

1 AN ACT concerning State services.

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

4 Section 1. Short title. This Act may be cited as the  
5 State Services Accountability Act.

6 Section 5. Legislative findings and declaration of  
7 policy.

8 (a) The purpose of this Act is to set forth a program to  
9 better provide goods, services, and public works to the  
10 citizens of Illinois by ensuring that tax dollars expended  
11 for goods or services or public works are properly used for  
12 their allocated purpose. The State of Illinois enters into  
13 reimbursement agreements and contracts with and provides  
14 grants to private entities (contractors and grantees) for the  
15 purpose of purchasing goods, providing services and building  
16 or enhancing public works for the citizens of Illinois. The  
17 State of Illinois enters into these contracts and provides  
18 these grants to provide quality goods, services and public  
19 works for the citizens of Illinois.

20 (b) The General Assembly finds that the needs of its  
21 citizens cannot be met if the time frame for provision of  
22 goods, the schedule for public works of the services provided  
23 through reimbursement agreements, contracts, or grant  
24 agreements between the State of Illinois and contractors and  
25 grantees are subject to disruption and further finds that  
26 likelihood of disruption is enhanced where disputes arise  
27 over unionization.

28 (c) The General Assembly finds that the development of a  
29 stable, well-trained, committed workforce is essential to the  
30 provision of quality goods and services to Illinois'  
31 citizens.

1           (d) The General Assembly further finds that the tax  
2 dollars intended for appropriated use should not be used to  
3 conduct campaigns aimed at influencing the outcome of union  
4 representation elections. In addition, staff time, paid with  
5 tax dollars, should be spent providing goods or services to  
6 Illinois' citizens and not consumed by attending compulsory  
7 meetings to influence employees regarding unionization.

8           (e) It is hereby declared to be the policy of the State  
9 of Illinois that, to foster the development of a stable,  
10 well-trained, committed workforce, the State of Illinois  
11 shall prohibit its contractors or grantees from using State  
12 funding to influence the decision of their employees to be  
13 represented or not be represented by a union.

14           Section 10. Definitions. As used in this Act:

15           "Contractor or grantee" means an individual or entity,  
16 other than the State of Illinois, a State agency, or a  
17 political subdivision of the State of Illinois, which has a  
18 reimbursement agreement or contractual or other relationship  
19 with or has received moneys from the State of Illinois or a  
20 State agency to provide goods or services, or public works  
21 which reimbursement agreement, contract, or grant is funded  
22 in whole or in part by the State of Illinois, or through the  
23 Medicaid program of the State of Illinois.

24           "Contractor" includes a subcontractor and a contractor of  
25 a grantee and any other entity, other than a unit of local  
26 government or a school district, that receives State funds  
27 for supplying goods or services or public works pursuant to a  
28 written contract with the State or any of its agencies and  
29 which is controlled in whole or in part by the contractor or  
30 an entity in which the contractor has a substantial  
31 beneficial interest.

32           "Grantee" includes a sub-grantee and a grantee of a  
33 contractor and any other entity which provides goods or

1 services or public works controlled in whole or in part by  
2 the grantee, or an entity in which the grantee has a  
3 substantial beneficial interest.

4 "Employee" means a person employed by a contractor or  
5 grantee other than a person employed in a bona fide  
6 supervisory or managerial position as defined by applicable  
7 law.

8 "Labor organization" means an organization of any kind in  
9 which employees participate and which exists for the purpose,  
10 in whole or in part, of representing employees concerning  
11 grievances, labor disputes, wages, rates of pay, benefits,  
12 hours of employment, or working conditions.

13 "State funds" means any money provided by the State of  
14 Illinois or a State agency.

15 "Public works" means all fixed works constructed for  
16 public use by any public body, other than work done directly  
17 by any public utility company, whether or not done under  
18 public supervision or direction, or paid for wholly or in  
19 part out of public funds. "Public works" as defined herein  
20 includes all projects financed in whole or in part with bonds  
21 issued under the Industrial Project Revenue Bond Act (Article  
22 11, Division 74 of the Illinois Municipal Code), the  
23 Industrial Building Revenue Bond Act, the Illinois  
24 Development Finance Authority Act, the Illinois Sports  
25 Facilities Authority Act, or the Build Illinois Bond Act, and  
26 all projects financed in whole or in part with loans or other  
27 funds made available pursuant to the Build Illinois Act.

28 "Public works" also means, through December 31, 2005, all  
29 projects financed in whole or in part with funds from the  
30 Fund for Illinois' Future under Section 6z-47 of the State  
31 Finance Act, funds for school construction under Section 5 of  
32 the General Obligation Bond Act, funds authorized under  
33 Section 3 of the School Construction Bond Act, funds for  
34 school infrastructure under Section 6z-45 of the State

1 Finance Act, or funds for transportation purposes under  
2 Section 4 of the General Obligation Bond Act.

3 "Public body" means the State or any officer, board or  
4 commission of the State or any political subdivision or  
5 department thereof, or any institution supported in whole or  
6 in part by public funds, authorized by law to construct  
7 public works or to enter into any contract for the  
8 construction of public works, and includes every county,  
9 city, town, village, township, school district, irrigation,  
10 utility, reclamation improvement or other district and every  
11 other political subdivision, district, or municipality of the  
12 State whether such political subdivision, municipality, or  
13 district operates under a special charter or not.

