



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB2039

Introduced 2/10/2011, by Sen. John J. Cullerton

#### SYNOPSIS AS INTRODUCED:

5 ILCS 315/3

from Ch. 48, par. 1603

5 ILCS 315/6

from Ch. 48, par. 1606

Amends the Illinois Public Labor Relations Act. Exempts legislative liaisons from the definition of public employee under the Act. Prohibits legislative liaisons from collectively bargaining. Defines "legislative liaison". Effective immediately.

LRB097 07175 JDS 47279 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 Sections 3 and 6 as follows:

6 (5 ILCS 315/3) (from Ch. 48, par. 1603)

7 Sec. 3. Definitions. As used in this Act, unless the  
8 context otherwise requires:

9 (a) "Board" means the Illinois Labor Relations Board or,  
10 with respect to a matter over which the jurisdiction of the  
11 Board is assigned to the State Panel or the Local Panel under  
12 Section 5, the panel having jurisdiction over the matter.

13 (b) "Collective bargaining" means bargaining over terms  
14 and conditions of employment, including hours, wages, and other  
15 conditions of employment, as detailed in Section 7 and which  
16 are not excluded by Section 4.

17 (c) "Confidential employee" means an employee who, in the  
18 regular course of his or her duties, assists and acts in a  
19 confidential capacity to persons who formulate, determine, and  
20 effectuate management policies with regard to labor relations  
21 or who, in the regular course of his or her duties, has  
22 authorized access to information relating to the effectuation  
23 or review of the employer's collective bargaining policies.

1 (d) "Craft employees" means skilled journeymen, crafts  
2 persons, and their apprentices and helpers.

3 (e) "Essential services employees" means those public  
4 employees performing functions so essential that the  
5 interruption or termination of the function will constitute a  
6 clear and present danger to the health and safety of the  
7 persons in the affected community.

8 (f) "Exclusive representative", except with respect to  
9 non-State fire fighters and paramedics employed by fire  
10 departments and fire protection districts, non-State peace  
11 officers, and peace officers in the Department of State Police,  
12 means the labor organization that has been (i) designated by  
13 the Board as the representative of a majority of public  
14 employees in an appropriate bargaining unit in accordance with  
15 the procedures contained in this Act, (ii) historically  
16 recognized by the State of Illinois or any political  
17 subdivision of the State before July 1, 1984 (the effective  
18 date of this Act) as the exclusive representative of the  
19 employees in an appropriate bargaining unit, (iii) after July  
20 1, 1984 (the effective date of this Act) recognized by an  
21 employer upon evidence, acceptable to the Board, that the labor  
22 organization has been designated as the exclusive  
23 representative by a majority of the employees in an appropriate  
24 bargaining unit; (iv) recognized as the exclusive  
25 representative of personal care attendants or personal  
26 assistants under Executive Order 2003-8 prior to the effective

1 date of this amendatory Act of the 93rd General Assembly, and  
2 the organization shall be considered to be the exclusive  
3 representative of the personal care attendants or personal  
4 assistants as defined in this Section; or (v) recognized as the  
5 exclusive representative of child and day care home providers,  
6 including licensed and license exempt providers, pursuant to an  
7 election held under Executive Order 2005-1 prior to the  
8 effective date of this amendatory Act of the 94th General  
9 Assembly, and the organization shall be considered to be the  
10 exclusive representative of the child and day care home  
11 providers as defined in this Section.

12 With respect to non-State fire fighters and paramedics  
13 employed by fire departments and fire protection districts,  
14 non-State peace officers, and peace officers in the Department  
15 of State Police, "exclusive representative" means the labor  
16 organization that has been (i) designated by the Board as the  
17 representative of a majority of peace officers or fire fighters  
18 in an appropriate bargaining unit in accordance with the  
19 procedures contained in this Act, (ii) historically recognized  
20 by the State of Illinois or any political subdivision of the  
21 State before January 1, 1986 (the effective date of this  
22 amendatory Act of 1985) as the exclusive representative by a  
23 majority of the peace officers or fire fighters in an  
24 appropriate bargaining unit, or (iii) after January 1, 1986  
25 (the effective date of this amendatory Act of 1985) recognized  
26 by an employer upon evidence, acceptable to the Board, that the

1 labor organization has been designated as the exclusive  
2 representative by a majority of the peace officers or fire  
3 fighters in an appropriate bargaining unit.

