



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0908

Introduced 2/2/2005, by Rep. Marlow H. Colvin

SYNOPSIS AS INTRODUCED:

115 ILCS 5/11

from Ch. 48, par. 1711

30 ILCS 805/8.29 new

Amends the Illinois Educational Labor Relations Act. Provides that, if a collective bargaining agreement that includes a fair share clause expires or continues in effect beyond its scheduled expiration date pending the negotiation of a successor agreement, then the employer shall continue to honor and abide by the fair share clause until a new agreement that includes a fair share clause is reached. Provides that failure to honor and abide by the fair share clause for the benefit of any exclusive representative shall be a violation of the duty to bargain and an unfair labor practice. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB094 08085 AMC 38269 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning education.

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 is
5 amended by changing Section 11 as follows:

6 (115 ILCS 5/11) (from Ch. 48, par. 1711)

7 Sec. 11. Non-member fair share payments. When a collective
8 bargaining agreement is entered into with an exclusive
9 representative, it may include a provision requiring employees
10 covered by the agreement who are not members of the
11 organization to pay to the organization a fair share fee for
12 services rendered. The exclusive representative shall certify
13 to the employer an amount not to exceed the dues uniformly
14 required of members which shall constitute each non member
15 employee's fair share fee. The fair share fee payment shall be
16 deducted by the employer from the earnings of the non member
17 employees and paid to the exclusive representative.

18 The amount certified by the exclusive representative shall
19 not include any fees for contributions related to the election
20 or support of any candidate for political office. Nothing in
21 this Section shall preclude the non member employee from making
22 voluntary political contributions in conjunction with his or
23 her fair share payment.

24 If a collective bargaining agreement that includes a fair
25 share clause expires or continues in effect beyond its
26 scheduled expiration date pending the negotiation of a
27 successor agreement, then the employer shall continue to honor
28 and abide by the fair share clause until a new agreement that
29 includes a fair share clause is reached. Failure to honor and
30 abide by the fair share clause for the benefit of any exclusive
31 representative as set forth in this paragraph shall be a
32 violation of the duty to bargain and an unfair labor practice.

1 Agreements containing a fair share agreement must
2 safeguard the right of non-association of employees based upon
3 bonafide religious tenets or teaching of a church or religious
4 body of which such employees are members. Such employees may be
5 required to pay an amount equal to their proportionate share,
6 determined under a proportionate share agreement, to a
7 non-religious charitable organization mutually agreed upon by
8 the employees affected and the exclusive representative to
9 which such employees would otherwise pay such fee. If the
10 affected employees and the exclusive representative are unable
11 to reach an agreement on the matter, the Illinois Educational
12 Labor Relations Board may establish an approved list of
13 charitable organizations to which such payments may be made.

14 The Board shall by rule require that in cases where an
15 employee files an objection to the amount of the fair share
16 fee, the employer shall continue to deduct the employee's fair
17 share fee from the employee's pay, but shall transmit the fee,
18 or some portion thereof, to the Board for deposit in an escrow
19 account maintained by the Board; provided, however, that if the
20 exclusive representative maintains an escrow account for the
21 purpose of holding fair share fees to which an employee has
22 objected, the employer shall transmit the entire fair share fee
23 to the exclusive representative, and the exclusive
24 representative shall hold in escrow that portion of the fee
25 that the employer would otherwise have been required to
26 transmit to the Board for escrow, provided that the escrow
27 account maintained by the exclusive representative complies
28 with rules to be promulgated by the Board within 30 days of the
29 effective date of this amendatory Act of 1989 or that the
30 collective bargaining agreement requiring the payment of the
31 fair share fee contains an indemnification provision for the
32 purpose of indemnifying the employer with respect to the
33 employer's transmission of fair share fees to the exclusive
34 representative.

35 (Source: P.A. 86-412.)

1 Section 90. The State Mandates Act is amended by adding
2 Section 8.29 as follows:

3 (30 ILCS 805/8.29 new)

4 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
5 of this Act, no reimbursement by the State is required for the
6 implementation of any mandate created by this amendatory Act of
7 the 94th General Assembly.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.