



Rep. Elaine Nekritz

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LRB097 08777 JDS 53458 a

1 AMENDMENT TO HOUSE BILL 3339

2 AMENDMENT NO. _____. Amend House Bill 3339 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Labor Relations Act is
5 amended by changing Section 10 as follows:

6 (5 ILCS 315/10) (from Ch. 48, par. 1610)

7 Sec. 10. Unfair labor practices.

8 (a) It shall be an unfair labor practice for an employer or
9 its agents:

10 (1) to interfere with, restrain or coerce public
11 employees in the exercise of the rights guaranteed in this
12 Act or to dominate or interfere with the formation,
13 existence or administration of any labor organization or
14 contribute financial or other support to it; provided, an
15 employer shall not be prohibited from permitting employees
16 to confer with him during working hours without loss of

1 time or pay;

2 (2) to discriminate in regard to hire or tenure of
3 employment or any term or condition of employment in order
4 to encourage or discourage membership in or other support
5 for any labor organization. Nothing in this Act or any
6 other law precludes a public employer from making an
7 agreement with a labor organization to require as a
8 condition of employment the payment of a fair share under
9 paragraph (e) of Section 6;

10 (3) to discharge or otherwise discriminate against a
11 public employee because he has signed or filed an
12 affidavit, petition or charge or provided any information
13 or testimony under this Act;

14 (4) to refuse to bargain collectively in good faith
15 with a labor organization which is the exclusive
16 representative of public employees in an appropriate unit,
17 including, but not limited to, the discussing of grievances
18 with the exclusive representative;

19 (5) to violate any of the rules and regulations
20 established by the Board with jurisdiction over them
21 relating to the conduct of representation elections or the
22 conduct affecting the representation elections;

23 (6) to expend or cause the expenditure of public funds
24 to any external agent, individual, firm, agency,
25 partnership or association in any attempt to influence the
26 outcome of representational elections held pursuant to

1 Section 9 of this Act; provided, that nothing in this
2 subsection shall be construed to limit an employer's right
3 to internally communicate with its employees as provided in
4 subsection (c) of this Section, to be represented on any
5 matter pertaining to unit determinations, unfair labor
6 practice charges or pre-election conferences in any formal
7 or informal proceeding before the Board, or to seek or
8 obtain advice from legal counsel. Nothing in this paragraph
9 shall be construed to prohibit an employer from expending
10 or causing the expenditure of public funds on, or seeking
11 or obtaining services or advice from, any organization,
12 group, or association established by and including public
13 or educational employers, whether covered by this Act, the
14 Illinois Educational Labor Relations Act or the public
15 employment labor relations law of any other state or the
16 federal government, provided that such services or advice
17 are generally available to the membership of the
18 organization, group or association, and are not offered
19 solely in an attempt to influence the outcome of a
20 particular representational election; or

21 (7) to refuse to reduce a collective bargaining
22 agreement to writing or to refuse to sign such agreement.

23 (b) It shall be an unfair labor practice for a labor
24 organization or its agents:

25 (1) to restrain or coerce public employees in the
26 exercise of the rights guaranteed in this Act, provided,

1 (i) that this paragraph shall not impair the right of a
2 labor organization to prescribe its own rules with respect
3 to the acquisition or retention of membership therein or
4 the determination of fair share payments and (ii) that a
5 labor organization or its agents shall commit an unfair
6 labor practice under this paragraph in duty of fair
7 representation cases only by intentional misconduct in
8 representing employees under this Act;

9 (2) to restrain or coerce a public employer in the
10 selection of his representatives for the purposes of
11 collective bargaining or the settlement of grievances; or

12 (3) to cause, or attempt to cause, an employer to
13 discriminate against an employee in violation of
14 subsection (a) (2);

15 (4) to refuse to bargain collectively in good faith
16 with a public employer, if it has been designated in
17 accordance with the provisions of this Act as the exclusive
18 representative of public employees in an appropriate unit;
19 for the purposes of this paragraph (4), "to refuse to
20 bargain collectively in good faith" includes engaging in
21 conduct that repudiates an agreement lawfully ratified by
22 the local certified bargaining representatives;

23 (5) to violate any of the rules and regulations
24 established by the boards with jurisdiction over them
25 relating to the conduct of representation elections or the
26 conduct affecting the representation elections;

1 (6) to discriminate against any employee because he has
2 signed or filed an affidavit, petition or charge or
3 provided any information or testimony under this Act;

4 (7) to picket or cause to be picketed, or threaten to
5 picket or cause to be picketed, any public employer where
6 an object thereof is forcing or requiring an employer to
7 recognize or bargain with a labor organization of the
8 representative of its employees, or forcing or requiring
9 the employees of an employer to accept or select such labor
10 organization as their collective bargaining
11 representative, unless such labor organization is
12 currently certified as the representative of such
13 employees:

14 (A) where the employer has lawfully recognized in
15 accordance with this Act any labor organization and a
16 question concerning representation may not
17 appropriately be raised under Section 9 of this Act;

18 (B) where within the preceding 12 months a valid
19 election under Section 9 of this Act has been
20 conducted; or

21 (C) where such picketing has been conducted
22 without a petition under Section 9 being filed within a
23 reasonable period of time not to exceed 30 days from
24 the commencement of such picketing; provided that when
25 such a petition has been filed the Board shall
26 forthwith, without regard to the provisions of

1 subsection (a) of Section 9 or the absence of a showing
2 of a substantial interest on the part of the labor
3 organization, direct an election in such unit as the
4 Board finds to be appropriate and shall certify the
5 results thereof; provided further, that nothing in
6 this subparagraph shall be construed to prohibit any
7 picketing or other publicity for the purpose of
8 truthfully advising the public that an employer does
9 not employ members of, or have a contract with, a labor
10 organization unless an effect of such picketing is to
11 induce any individual employed by any other person in
12 the course of his employment, not to pick up, deliver,
13 or transport any goods or not to perform any services;
14 or

15 (8) to refuse to reduce a collective bargaining
16 agreement to writing or to refuse to sign such agreement.

17 (c) The expressing of any views, argument, or opinion or
18 the dissemination thereof, whether in written, printed,
19 graphic, or visual form, shall not constitute or be evidence of
20 an unfair labor practice under any of the provisions of this
21 Act, if such expression contains no threat of reprisal or force
22 or promise of benefit.

23 (Source: P.A. 86-412; 87-736.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."