4 (g) "Fair share agreement" means an agreement between the  
5 employer and an employee organization under which all or any of  
6 the employees in a collective bargaining unit are required to  
7 pay their proportionate share of the costs of the collective  
8 bargaining process, contract administration, and pursuing  
9 matters affecting wages, hours, and other conditions of  
10 employment, but not to exceed the amount of dues uniformly  
11 required of members. The amount certified by the exclusive  
12 representative shall not include any fees for contributions  
13 related to the election or support of any candidate for  
14 political office. Nothing in this subsection (g) shall preclude  
15 an employee from making voluntary political contributions in  
16 conjunction with his or her fair share payment.

17 (g-1) "Fire fighter" means, for the purposes of this Act  
18 only, any person who has been or is hereafter appointed to a  
19 fire department or fire protection district or employed by a  
20 state university and sworn or commissioned to perform fire  
21 fighter duties or paramedic duties, except that the following  
22 persons are not included: part-time fire fighters, auxiliary,  
23 reserve or voluntary fire fighters, including paid on-call fire  
24 fighters, clerks and dispatchers or other civilian employees of  
25 a fire department or fire protection district who are not  
26 routinely expected to perform fire fighter duties, or elected

1 officials.

2 (g-2) "General Assembly of the State of Illinois" means the  
3 legislative branch of the government of the State of Illinois,  
4 as provided for under Article IV of the Constitution of the  
5 State of Illinois, and includes but is not limited to the House  
6 of Representatives, the Senate, the Speaker of the House of  
7 Representatives, the Minority Leader of the House of  
8 Representatives, the President of the Senate, the Minority  
9 Leader of the Senate, the Joint Committee on Legislative  
10 Support Services and any legislative support services agency  
11 listed in the Legislative Commission Reorganization Act of  
12 1984.

13 (h) "Governing body" means, in the case of the State, the  
14 State Panel of the Illinois Labor Relations Board, the Director  
15 of the Department of Central Management Services, and the  
16 Director of the Department of Labor; the county board in the  
17 case of a county; the corporate authorities in the case of a  
18 municipality; and the appropriate body authorized to provide  
19 for expenditures of its funds in the case of any other unit of  
20 government.

21 (i) "Labor organization" means any organization in which  
22 public employees participate and that exists for the purpose,  
23 in whole or in part, of dealing with a public employer  
24 concerning wages, hours, and other terms and conditions of  
25 employment, including the settlement of grievances.

26 (i-5) "Legislative liaison" means a person who is an

1 employee of a department, division, agency, board, commission,  
2 or office under the jurisdiction of the Governor, Lieutenant  
3 Governor, Attorney General, Secretary of State, Comptroller,  
4 or Treasurer and who communicates in the course of his or her  
5 employment with any official or staff of the legislative branch  
6 of State government for the purpose of influencing any  
7 legislative action.

8 (j) "Managerial employee" means an individual who is  
9 engaged predominantly in executive and management functions  
10 and is charged with the responsibility of directing the  
11 effectuation of management policies and practices.

12 (k) "Peace officer" means, for the purposes of this Act  
13 only, any persons who have been or are hereafter appointed to a  
14 police force, department, or agency and sworn or commissioned  
15 to perform police duties, except that the following persons are  
16 not included: part-time police officers, special police  
17 officers, auxiliary police as defined by Section 3.1-30-20 of  
18 the Illinois Municipal Code, night watchmen, "merchant  
19 police", court security officers as defined by Section 3-6012.1  
20 of the Counties Code, temporary employees, traffic guards or  
21 wardens, civilian parking meter and parking facilities  
22 personnel or other individuals specially appointed to aid or  
23 direct traffic at or near schools or public functions or to aid  
24 in civil defense or disaster, parking enforcement employees who  
25 are not commissioned as peace officers and who are not armed  
26 and who are not routinely expected to effect arrests, parking

1 lot attendants, clerks and dispatchers or other civilian  
2 employees of a police department who are not routinely expected  
3 to effect arrests, or elected officials.

4 (l) "Person" includes one or more individuals, labor  
5 organizations, public employees, associations, corporations,  
6 legal representatives, trustees, trustees in bankruptcy,  
7 receivers, or the State of Illinois or any political  
8 subdivision of the State or governing body, but does not  
9 include the General Assembly of the State of Illinois or any  
10 individual employed by the General Assembly of the State of  
11 Illinois.

