

1 AN ACT regarding educational 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 Educational Labor Relations Act
5 is amended by changing Section 13 as follows:

6 (115 ILCS 5/13) (from Ch. 48, par. 1713)

7 Sec. 13. Strikes and lockouts.

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

29 (b) Notwithstanding the existence of any other provision
30 in this Act or any other law, educational employees other
31 than those employed in a school district organized under

1 Article 34 of the School Code and, after the expiration of
2 the 18 month period that commences on the effective date of
3 this amendatory Act of 1995, educational employees in a
4 school district organized under Article 34 of the School Code
5 shall not engage in a strike except under the following
6 conditions:

7 (1) they are represented by an exclusive
8 bargaining representative;

9 (2) mediation has been used without success;

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

15 (4) the collective bargaining agreement between
16 the educational employer and educational employees, if
17 any, has expired; and

18 (5) the employer and the exclusive bargaining
19 representative have not mutually submitted the unresolved
20 issues to arbitration.

21 If, however, in the opinion of an employer the strike is
22 or has become a clear and present danger to the health or
23 safety of the public, the employer may initiate in the
24 circuit court of the county in which such danger exists an
25 action for relief which may include, but is not limited to,
26 injunction. The court may grant appropriate relief upon the
27 finding that such clear and present danger exists. An unfair
28 practice or other evidence of lack of clean hands by the
29 educational employer is a defense to such action. Except as
30 provided for in this paragraph, the jurisdiction of the court
31 under this Section is limited by the Labor Dispute Act.

32 (c) Notwithstanding the existence of any other provision
33 in this Act or any other law, with regard to school
34 districts, an educational employee may not engage in a strike

1 and an educational employer may not institute a lockout if
2 that action would cause an interruption of ongoing essential
3 educational services. It is unlawful for a person to
4 instigate or induce or conspire with or encourage a person to
5 engage in a strike, lockout, slowdown, or work stoppage if
6 that action would cause an interruption of ongoing essential
7 educational services. Nothing in this subsection (c)
8 prohibits a strike or lockout that began before the start of
9 the school year.

10 (Source: P.A. 89-15, eff. 5-30-95; 90-548, eff. 1-1-98.)

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