



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0391

Introduced 1/25/2005, by Rep. Larry McKeon

#### SYNOPSIS AS INTRODUCED:

5 ILCS 315/6

from Ch. 48, par. 1606

Amends the Illinois Public Labor Relations Act. Requires a public employer to furnish the exclusive bargaining representative with the names and addresses of its public employees if requested by the representative. Limits the number of requests that must be met to 4 per calendar year.

LRB094 05947 JAM 36002 b

1 AN ACT concerning government.

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.

9 (a) Employees of the State and any political subdivision of  
10 the State, excluding employees of the General Assembly of the  
11 State of Illinois, have, and are protected in the exercise of,  
12 the right of self-organization, and may form, join or assist  
13 any 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. A public employer is required upon  
13 request to furnish the exclusive bargaining representative  
14 with a complete list of the names and addresses of the public  
15 employees in the bargaining unit, provided the number of such  
16 requests shall not exceed 4 in the same calendar year.

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

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

1 from the earnings of the nonmember employees and paid to the  
2 employee organization.

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

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

23 (i) certifies to the employer the amount constituting  
24 each non-member's proportionate share under subsection  
25 (e); or

26 (ii) presents the employer with employee written  
27 authorizations for the deduction of dues, assessments, and  
28 fees under this subsection.

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

33 (g) Agreements containing a fair share agreement must  
34 safeguard the right of nonassociation of employees based upon  
35 bona fide religious tenets or teachings of a church or  
36 religious body of which such employees are members. Such

1 employees may be required to pay an amount equal to their fair  
2 share, determined under a lawful fair share agreement, to a  
3 nonreligious charitable organization mutually agreed upon by  
4 the employees affected and the exclusive bargaining  
5 representative to which such employees would otherwise pay such  
6 service fee. If the affected employees and the bargaining  
7 representative are unable to reach an agreement on the matter,  
8 the Board may establish an approved list of charitable  
9 organizations to which such payments may be made.  
10 (Source: P.A. 93-854, eff. 1-1-05.)