



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

**HB1264**

Introduced 2/4/2013, by Rep. Joe Sosnowski

#### SYNOPSIS AS INTRODUCED:

115 ILCS 5/13

from Ch. 48, par. 1713

Amends the Illinois Educational Labor Relations Act. With respect to bargaining unit educational employees of the Chicago school district voting on whether to authorize a strike, provides that a failure to vote must be counted as a vote against authorizing a strike. Effective July 1, 2013.

LRB098 06690 NHT 36736 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 13 as follows:

6 (115 ILCS 5/13) (from Ch. 48, par. 1713)

7 Sec. 13. Strikes.

8 (a) Notwithstanding the existence of any other provision in  
9 this Act or other law, educational employees employed in school  
10 districts organized under Article 34 of the School Code shall  
11 not engage in a strike at any time during the 18 month period  
12 that commences on the effective date of this amendatory Act of  
13 1995. An educational employee employed in a school district  
14 organized under Article 34 of the School Code who participates  
15 in a strike in violation of this Section is subject to  
16 discipline by the employer. In addition, no educational  
17 employer organized under Article 34 of the School Code may pay  
18 or cause to be paid to an educational employee who participates  
19 in a strike in violation of this subsection any wages or other  
20 compensation for any period during which an educational  
21 employee participates in the strike, except for wages or  
22 compensation earned before participation in the strike.  
23 Notwithstanding the existence of any other provision in this

1 Act or other law, during the 18-month period that strikes are  
2 prohibited under this subsection nothing in this subsection  
3 shall be construed to require an educational employer to submit  
4 to a binding dispute resolution process.

5 (b) Notwithstanding the existence of any other provision in  
6 this Act or any other law, educational employees other than  
7 those employed in a school district organized under Article 34  
8 of the School Code and, after the expiration of the 18 month  
9 period that commences on the effective date of this amendatory  
10 Act of 1995, educational employees in a school district  
11 organized under Article 34 of the School Code shall not engage  
12 in a strike except under the following conditions:

13 (1) they are represented by an exclusive bargaining  
14 representative;

15 (2) mediation has been used without success and, if an  
16 impasse has been declared under subsection (a-5) of Section  
17 12 of this Act, at least 14 days have elapsed after the  
18 mediator has made public the final offers;

19 (2.5) if fact-finding was invoked pursuant to  
20 subsection (a-10) of Section 12 of this Act, at least 30  
21 days have elapsed after a fact-finding report has been  
22 released for public information;

23 (2.10) for educational employees employed in a school  
24 district organized under Article 34 of the School Code, at  
25 least three-fourths of all bargaining unit employees who  
26 are members of the exclusive bargaining representative

1 have affirmatively voted to authorize the strike;  
2 provided,~~however,~~ that (i) all members of the exclusive  
3 bargaining representative at the time of a strike  
4 authorization vote shall be eligible to vote and (ii) a  
5 failure to vote must be counted as a vote against  
6 authorizing a strike;

7 (3) at least 10 days have elapsed after a notice of  
8 intent to strike has been given by the exclusive bargaining  
9 representative to the educational employer, the regional  
10 superintendent and the Illinois Educational Labor  
11 Relations Board;

12 (4) the collective bargaining agreement between the  
13 educational employer and educational employees, if any,  
14 has expired or been terminated; and

15 (5) the employer and the exclusive bargaining  
16 representative have not mutually submitted the unresolved  
17 issues to arbitration.

18 If, however, in the opinion of an employer the strike is or  
19 has become a clear and present danger to the health or safety  
20 of the public, the employer may initiate in the circuit court  
21 of the county in which such danger exists an action for relief  
22 which may include, but is not limited to, injunction. The court  
23 may grant appropriate relief upon the finding that such clear  
24 and present danger exists. An unfair practice or other evidence  
25 of lack of clean hands by the educational employer is a defense  
26 to such action. Except as provided for in this paragraph, the

1 jurisdiction of the court under this Section is limited by the  
2 Labor Dispute Act.

3 (Source: P.A. 97-7, eff. 6-13-11; 97-8, eff. 6-13-11.)

4 Section 99. Effective date. This Act takes effect July 1,  
5 2013.