14 Section 15. Policy requirements.

15 (a) All contractors and grantees shall certify as part  
16 of any State contract, grant, or reimbursement that they will  
17 not use State funds to promote, assist, or deter union  
18 organizing or to otherwise seek to influence the decision of  
19 any of its employees to be represented or not represented by  
20 a labor organization, and, with respect to employees engaged  
21 in employment that is funded by a State contract, grant, or  
22 reimbursement, that they will:

23 (i) not require or prohibit the attendance of  
24 employees at any meeting related to union representation;  
25 and

26 (ii) not schedule or hold meetings related to union  
27 representation during an employee's work time or in work  
28 areas.

29 (b) No contractor or grantee shall receive a contract or  
30 grant to provide goods or services or public works for the  
31 citizens of the State of Illinois unless the contractor or  
32 grantee has agreed to provide certification under subsection  
33 (a).

1           (c) Any reimbursement agreement, contract, or grant  
2 entered into by and between a contractor or a grantee and the  
3 State of Illinois or a State agency to provide goods or  
4 services or public works shall include a certification under  
5 subsection (a) and an agreement by the contractor or grantee  
6 to comply with the terms of the certification under  
7 subsection (a).

8           (d) Any contractor or grantee entering into a contract  
9 with any person or entity to provide goods or services or  
10 public works subject to the contract or grant agreement  
11 between the contractor or grantee and the State of Illinois  
12 or a State agency shall include in the contract or grant  
13 agreement a certification under subsection (a) identical to  
14 the certification under subsection (a) in the contract or  
15 grant agreement between the contractor or grantee and the  
16 State of Illinois or State agency.

17           Section 20. Reporting.

18           (a) Any contractor or grantee who is subject to this Act  
19 and who makes expenditures to assist, promote, or deter union  
20 organizing shall maintain records sufficient to show that no  
21 State funds were used for those expenditures. Expenditures to  
22 be included in this record include, but are not limited to,  
23 the cost of: literature or other similar communications  
24 related to union representation; the hiring of vendors,  
25 including lawyers and consultants, for the purpose of  
26 influencing a unionization effort; the holding of meetings,  
27 including meetings with supervisors and managerial employees,  
28 to influence employees regarding unionization; and the wages  
29 of employees, including supervisory and management employees,  
30 during any activity aimed at influencing a unionization  
31 effort or the preparation for the activity.

32           (b) Any taxpayer, employee, or employee representative  
33 may file a complaint with the Illinois Attorney General if

1 the person believes that a contractor or grantee is expending  
2 funds in violation of this Act. The Illinois Attorney General  
3 shall, within 10 business days after a complaint is filed,  
4 notify the contractor or grantee that the contractor or  
5 grantee must provide the records described in subsection (a).  
6 The contractor or grantee shall provide the records to the  
7 Illinois Attorney General within 15 business days after the  
8 contractor or grantee receives the notice from the Illinois  
9 Attorney General, unless the Illinois Attorney General gives  
10 the contractor or grantee a 10-day extension of time to  
11 provide the records based upon a showing of good cause for  
12 the extension by the contractor or grantee. If the Illinois  
13 Attorney General determines that the contractor or grantee  
14 has expended funds in violation of this Act, the Illinois  
15 Attorney General shall make the records available to the  
16 complainant.

17 Section 25. Enforcement.

18 (a) If a contractor or grantee breaches its  
19 certification under Section 15 or fails to comply with the  
20 reporting requirements of Section 20, the State of Illinois  
21 may take any action necessary to enforce compliance,  
22 including but not limited to a civil action for injunctive  
23 relief, declaratory relief, specific performance, or damages  
24 or a combination of those remedies.

25 (b) If the State of Illinois brings an enforcement  
26 action for violation of this Act, any person or labor  
27 organization with a direct interest in compliance with this  
28 Act may join in that enforcement action as a real party in  
29 interest.

30 (c) If the State of Illinois declines to institute an  
31 action for enforcement for violation of this Act, any person  
32 or labor organization with a direct interest in compliance  
33 with this Act may institute and enforce a civil action on his

1 or her or its own behalf against the contractor or grantee  
2 and seek injunctive relief, declaratory relief, specific  
3 performance, or damages or a combination of those remedies.

4 (d) Remedies for violation of this Act include but are  
5 not limited to injunctive and declaratory relief, specific  
6 performance, and monetary damages. In view of the difficulty  
7 of determining actual damages incurred because of a violation  
8 of this Act, liquidated damages shall be awarded at the rate  
9 of \$1,000 for each violation, plus an additional \$500 for  
10 each day the violation continues without remedy. All damages  
11 shall inure to the benefit of the State of Illinois.

12 Section 30. Construction of Act. Nothing in this Act  
13 shall be construed to make a contractor responsible for the  
14 actions of a subcontractor.

15 Section 90. Severability. The provisions of this Act are  
16 severable under Section 1.31 of the Statute on Statutes.

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.