, the Board

1 shall also adopt the following timeliness goals for the
2 processing of unfair labor practice charges filed under
3 Section 10:

4 (1) Complete the investigation and issue a complaint,
5 dismissal, or deferral within 100 days of the charges
6 being filed. If the dismissal or deferral is appealed to
7 the Board, issue Board decisions within 90 days of the
8 completion of the Board's process for filing appeals.

9 (2) Upon the issuance of complaints for hearing: (i)
10 schedule hearings to begin within 60 days of a complaint's
11 issuance; (ii) issue recommended decisions and orders
12 within 120 days of the close of the record; and (iii) if
13 exceptions to recommended decisions and orders are filed,
14 issue Board decisions within 90 days of the completion of
15 the Board's process for filing exceptions.

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

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

19 (115 ILCS 5/5) (from Ch. 48, par. 1705)

20 Sec. 5. Illinois Educational Labor Relations Board.

21 (a) There is hereby created the Illinois Educational Labor
22 Relations Board.

23 (a-5) Until July 1, 2003 or when all of the new members to
24 be initially appointed under this amendatory Act of the 93rd

1 General Assembly have been appointed by the Governor,
2 whichever occurs later, the Illinois Educational Labor
3 Relations Board shall consist of 7 members, no more than 4 of
4 whom may be of the same political party, who are residents of
5 Illinois appointed by the Governor with the advice and consent
6 of the Senate.

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

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

20 The Governor shall appoint to the Board only persons who
21 are residents of Illinois and have had a minimum of 5 years of
22 experience directly related to labor and employment relations
23 in representing educational employers or educational employees
24 in collective bargaining matters. One appointed member shall
25 be designated at the time of his or her appointment to serve as
26 chairman.

1 Of the initial members appointed pursuant to this
2 amendatory Act of the 93rd General Assembly, 2 shall be
3 designated at the time of appointment to serve a term of 6
4 years, 2 shall be designated at the time of appointment to
5 serve a term of 4 years, and the other shall be designated at
6 the time of his or her appointment to serve a term of 4 years,
7 with each to serve until his or her successor is appointed and
8 qualified.

9 Each subsequent member shall be appointed in like manner
10 for a term of 6 years and until his or her successor is
11 appointed and qualified. Each member of the Board is eligible
12 for reappointment. Vacancies shall be filled in the same
13 manner as original appointments for the balance of the
14 unexpired term.

15 (c) The chairman shall be paid \$50,000 per year, or an
16 amount set by the Compensation Review Board, whichever is
17 greater. Other members of the Board shall each be paid \$45,000
18 per year, or an amount set by the Compensation Review Board,
19 whichever is greater. They shall be entitled to reimbursement
20 for necessary traveling and other official expenditures
21 necessitated by their official duties.

22 Each member shall devote his entire time to the duties of
23 the office, and shall hold no other office or position of
24 profit, nor engage in any other business, employment or
25 vocation.

26 (d) Three members of the Board constitute a quorum and a

1 vacancy on the Board does not impair the right of the remaining
2 members to exercise all of the powers of the Board.

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

6 (f) The Board may appoint or employ an executive director,
7 attorneys, hearing officers, and such other employees as it
8 deems necessary to perform its functions, except that the
9 Board shall employ a minimum of 8 attorneys and 5
10 investigators. The Board shall prescribe the duties and
11 qualifications of such persons appointed and, subject to the
12 annual appropriation, fix their compensation and provide for
13 reimbursement of actual and necessary expenses incurred in the
14 performance of their duties.

15 (g) The Board may promulgate rules and regulations which
16 allow parties in proceedings before the Board to be
17 represented by counsel or any other person knowledgeable in
18 the matters under consideration.

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

24 In cases of neglect or refusal to obey a subpoena issued to
25 any person, the circuit court in the county in which the
26 investigation or the public hearing is taking place, upon

1 application by the Board, may issue an order requiring such
2 person to appear before the Board or any member or agent of the
3 Board to produce evidence or give testimony. A failure to obey
4 such order may be punished by the court as in civil contempt.

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

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

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

17 (1) the number of unfair labor practice charges filed
18 during the fiscal year;

19 (2) the number of unfair labor practice charges
20 resolved during the fiscal year;

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

23 (4) the number of unfair labor charge cases at the end
24 of the fiscal year that have been pending before the Board
25 between 1 and 100 days, 101 and 150 days, 151 and 200 days,
26 201 and 250 days, 251 and 300 days, 301 and 350 days, 351

1 and 400 days, 401 and 450 days, 451 and 500 days, 501 and
2 550 days, 551 and 600 days, 601 and 650 days, 651 and 700
3 days, and over 701 days;

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

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

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

11 (8) the number of representation cases and unit
12 clarification cases at the end of the fiscal year that
13 have been pending before the Board between 1 and 120 days,
14 121 and 180 days, and over 180 days; and

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

19 (A) the average number of days taken to complete
20 investigations and issue complaints, dismissals or
21 deferrals;

22 (B) the average number of days taken for the Board
23 to issue decisions on appeals of dismissals or
24 deferrals;

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

1 (D) the average number of days taken to issue a
2 recommended decision and order once the record is
3 closed;

4 (E) the average number of days taken for the Board
5 to issue final decisions on recommended decisions
6 where exceptions have been filed;

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

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

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

14 (115 ILCS 5/15) (from Ch. 48, par. 1715)

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

1 the charges.

2 The Board has the power to issue subpoenas and administer
3 oaths. If any party wilfully fails or neglects to appear or
4 testify or to produce books, papers and records pursuant to
5 subpoena issued by the Board, the Board shall apply to the
6 circuit court for an order to compel the attendance of the
7 party at the hearing to testify or produce requested
8 documents.

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

22 The Board may petition the circuit court of the county in
23 which the unfair labor practice in question occurred or where
24 the party charged with the unfair labor practice resides or
25 transacts business to enforce an order and for other relief
26 which may include, but is not limited to, injunctions. The

1 Board's order may in its discretion also include an
2 appropriate sanction, based on the Board's rules and
3 regulations, and the sanction may include an order to pay the
4 other party or parties' reasonable expenses including costs
5 and reasonable attorney's fee, if the other party has made
6 allegations or denials without reasonable cause and found to
7 be untrue or has engaged in frivolous litigation for the
8 purpose of delay or needless increase in the cost of
9 litigation; the State of Illinois or any agency thereof shall
10 be subject to the provisions of this sentence in the same
11 manner as any other party.

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

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

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

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