12 (m) "Professional employee" means any employee engaged in  
13 work predominantly intellectual and varied in character rather  
14 than routine mental, manual, mechanical or physical work;  
15 involving the consistent exercise of discretion and adjustment  
16 in its performance; of such a character that the output  
17 produced or the result accomplished cannot be standardized in  
18 relation to a given period of time; and requiring advanced  
19 knowledge in a field of science or learning customarily  
20 acquired by a prolonged course of specialized intellectual  
21 instruction and study in an institution of higher learning or a  
22 hospital, as distinguished from a general academic education or  
23 from apprenticeship or from training in the performance of  
24 routine mental, manual, or physical processes; or any employee  
25 who has completed the courses of specialized intellectual  
26 instruction and study prescribed in this subsection (m) and is



1 performing related work under the supervision of a professional  
2 person to qualify to become a professional employee as defined  
3 in this subsection (m).

4 (n) "Public employee" or "employee", for the purposes of  
5 this Act, means any individual employed by a public employer,  
6 including (i) interns and residents at public hospitals, (ii)  
7 as of the effective date of this amendatory Act of the 93rd  
8 General Assembly, but not before, personal care attendants and  
9 personal assistants working under the Home Services Program  
10 under Section 3 of the Disabled Persons Rehabilitation Act,  
11 subject to the limitations set forth in this Act and in the  
12 Disabled Persons Rehabilitation Act, and (iii) as of the  
13 effective date of this amendatory Act of the 94th General  
14 Assembly, but not before, child and day care home providers  
15 participating in the child care assistance program under  
16 Section 9A-11 of the Illinois Public Aid Code, subject to the  
17 limitations set forth in this Act and in Section 9A-11 of the  
18 Illinois Public Aid Code, but excluding all of the following:  
19 employees of the General Assembly of the State of Illinois;  
20 elected officials; executive heads of a department; members of  
21 boards or commissions; the Executive Inspectors General; any  
22 special Executive Inspectors General; employees of each Office  
23 of an Executive Inspector General; commissioners and employees  
24 of the Executive Ethics Commission; the Auditor General's  
25 Inspector General; employees of the Office of the Auditor  
26 General's Inspector General; the Legislative Inspector

1 General; any special Legislative Inspectors General; employees  
2 of the Office of the Legislative Inspector General;  
3 commissioners and employees of the Legislative Ethics  
4 Commission; employees of any agency, board or commission  
5 created by this Act; employees appointed to State positions of  
6 a temporary or emergency nature; all employees of school  
7 districts and higher education institutions except  
8 firefighters and peace officers employed by a state university  
9 and except peace officers employed by a school district in its  
10 own police department in existence on the effective date of  
11 this amendatory Act of the 96th General Assembly; managerial  
12 employees; short-term employees; legislative liaisons;  
13 confidential employees; independent contractors; and  
14 supervisors except as provided in this Act.

15 Personal care attendants and personal assistants shall not  
16 be considered public employees for any purposes not  
17 specifically provided for in the amendatory Act of the 93rd  
18 General Assembly, including but not limited to, purposes of  
19 vicarious liability in tort and purposes of statutory  
20 retirement or health insurance benefits. Personal care  
21 attendants and personal assistants shall not be covered by the  
22 State Employees Group Insurance Act of 1971 (5 ILCS 375/).

23 Child and day care home providers shall not be considered  
24 public employees for any purposes not specifically provided for  
25 in this amendatory Act of the 94th General Assembly, including  
26 but not limited to, purposes of vicarious liability in tort and

1 purposes of statutory retirement or health insurance benefits.  
2 Child and day care home providers shall not be covered by the  
3 State Employees Group Insurance Act of 1971.

4 Notwithstanding Section 9, subsection (c), or any other  
5 provisions of this Act, all peace officers above the rank of  
6 captain in municipalities with more than 1,000,000 inhabitants  
7 shall be excluded from this Act.

8 (o) Except as otherwise in subsection (o-5), "public  
9 employer" or "employer" means the State of Illinois; any  
10 political subdivision of the State, unit of local government or  
11 school district; authorities including departments, divisions,  
12 bureaus, boards, commissions, or other agencies of the  
13 foregoing entities; and any person acting within the scope of  
14 his or her authority, express or implied, on behalf of those  
15 entities in dealing with its employees. As of the effective  
16 date of the amendatory Act of the 93rd General Assembly, but  
17 not before, the State of Illinois shall be considered the  
18 employer of the personal care attendants and personal  
19 assistants working under the Home Services Program under  
20 Section 3 of the Disabled Persons Rehabilitation Act, subject  
21 to the limitations set forth in this Act and in the Disabled  
22 Persons Rehabilitation Act. The State shall not be considered  
23 to be the employer of personal care attendants and personal  
24 assistants for any purposes not specifically provided for in  
25 this amendatory Act of the 93rd General Assembly, including but  
26 not limited to, purposes of vicarious liability in tort and

