



Rep. Joe Sosnowski

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09800HB1264ham001

LRB098 06690 NHT 42354 a

1 AMENDMENT TO HOUSE BILL 1264

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1264 by replacing  
3 everything after the enacting clause with the following:

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

1 employer organized under Article 34 of the School Code may pay  
2 or cause to be paid to an educational employee who participates  
3 in a strike in violation of this subsection any wages or other  
4 compensation for any period during which an educational  
5 employee participates in the strike, except for wages or  
6 compensation earned before participation in the strike.  
7 Notwithstanding the existence of any other provision in this  
8 Act or other law, during the 18-month period that strikes are  
9 prohibited under this subsection nothing in this subsection  
10 shall be construed to require an educational employer to submit  
11 to a binding dispute resolution process.

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

20 (1) they are represented by an exclusive bargaining  
21 representative;

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

26 (2.5) if fact-finding was invoked pursuant to

1 subsection (a-10) of Section 12 of this Act, at least 30  
2 days have elapsed after a fact-finding report has been  
3 released for public information;

4 ~~(2.10) for educational employees employed in a school~~  
5 ~~district organized under Article 34 of the School Code,~~ at  
6 least three-fourths of all bargaining unit employees who  
7 are members of the exclusive bargaining representative  
8 have affirmatively voted to authorize the strike;  
9 provided, ~~however,~~ that all members of the exclusive  
10 bargaining representative at the time of a strike  
11 authorization vote shall be eligible to vote;

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

17 (4) the collective bargaining agreement between the  
18 educational employer and educational employees, if any,  
19 has expired or been terminated; and

20 (5) the employer and the exclusive bargaining  
21 representative have not mutually submitted the unresolved  
22 issues to arbitration.

23 If, however, in the opinion of an employer the strike is or  
24 has become a clear and present danger to the health or safety  
25 of the public, the employer may initiate in the circuit court  
26 of the county in which such danger exists an action for relief

1 which may include, but is not limited to, injunction. The court  
2 may grant appropriate relief upon the finding that such clear  
3 and present danger exists. An unfair practice or other evidence  
4 of lack of clean hands by the educational employer is a defense  
5 to such action. Except as provided for in this paragraph, the  
6 jurisdiction of the court under this Section is limited by the  
7 Labor Dispute Act.

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

9 Section 99. Effective date. This Act takes effect July 1,  
10 2013.".