

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 6 as follows:

6 (5 ILCS 315/6) (from Ch. 48, par. 1606)

7 Sec. 6. Right to organize and bargain collectively;
8 exclusive representation; and fair share arrangements. (a)
9 Employees of the State and any political subdivision of the
10 State, excluding employees of the General Assembly of the State
11 of Illinois, have, and are protected in the exercise of, the
12 right of self-organization, and may form, join or assist any
13 labor organization, to bargain collectively through
14 representatives of their own choosing on questions of wages,
15 hours and other conditions of employment, not excluded by
16 Section 4 of this Act, and to engage in other concerted
17 activities not otherwise prohibited by law for the purposes of
18 collective bargaining or other mutual aid or protection, free
19 from interference, restraint or coercion. Employees also have,
20 and are protected in the exercise of, the right to refrain from
21 participating in any such concerted activities. Employees may
22 be required, pursuant to the terms of a lawful fair share
23 agreement, to pay a fee which shall be their proportionate
24 share of the costs of the collective bargaining process,
25 contract administration and pursuing matters affecting wages,
26 hours and other conditions of employment as defined in Section
27 3(g).

28 (b) Nothing in this Act prevents an employee from
29 presenting a grievance to the employer and having the grievance
30 heard and settled without the intervention of an employee
31 organization; provided that the exclusive bargaining
32 representative is afforded the opportunity to be present at

1 such conference and that any settlement made shall not be
2 inconsistent with the terms of any agreement in effect between
3 the employer and the exclusive bargaining representative.

4 (c) A labor organization designated by the Board as the
5 representative of the majority of public employees in an
6 appropriate unit in accordance with the procedures herein or
7 recognized by a public employer as the representative of the
8 majority of public employees in an appropriate unit is the
9 exclusive representative for the employees of such unit for the
10 purpose of collective bargaining with respect to rates of pay,
11 wages, hours and other conditions of employment not excluded by
12 Section 4 of this Act.

13 (d) Labor organizations recognized by a public employer as
14 the exclusive representative or so designated in accordance
15 with the provisions of this Act are responsible for
16 representing the interests of all public employees in the unit.
17 Nothing herein shall be construed to limit an exclusive
18 representative's right to exercise its discretion to refuse to
19 process grievances of employees that are unmeritorious.

20 (e) When a collective bargaining agreement is entered into
21 with an exclusive representative, it may include in the
22 agreement a provision requiring employees covered by the
23 agreement who are not members of the organization to pay their
24 proportionate share of the costs of the collective bargaining
25 process, contract administration and pursuing matters
26 affecting wages, hours and conditions of employment, as defined
27 in Section 3 (g), but not to exceed the amount of dues
28 uniformly required of members. The organization shall certify
29 to the employer the amount constituting each nonmember
30 employee's proportionate share which shall not exceed dues
31 uniformly required of members. In such case, the proportionate
32 share payment in this Section shall be deducted by the employer
33 from the earnings of the nonmember employees and paid to the
34 employee organization.

35 (f) Only the exclusive representative may negotiate
36 provisions in a collective bargaining agreement providing for

1 the payroll deduction of labor organization dues, fair share
2 payment, initiation fees and assessments. Except as provided in
3 subsection (e) of this Section, any such deductions shall only
4 be made upon an employee's written authorization, and continued
5 until revoked in writing in the same manner or until the
6 termination date of an applicable collective bargaining
7 agreement. Such payments shall be paid to the exclusive
8 representative.

9 Where a collective bargaining agreement is terminated, or
10 continues in effect beyond its scheduled expiration date
11 pending the negotiation of a successor agreement or the
12 resolution of an impasse under Section 14, the employer shall
13 continue to honor and abide by any dues deduction or fair share
14 clause contained therein until a new agreement is reached
15 including dues deduction or a fair share clause. For the
16 benefit of any successor exclusive representative certified
17 under this Act, this provision shall be applicable, provided
18 the successor exclusive representative:

19 (i) certifies to the employer the amount constituting
20 each non-member's proportionate share under subsection
21 (e); or

22 (ii) presents the employer with employee written
23 authorizations for the deduction of dues, assessments, and
24 fees under this subsection.

25 Failure to so honor and abide by dues deduction or fair
26 share clauses for the benefit of any exclusive representative,
27 including a successor, shall be a violation of the duty to
28 bargain and an unfair labor practice.

29 (g) Agreements containing a fair share agreement must
30 safeguard the right of nonassociation of employees based upon
31 bona fide religious tenets or teachings of a church or
32 religious body of which such employees are members. Such
33 employees may be required to pay an amount equal to their fair
34 share, determined under a lawful fair share agreement, to a
35 nonreligious charitable organization mutually agreed upon by
36 the employees affected and the exclusive bargaining

1 representative to which such employees would otherwise pay such
2 service fee. If the affected employees and the bargaining
3 representative are unable to reach an agreement on the matter,
4 the Board may establish an approved list of charitable
5 organizations to which such payments may be made.

6 (Source: P.A. 85-1032.)