1 purposes of statutory retirement or health insurance benefits.  
2 Personal care attendants and personal assistants shall not be  
3 covered by the State Employees Group Insurance Act of 1971 (5  
4 ILCS 375/). As of the effective date of this amendatory Act of  
5 the 94th General Assembly but not before, the State of Illinois  
6 shall be considered the employer of the day and child care home  
7 providers participating in the child care assistance program  
8 under Section 9A-11 of the Illinois Public Aid Code, subject to  
9 the limitations set forth in this Act and in Section 9A-11 of  
10 the Illinois Public Aid Code. The State shall not be considered  
11 to be the employer of child and day care home providers for any  
12 purposes not specifically provided for in this amendatory Act  
13 of the 94th General Assembly, including but not limited to,  
14 purposes of vicarious liability in tort and purposes of  
15 statutory retirement or health insurance benefits. Child and  
16 day care home providers shall not be covered by the State  
17 Employees Group Insurance Act of 1971.

18 "Public employer" or "employer" as used in this Act,  
19 however, does not mean and shall not include the General  
20 Assembly of the State of Illinois, the Executive Ethics  
21 Commission, the Offices of the Executive Inspectors General,  
22 the Legislative Ethics Commission, the Office of the  
23 Legislative Inspector General, the Office of the Auditor  
24 General's Inspector General, and educational employers or  
25 employers as defined in the Illinois Educational Labor  
26 Relations Act, except with respect to a state university in its

1 employment of firefighters and peace officers and except with  
2 respect to a school district in the employment of peace  
3 officers in its own police department in existence on the  
4 effective date of this amendatory Act of the 96th General  
5 Assembly. County boards and county sheriffs shall be designated  
6 as joint or co-employers of county peace officers appointed  
7 under the authority of a county sheriff. Nothing in this  
8 subsection (o) shall be construed to prevent the State Panel or  
9 the Local Panel from determining that employers are joint or  
10 co-employers.

11 (o-5) With respect to wages, fringe benefits, hours,  
12 holidays, vacations, proficiency examinations, sick leave, and  
13 other conditions of employment, the public employer of public  
14 employees who are court reporters, as defined in the Court  
15 Reporters Act, shall be determined as follows:

16 (1) For court reporters employed by the Cook County  
17 Judicial Circuit, the chief judge of the Cook County  
18 Circuit Court is the public employer and employer  
19 representative.

20 (2) For court reporters employed by the 12th, 18th,  
21 19th, and, on and after December 4, 2006, the 22nd judicial  
22 circuits, a group consisting of the chief judges of those  
23 circuits, acting jointly by majority vote, is the public  
24 employer and employer representative.

25 (3) For court reporters employed by all other judicial  
26 circuits, a group consisting of the chief judges of those

1 circuits, acting jointly by majority vote, is the public  
2 employer and employer representative.

3 (p) "Security employee" means an employee who is  
4 responsible for the supervision and control of inmates at  
5 correctional facilities. The term also includes other  
6 non-security employees in bargaining units having the majority  
7 of employees being responsible for the supervision and control  
8 of inmates at correctional facilities.

9 (q) "Short-term employee" means an employee who is employed  
10 for less than 2 consecutive calendar quarters during a calendar  
11 year and who does not have a reasonable assurance that he or  
12 she will be rehired by the same employer for the same service  
13 in a subsequent calendar year.

14 (r) "Supervisor" is an employee whose principal work is  
15 substantially different from that of his or her subordinates  
16 and who has authority, in the interest of the employer, to  
17 hire, transfer, suspend, lay off, recall, promote, discharge,  
18 direct, reward, or discipline employees, to adjust their  
19 grievances, or to effectively recommend any of those actions,  
20 if the exercise of that authority is not of a merely routine or  
21 clerical nature, but requires the consistent use of independent  
22 judgment. Except with respect to police employment, the term  
23 "supervisor" includes only those individuals who devote a  
24 preponderance of their employment time to exercising that  
25 authority, State supervisors notwithstanding. In addition, in  
26 determining supervisory status in police employment, rank

1 shall not be determinative. The Board shall consider, as  
2 evidence of bargaining unit inclusion or exclusion, the common  
3 law enforcement policies and relationships between police  
4 officer ranks and certification under applicable civil service  
5 law, ordinances, personnel codes, or Division 2.1 of Article 10  
6 of the Illinois Municipal Code, but these factors shall not be  
7 the sole or predominant factors considered by the Board in  
8 determining police supervisory status.

