

1 AN ACT concerning labor relations.

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 Section 9 as follows:

6 (5 ILCS 315/9) (from Ch. 48, par. 1609)

7 Sec. 9. Elections; recognition.

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

10 (1) by a public employee or group of public
11 employees or any labor organization acting in their
12 behalf demonstrating that 30% of the public employees in
13 an appropriate unit (A) wish to be represented for the
14 purposes of collective bargaining by a labor
15 organization as exclusive representative, or (B)
16 asserting that the labor organization which has been
17 certified or is currently recognized by the public
18 employer as bargaining representative is no longer the
19 representative of the majority of public employees in the
20 unit; or

21 (2) by a public employer alleging that one or more
22 labor organizations have presented to it a claim that
23 they be recognized as the representative of a majority of
24 the public employees in an appropriate unit,

25 the Board shall investigate such petition, and if it has
26 reasonable cause to believe that a question of representation
27 exists, shall provide for an appropriate hearing upon due
28 notice. Such hearing shall be held at the offices of the
29 Board or such other location as the Board deems appropriate.
30 If it finds upon the record of the hearing that a question of
31 representation exists, it shall direct an election in

1 accordance with subsection (d) of this Section, which
2 election shall be held not later than 120 days after the date
3 the petition was filed regardless of whether that petition
4 was filed before or after the effective date of this
5 amendatory Act of 1987; provided, however, the Board may
6 extend the time for holding an election by an additional 60
7 days if, upon motion by a person who has filed a petition
8 under this Section or is the subject of a petition filed
9 under this Section and is a party to such hearing, or upon
10 the Board's own motion, the Board finds that good cause has
11 been shown for extending the election date; provided further,
12 that nothing in this Section shall prohibit the Board, in its
13 discretion, from extending the time for holding an election
14 for so long as may be necessary under the circumstances,
15 where the purpose for such extension is to permit resolution
16 by the Board of an unfair labor practice charge filed by one
17 of the parties to a representational proceeding against the
18 other based upon conduct which may either affect the
19 existence of a question concerning representation or have a
20 tendency to interfere with a fair and free election, where
21 the party filing the charge has not filed a request to
22 proceed with the election; and provided further that prior to
23 the expiration of the total time allotted for holding an
24 election, a person who has filed a petition under this
25 Section or is the subject of a petition filed under this
26 Section and is a party to such hearing or the Board, may move
27 for and obtain the entry of an order in the circuit court of
28 the county in which the majority of the public employees
29 sought to be represented by such person reside, such order
30 extending the date upon which the election shall be held.
31 Such order shall be issued by the circuit court only upon a
32 judicial finding that there has been a sufficient showing
33 that there is good cause to extend the election date beyond
34 such period and shall require the Board to hold the election

1 as soon as is feasible given the totality of the
2 circumstances. Such 120 day period may be extended one or
3 more times by the agreement of all parties to the hearing to
4 a date certain without the necessity of obtaining a court
5 order. Nothing in this Section prohibits the waiving of
6 hearings by stipulation for the purpose of a consent election
7 in conformity with the rules and regulations of the Board or
8 an election in a unit agreed upon by the parties. Other
9 interested employee organizations may intervene in the
10 proceedings in the manner and within the time period
11 specified by rules and regulations of the Board. Interested
12 parties who are necessary to the proceedings may also
13 intervene in the proceedings in the manner and within the
14 time period specified by the rules and regulations of the
15 Board.

16 (a-5) The Board shall designate a representative for
17 purposes of collective bargaining when the representative
18 demonstrates a showing of majority interest by employees in
19 the unit. If the parties to a dispute are without agreement
20 on the means to ascertain the choice, if any, of employee
21 organization as their representative, the Board shall
22 ascertain the employees' choice of employee organization, on
23 the basis of dues deduction authorization and other evidence,
24 or, if necessary, by conducting an election. If either party
25 provides to the Board, before the designation of a
26 representative, clear and convincing evidence that the dues
27 deduction authorizations, and other evidence upon which the
28 Board would otherwise rely to ascertain the employees' choice
29 of representative, are fraudulent or were obtained through
30 coercion, the Board shall promptly thereafter conduct an
31 election. The Board shall also investigate and consider a
32 party's allegations that the dues deduction authorizations
33 and other evidence submitted in support of a designation of
34 representative without an election were subsequently changed,

1 altered, withdrawn, or withheld as a result of employer
2 fraud, coercion, or any other unfair labor practice by the
3 employer. If the Board determines that a representative would
4 have had a majority interest but for the employer's fraud,
5 coercion, or unfair labor practice, it shall designate the
6 representative without conducting an election.

