



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3290

by Rep. Jeanne M Ives

SYNOPSIS AS INTRODUCED:

5 ILCS 315/6.1 new

Amends the Illinois Public Labor Relations Act. Provides that if an employer and an employee organization have entered into a fair share agreement that applies to the employees of a bargaining unit, then the exclusive representative of the employees in that unit shall annually provide, not more than 90 days after the end of the exclusive representative's fiscal year, a financial disclosure report to the Illinois Labor Relations Board, for posting on its internet website, and to each employee of the bargaining unit. Sets forth requirements for the report. Provides that if an exclusive representative fails or refuses to prepare the report for a fiscal year, then the exclusive representative shall immediately refund all fair share payments that it has collected for that fiscal year to the persons who made those payments. Provides that if, for a second or subsequent fiscal year, an exclusive representative fails or refuses to prepare the report, then the exclusive representative shall immediately refund all fair share payments that it has collected for that fiscal year to the persons who made those payments and an election shall be held to determine whether the labor organization shall continue to be the exclusive representative. Makes these provisions applicable to fair share agreements entered into, modified, or renewed on or after the effective date. Effective immediately.

LRB098 08424 JDS 38530 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 adding Section 6.1 as follows:

6 (5 ILCS 315/6.1 new)

7 Sec. 6.1. Fair share agreement disclosures; refunds.

8 (a) If an employer and an employee organization enter into
9 a fair share agreement applicable to the employees of a
10 bargaining unit, then the exclusive representative of the
11 employees in that unit shall annually provide, not more than 90
12 days after the end of the exclusive representative's fiscal
13 year, to the Board for posting on its internet website and to
14 each employee of the bargaining unit, a financial disclosure
15 report containing the following information, detailed by
16 functional spending categories, which accurately discloses the
17 financial condition of the exclusive representative and its
18 operations for the preceding fiscal year:

19 (1) assets and liabilities at the beginning and end of
20 the fiscal year;

21 (2) salary, the cost of fringe benefits, allowances,
22 and other direct or indirect disbursements to each officer
23 of the exclusive representative, and support staff, as well

1 as all contributions to State or national affiliates and
2 any official or employee thereof;

3 (3) all income received or the value of services
4 furnished to an exclusive representative by either a parent
5 affiliated labor organization or by any other labor
6 organization on behalf of the exclusive representative;

7 (4) an itemization of the total amount spent by the
8 exclusive bargaining representative for:

9 (A) contract negotiation and administration;

10 (B) organizing activities;

11 (C) strike activities;

12 (D) litigation, specifying the matters and cases
13 involved;

14 (E) public relations activities;

15 (F) political activities;

16 (G) activities attempting to influence the passage
17 or defeat of federal, State, or local legislation or
18 the content or enforcement of federal, State, or local
19 regulations or policies;

20 (H) voter education and issue advocacy activities;

21 (I) training activities for each officer of the
22 local bargaining representative or union support
23 staff; and

24 (J) conference, convention, and travel activities
25 engaged in by exclusive bargaining representatives;

26 (5) the percentage of the labor organization's total

1 expenditures that were spent for each of the activities
2 described in subparagraphs (A) through (J) of paragraph
3 (4);

4 (6) the names, addresses and activities of any of the
5 law firms, public relations firms or lobbyists whose
6 services are used by the labor organization for any
7 activity described in subparagraphs (D) through (J) of
8 paragraph (4);

9 (7) a list of political candidates, political
10 organizations, charitable organizations, nonprofit
11 organizations, and community organizations to which the
12 labor organization contributed financial or in-kind
13 assistance and the dollar amount of such assistance; and

14 (8) the name and address of any political action
15 committees with which the labor organization is affiliated
16 or to whom it provides contributions, the total amount of
17 contributions to such committees, the candidates or causes
18 to which such committees provided any financial
19 assistance, and the amount provided to each such candidate
20 or cause.

21 (b) The report required in subsection (a) shall be prepared
22 by an auditing organization, independent of the exclusive
23 representative, using generally accepted auditing standards,
24 and generally accepted accounting principles, which shall
25 ensure the accuracy and veracity of the information provided.
26 All union expenditures shall be reported as either germane to

1 collective bargaining, contract administration, or grievance
2 processing, or not so related.

3 (c) If an exclusive representative fails or refuses to
4 prepare the report required under this Section for a fiscal
5 year, then the exclusive representative shall immediately
6 refund all fair share payments that it has collected for that
7 fiscal year to the persons who made those payments.

8 (d) If, for a second or subsequent fiscal year, an
9 exclusive representative fails or refuses to prepare the report
10 required under this Section, then the exclusive representative
11 shall immediately refund all fair share payments that it has
12 collected for that fiscal year to the persons who made those
13 payments, and upon the termination of the applicable collective
14 bargaining agreement, an election shall be held pursuant to
15 Section 9 of this Act to determine whether the labor
16 organization shall continue to be the exclusive representative
17 of the bargaining unit.

18 (e) This Section applies to fair share agreements entered
19 into, modified, or renewed on or after the effective date of
20 this amendatory Act of the 98th General Assembly.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.