9 Notwithstanding the provisions of the preceding paragraph,  
10 in determining supervisory status in fire fighter employment,  
11 no fire fighter shall be excluded as a supervisor who has  
12 established representation rights under Section 9 of this Act.  
13 Further, in new fire fighter units, employees shall consist of  
14 fire fighters of the rank of company officer and below. If a  
15 company officer otherwise qualifies as a supervisor under the  
16 preceding paragraph, however, he or she shall not be included  
17 in the fire fighter unit. If there is no rank between that of  
18 chief and the highest company officer, the employer may  
19 designate a position on each shift as a Shift Commander, and  
20 the persons occupying those positions shall be supervisors. All  
21 other ranks above that of company officer shall be supervisors.

22 (s) (1) "Unit" means a class of jobs or positions that are  
23 held by employees whose collective interests may suitably  
24 be represented by a labor organization for collective  
25 bargaining. Except with respect to non-State fire fighters  
26 and paramedics employed by fire departments and fire

1 protection districts, non-State peace officers, and peace  
2 officers in the Department of State Police, a bargaining  
3 unit determined by the Board shall not include both  
4 employees and supervisors, or supervisors only, except as  
5 provided in paragraph (2) of this subsection (s) and except  
6 for bargaining units in existence on July 1, 1984 (the  
7 effective date of this Act). With respect to non-State fire  
8 fighters and paramedics employed by fire departments and  
9 fire protection districts, non-State peace officers, and  
10 peace officers in the Department of State Police, a  
11 bargaining unit determined by the Board shall not include  
12 both supervisors and nonsupervisors, or supervisors only,  
13 except as provided in paragraph (2) of this subsection (s)  
14 and except for bargaining units in existence on January 1,  
15 1986 (the effective date of this amendatory Act of 1985). A  
16 bargaining unit determined by the Board to contain peace  
17 officers shall contain no employees other than peace  
18 officers unless otherwise agreed to by the employer and the  
19 labor organization or labor organizations involved.  
20 Notwithstanding any other provision of this Act, a  
21 bargaining unit, including a historical bargaining unit,  
22 containing sworn peace officers of the Department of  
23 Natural Resources (formerly designated the Department of  
24 Conservation) shall contain no employees other than such  
25 sworn peace officers upon the effective date of this  
26 amendatory Act of 1990 or upon the expiration date of any



1 collective bargaining agreement in effect upon the  
2 effective date of this amendatory Act of 1990 covering both  
3 such sworn peace officers and other employees.

4 (2) Notwithstanding the exclusion of supervisors from  
5 bargaining units as provided in paragraph (1) of this  
6 subsection (s), a public employer may agree to permit its  
7 supervisory employees to form bargaining units and may  
8 bargain with those units. This Act shall apply if the  
9 public employer chooses to bargain under this subsection.

10 (3) Public employees who are court reporters, as  
11 defined in the Court Reporters Act, shall be divided into 3  
12 units for collective bargaining purposes. One unit shall be  
13 court reporters employed by the Cook County Judicial  
14 Circuit; one unit shall be court reporters employed by the  
15 12th, 18th, 19th, and, on and after December 4, 2006, the  
16 22nd judicial circuits; and one unit shall be court  
17 reporters employed by all other judicial circuits.

18 (Source: P.A. 95-331, eff. 8-21-07; 96-1257, eff. 7-23-10.)

19 (5 ILCS 315/6) (from Ch. 48, par. 1606)

20 Sec. 6. Right to organize and bargain collectively;  
21 exclusive representation; and fair share arrangements.

22 (a) Employees of the State and any political subdivision of  
23 the State, excluding legislative liaisons and employees of the  
24 General Assembly of the State of Illinois, have, and are  
25 protected in the exercise of, the right of self-organization,

1 and may form, join or assist any labor organization, to bargain  
2 collectively through representatives of their own choosing on  
3 questions of wages, hours and other conditions of employment,  
4 not excluded by Section 4 of this Act, and to engage in other  
5 concerted activities not otherwise prohibited by law for the  
6 purposes of collective bargaining or other mutual aid or  
7 protection, free from interference, restraint or coercion.  
8 Employees also have, and are protected in the exercise of, the  
9 right to refrain from participating in any such concerted  
10 activities. Employees may be required, pursuant to the terms of  
11 a lawful fair share agreement, to pay a fee which shall be  
12 their proportionate share of the costs of the collective  
13 bargaining process, contract administration and pursuing  
14 matters affecting wages, hours and other conditions of  
15 employment as defined in Section 3(g).