7 (b) The Board shall decide in each case, in order to
8 assure public 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
13 functions; degree of functional integration;
14 interchangeability and contact among employees; fragmentation
15 of employee groups; common supervision, wages, hours and
16 other working conditions of the employees involved; and the
17 desires of the employees. For purposes of this subsection,
18 fragmentation shall not be the sole or predominant factor
19 used by the Board in determining an appropriate bargaining
20 unit. Except with respect to non-State fire fighters and
21 paramedics employed by fire departments and fire protection
22 districts, non-State peace officers and peace officers in the
23 State Department of State Police, a single bargaining unit
24 determined by the Board may not include both supervisors and
25 nonsupervisors, except for bargaining units in existence on
26 the effective date of this Act. With respect to non-State
27 fire fighters and paramedics employed by fire departments and
28 fire protection districts, non-State peace officers and peace
29 officers in the State Department of State Police, a single
30 bargaining unit determined by the Board may not include both
31 supervisors and nonsupervisors, except for bargaining units
32 in existence on the effective date of this amendatory Act of
33 1985.

34 In cases involving an historical pattern of recognition,

1 and in cases where the employer has recognized the union as
2 the sole and exclusive bargaining agent for a specified
3 existing unit, the Board shall find the employees in the unit
4 then represented by the union pursuant to the recognition to
5 be the appropriate unit.

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

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

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

24 (d) In instances where the employer does not voluntarily
25 recognize a labor organization as the exclusive bargaining
26 representative for a unit of employees, the Board shall
27 determine the majority representative of the public employees
28 in an appropriate collective bargaining unit by conducting a
29 secret ballot election, except as otherwise provided in
30 subsection (a-5). Within 7 days after the Board issues its
31 bargaining unit determination and direction of election or
32 the execution of a stipulation for the purpose of a consent
33 election, the public employer shall submit to the labor
34 organization the complete names and addresses of those

1 employees who are determined by the Board to be eligible to
2 participate in the election. When the Board has determined
3 that a labor organization has been fairly and freely chosen
4 by a majority of employees in an appropriate unit, it shall
5 certify such organization as the exclusive representative.
6 If the Board determines that a majority of employees in an
7 appropriate unit has fairly and freely chosen not to be
8 represented by a labor organization, it shall so certify. The
9 Board may also revoke the certification of the public
10 employee organizations as exclusive bargaining
11 representatives which have been found by a secret ballot
12 election to be no longer the majority representative.

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

30 (f) Nothing in this or any other Act prohibits
31 recognition of a labor organization as the exclusive
32 representative by a public employer by mutual consent of the
33 employer and the labor organization, provided that the labor
34 organization represents a majority of the public employees in

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

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

19 (h) No election shall be directed by the Board in any
20 bargaining unit where there is in force a valid collective
21 bargaining agreement. The Board, however, may process an
22 election petition filed between 90 and 60 days prior to the
23 expiration of the date of an agreement, and may further
24 refine, by rule or decision, the implementation of this
25 provision. No collective bargaining agreement bars an
26 election upon the petition of persons not parties thereto
27 where more than 3 years have elapsed since the effective date
28 of the agreement.

29 (i) An order of the Board dismissing a representation
30 petition, determining and certifying that a labor
31 organization has been fairly and freely chosen by a majority
32 of employees in an appropriate bargaining unit, determining
33 and certifying that a labor organization has not been fairly
34 and freely chosen by a majority of employees in the

1 bargaining unit or certifying a labor organization as the
2 exclusive representative of employees in an appropriate
3 bargaining unit because of a determination by the Board that
4 the labor organization is the historical bargaining
5 representative of employees in the bargaining unit, is a
6 final order. Any person aggrieved by any such order issued
7 on or after the effective date of this amendatory Act of 1987
8 may apply for and obtain judicial review in accordance with
9 provisions of the Administrative Review Law, as now or
10 hereafter amended, except that such review shall be afforded
11 directly in the Appellate Court for the district in which the
12 aggrieved party resides or transacts business. Any direct
13 appeal to the Appellate Court shall be filed within 35 days
14 from the date that a copy of the decision sought to be
15 reviewed was served upon the party affected by the decision.
16 (Source: P.A. 87-736; 88-1.)

17 Section 10. The Illinois Educational Labor Relations Act
18 is amended by changing Section 7 as follows:

19 (115 ILCS 5/7) (from Ch. 48, par. 1707)

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

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

26 The sole appropriate bargaining unit for academic faculty
27 at the University of Illinois shall be a unit that is
28 comprised of non-supervisory academic faculty employed more
29 than half-time and that includes all tenured, tenure-track,
30 and nontenure-track faculty employed by the board of trustees
31 of that University in all of its undergraduate, graduate, and
32 professional schools and degree and non-degree programs,
33 regardless of current or historical representation rights or
34 patterns or the application of any other factors. Any

1 decision, rule, or regulation, promulgated by the Board to
2 the contrary shall be null and void.

3 (b) An educational employer may voluntarily recognize a
4 labor organization for collective bargaining purposes if that
5 organization appears to represent a majority of employees in
6 the unit. The employer shall post notice of its intent to so
7 recognize for a period of at least 20 school days on bulletin
8 boards or other places used or reserved for employee notices.
9 Thereafter, the employer, if satisfied as to the majority
10 status of the employee organization, shall send written
11 notification of such recognition to the Board for
12 certification.

