

1 AN ACT concerning educational labor relations.

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
5 is 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
9 in this Act or other law, educational employees employed in
10 school districts organized under Article 34 of the School
11 Code shall not engage in a strike at any time during the 18
12 month period that commences on the effective date of this
13 amendatory Act of 1995. An educational employee employed in
14 a school district organized under Article 34 of the School
15 Code who participates in a strike in violation of this
16 Section is subject to discipline by the employer. In
17 addition, no educational employer organized under Article 34
18 of the School Code may pay or cause to be paid to an
19 educational employee who participates in a strike in
20 violation of this subsection (a) any wages or other
21 compensation for any period during which an educational
22 employee participates in the strike, except for wages or
23 compensation earned before participation in the strike.
24 Notwithstanding the existence of any other provision in this
25 Act or other law, during the 18-month period that strikes are
26 prohibited under this subsection nothing in this subsection
27 shall be construed to require an educational employer to
28 submit to a binding dispute resolution process.

29 (b) Notwithstanding the existence of any other provision
30 in this Act or any other law, educational employees other
31 than those employed in a school district organized under

1 Article 34 of the School Code and, after the expiration of
2 the 18 month period that commences on the effective date of
3 this amendatory Act of 1995, educational employees in a
4 school district organized under Article 34 of the School Code
5 shall not engage in a strike except under the following
6 conditions:

7 (1) they are represented by an exclusive
8 bargaining representative;

9 (2) mediation has been used without success;

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

15 (4) the collective bargaining agreement between
16 the educational employer and educational employees, if
17 any, has expired; and

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

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

32 (Source: P.A. 89-15, eff. 5-30-95; 90-548, eff. 1-1-98.)