16 (b) Nothing in this Act prevents an employee from  
17 presenting a grievance to the employer and having the grievance  
18 heard and settled without the intervention of an employee  
19 organization; provided that the exclusive bargaining  
20 representative is afforded the opportunity to be present at  
21 such conference and that any settlement made shall not be  
22 inconsistent with the terms of any agreement in effect between  
23 the employer and the exclusive bargaining representative.

24 (c) A labor organization designated by the Board as the  
25 representative of the majority of public employees in an  
26 appropriate unit in accordance with the procedures herein or

1 recognized by a public employer as the representative of the  
2 majority of public employees in an appropriate unit is the  
3 exclusive representative for the employees of such unit for the  
4 purpose of collective bargaining with respect to rates of pay,  
5 wages, hours and other conditions of employment not excluded by  
6 Section 4 of this Act. A public employer is required upon  
7 request to furnish the exclusive bargaining representative  
8 with a complete list of the names and addresses of the public  
9 employees in the bargaining unit, provided that a public  
10 employer shall not be required to furnish such a list more than  
11 once per payroll period. The exclusive bargaining  
12 representative shall use the list exclusively for bargaining  
13 representation purposes and shall not disclose any information  
14 contained in the list for any other purpose. Nothing in this  
15 Section, however, shall prohibit a bargaining representative  
16 from disseminating a list of its union members.

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

1 agreement who are not members of the organization to pay their  
2 proportionate share of the costs of the collective bargaining  
3 process, contract administration and pursuing matters  
4 affecting wages, hours and conditions of employment, as defined  
5 in Section 3 (g), but not to exceed the amount of dues  
6 uniformly required of members. The organization shall certify  
7 to the employer the amount constituting each nonmember  
8 employee's proportionate share which shall not exceed dues  
9 uniformly required of members. In such case, the proportionate  
10 share payment in this Section shall be deducted by the employer  
11 from the earnings of the nonmember employees and paid to the  
12 employee organization.

13 (f) Only the exclusive representative may negotiate  
14 provisions in a collective bargaining agreement providing for  
15 the payroll deduction of labor organization dues, fair share  
16 payment, initiation fees and assessments. Except as provided in  
17 subsection (e) of this Section, any such deductions shall only  
18 be made upon an employee's written authorization, and continued  
19 until revoked in writing in the same manner or until the  
20 termination date of an applicable collective bargaining  
21 agreement. Such payments shall be paid to the exclusive  
22 representative.

23 Where a collective bargaining agreement is terminated, or  
24 continues in effect beyond its scheduled expiration date  
25 pending the negotiation of a successor agreement or the  
26 resolution of an impasse under Section 14, the employer shall

1 continue to honor and abide by any dues deduction or fair share  
2 clause contained therein until a new agreement is reached  
3 including dues deduction or a fair share clause. For the  
4 benefit of any successor exclusive representative certified  
5 under this Act, this provision shall be applicable, provided  
6 the successor exclusive representative:

7 (i) certifies to the employer the amount constituting  
8 each non-member's proportionate share under subsection  
9 (e); or

10 (ii) presents the employer with employee written  
11 authorizations for the deduction of dues, assessments, and  
12 fees under this subsection.

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

17 (g) Agreements containing a fair share agreement must  
18 safeguard the right of nonassociation of employees based upon  
19 bona fide religious tenets or teachings of a church or  
20 religious body of which such employees are members. Such  
21 employees may be required to pay an amount equal to their fair  
22 share, determined under a lawful fair share agreement, to a  
23 nonreligious charitable organization mutually agreed upon by  
24 the employees affected and the exclusive bargaining  
25 representative to which such employees would otherwise pay such  
26 service fee. If the affected employees and the bargaining

1 representative are unable to reach an agreement on the matter,  
2 the Board may establish an approved list of charitable  
3 organizations to which such payments may be made.

4 (Source: P.A. 93-854, eff. 1-1-05; 94-472, eff. 1-1-06.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.