13 Within the 20 day notice period, however, any other
14 interested employee organization may petition the Board to
15 seek recognition as the exclusive representative of the unit
16 in the manner specified by rules and regulations prescribed
17 by the Board, if such interested employee organization has
18 been designated by at least 15% of the employees in an
19 appropriate bargaining unit which includes all or some of the
20 employees in the unit intended to be recognized by the
21 employer. In such event, the Board shall proceed with the
22 petition in the same manner as provided in paragraph (c) of
23 this Section.

24 (c) A labor organization may also gain recognition as
25 the exclusive representative by an election of the employees
26 in the unit. Petitions requesting an election may be filed
27 with the Board:

28 (1) by an employee or group of employees or any
29 labor organizations acting on their behalf alleging and
30 presenting evidence that 30% or more of the employees in
31 a bargaining unit wish to be represented for collective
32 bargaining or that the labor organization which has been
33 acting as the exclusive bargaining representative is no
34 longer representative of a majority of the employees in

1 the unit; or

2 (2) by an employer alleging that one or more labor
3 organizations have presented a claim to be recognized as
4 an exclusive bargaining representative of a majority of
5 the employees in an appropriate unit and that it doubts
6 the majority status of any of the organizations or that
7 it doubts the majority status of an exclusive bargaining
8 representative.

9 The Board shall investigate the petition and if it has
10 reasonable cause to suspect that a question of representation
11 exists, it shall give notice and conduct a hearing. If it
12 finds upon the record of the hearing that a question of
13 representation exists, it shall direct an election, which
14 shall be held no later than 90 days after the date the
15 petition was filed. Nothing prohibits the waiving of
16 hearings by the parties and the conduct of consent elections.

17 (c-5) The Board shall designate a representative for
18 purposes of collective bargaining when the representative
19 demonstrates a showing of majority interest by employees in
20 the unit. If the parties to a dispute are without agreement
21 on the means to ascertain the choice, if any, of employee
22 organization as their representative, the Board shall
23 ascertain the employees' choice of employee organization, on
24 the basis of dues deduction authorization and other evidence,
25 or, if necessary, by conducting an election. If either party
26 provides to the Board, before the designation of a
27 representative, clear and convincing evidence that the dues
28 deduction authorizations, and other evidence upon which the
29 Board would otherwise rely to ascertain the employees' choice
30 of representative, are fraudulent or were obtained through
31 coercion, the Board shall promptly thereafter conduct an
32 election. The Board shall also investigate and consider a
33 party's allegations that the dues deduction authorizations
34 and other evidence submitted in support of a designation of

1 representative without an election were subsequently changed,
2 altered, withdrawn, or withheld as a result of employer
3 fraud, coercion, or any other unfair labor practice by the
4 employer. If the Board determines that a representative would
5 have had a majority interest but for the employer's fraud,
6 coercion, or unfair labor practice, it shall designate the
7 representative without conducting an election.

8 (d) An order of the Board dismissing a representation
9 petition, determining and certifying that a labor
10 organization has been fairly and freely chosen by a majority
11 of employees in an appropriate bargaining unit, determining
12 and certifying that a labor organization has not been fairly
13 and freely chosen by a majority of employees in the
14 bargaining unit or certifying a labor organization as the
15 exclusive representative of employees in an appropriate
16 bargaining unit because of a determination by the Board that
17 the labor organization is the historical bargaining
18 representative of employees in the bargaining unit, is a
19 final order. Any person aggrieved by any such order issued
20 on or after the effective date of this amendatory Act of 1987
21 may apply for and obtain judicial review in accordance with
22 provisions of the Administrative Review Law, as now or
23 hereafter amended, except that such review shall be afforded
24 directly in the Appellate Court of a judicial district in
25 which the Board maintains an office. Any direct appeal to the
26 Appellate Court shall be filed within 35 days from the date
27 that a copy of the decision sought to be reviewed was served
28 upon the party affected by the decision.

29 No election may be conducted in any bargaining unit
30 during the term of a collective bargaining agreement covering
31 such unit or subdivision thereof, except the Board may direct
32 an election after the filing of a petition between January 15
33 and March 1 of the final year of a collective bargaining
34 agreement. Nothing in this Section prohibits the negotiation

1 of a collective bargaining agreement covering a period not
2 exceeding 3 years. A collective bargaining agreement of less
3 than 3 years may be extended up to 3 years by the parties if
4 the extension is agreed to in writing before the filing of a
5 petition under this Section. In such case, the final year of
6 the extension is the final year of the collective bargaining
7 agreement. No election may be conducted in a bargaining
8 unit, or subdivision thereof, in which a valid election has
9 been held within the preceding 12 month period.

10 (Source: P.A. 88-1; 89-4, eff. 7-1-95 (eff. date changed from
11 1-1-96 by P.A. 89-24).)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.