



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

#### HB4148

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#### SYNOPSIS AS INTRODUCED:

New Act

720 ILCS 5/33G-4

745 ILCS 5/1

820 ILCS 275/120

from Ch. 127, par. 801

Creates the Legislative Employee Labor Relations Act. Authorizes legislative employees to bargain collectively through the representatives of their choosing on questions of wages, hours, and other conditions of employment. Specifies that the General Assembly is not required to bargain on specified matters of inherent managerial policy. Establishes the Office of State Legislative Labor Relations. Directs the Office of State Legislative Labor Relations to manage the interests of the General Assembly in collective bargaining with legislative employees. Grants the State Panel of the Illinois Labor Relations Board jurisdiction over collective bargaining matters between employee organizations and the General Assembly of the State of Illinois. Contains additional provisions concerning the following topics: the duty to bargain collectively; fair-share agreements; grievance procedures; election and recognition of labor organizations as exclusive representatives; unfair labor practices; mediation; fact-finding; exhaustion of nonjudicial remedies; strikes during session periods; and multiyear collective bargaining agreements. Specifies that the Open Meetings Act does not apply to collective bargaining negotiations and grievance arbitration proceedings under the Act. Sets forth definitions. Amends the Criminal Code of 2012, the State Lawsuit Immunity Act, and the Workplace Violence Prevention Act to make conforming changes. Effective July 1, 2026.

LRB103 34551 JDS 64386 b

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 1. Short title. This Act may be cited as the  
5 Legislative Employee Labor Relations Act.

6 Section 5. Policy. It is the public policy of the State of  
7 Illinois to grant legislative employees full freedom of  
8 association, self-organization, and designation of  
9 representatives of their own choosing for the purpose of  
10 negotiating wages, hours, and other conditions of employment.

11 It is the purpose of this Act to regulate labor relations  
12 between the General Assembly and legislative employees,  
13 including the designation of employee representatives, the  
14 negotiation of wages, hours, and other conditions of  
15 employment, and the resolution of disputes arising under  
16 collective bargaining agreements.

17 It is the purpose of this Act to prescribe the legitimate  
18 rights of both legislative employees and the General Assembly,  
19 to protect the public health and safety of the citizens of  
20 Illinois, and to provide peaceful and orderly procedures for  
21 protection of the rights of all.

22 Section 10. Definitions. As used in this Act:

1 (a) "Board" means the Illinois Labor Relations Board, as  
2 defined in the Illinois Public Labor Relations Act, or, with  
3 respect to a matter over which the jurisdiction of the Board is  
4 assigned to the State Panel under Section 20, the State Panel.

5 (b) "Collective bargaining" means bargaining over terms  
6 and conditions of employment, including hours, wages, and  
7 other conditions of employment, as detailed in Section 35 and  
8 which are not excluded by Section 15.

9 (c) "Confidential employee" means an employee who, in the  
10 regular course of the employee's duties:

11 (1) assists and acts in a confidential capacity to  
12 persons who formulate, determine, and effectuate  
13 management policies with regard to labor relations; or

14 (2) has authorized access to information relating to  
15 the effectuation or review of the collective bargaining  
16 policies of the General Assembly.

17 Determinations of confidential employee status shall be  
18 based on actual employee job duties and not solely on written  
19 job descriptions.

20 (d) "District office employee" means any employee employed  
21 by a representative or senator and paid out of the office  
22 allowance that is provided to the representative or senator  
23 under Section 4 of the General Assembly Compensation Act.

24 (e) "Excluded employee" means an employee involved in  
25 negotiating legislation, formulating policies concerning  
26 legislation, or making decisions regarding legislative

1 matters.

2 (f) "Exclusive representative" means the labor  
3 organization that has been (i) designated by the Board as the  
4 representative of a majority of legislative employees in an  
5 appropriate bargaining unit in accordance with the procedures  
6 contained in this Act or (ii) recognized by the Office of State  
7 Legislative Labor Relations upon evidence, acceptable to the  
8 Board, that the labor organization has been designated as the  
9 exclusive representative by a majority of the legislative  
10 employees in an appropriate bargaining unit.

11 (g) "Fair-share agreement" means an agreement between the  
12 Office of State Legislative Labor Relations and an employee  
13 organization under which all or any of the employees in a  
14 collective bargaining unit are required to pay their  
15 proportionate share of the costs of the collective bargaining  
16 process, contract administration, and pursuing matters  
17 affecting wages, hours, and other conditions of employment,  
18 but not to exceed the amount of dues uniformly required of  
19 members. The amount certified by the exclusive representative  
20 shall not include any fees for contributions related to the  
21 election or support of any candidate for political office.  
22 Nothing in this subsection (g) shall preclude an employee from  
23 making voluntary political contributions in conjunction with  
24 the employee's fair-share payment.

25 (h) "General Assembly" or "General Assembly of the State  
26 of Illinois" means the legislative branch of the government of

1 the State of Illinois, as provided for under Article IV of the  
2 Constitution of the State of Illinois, and includes, but is  
3 not limited to, the House of Representatives, the Senate, the  
4 Speaker of the House of Representatives, the Minority Leader  
5 of the House of Representatives, the President of the Senate,  
6 the Minority Leader of the Senate, the Joint Committee on  
7 Legislative Support Services, and any legislative support  
8 services agency listed in the Legislative Commission  
9 Reorganization Act of 1984.

10 (i) "Joint Committee" or "Joint Committee on Legislative  
11 Support Services" means the Joint Committee on Legislative  
12 Support Services created under Section 1-2 of the Legislative  
13 Commission Reorganization Act of 1984.

14 (j) "Labor organization" means any organization in which  
15 legislative employees participate and that exists for the  
16 purpose, in whole or in part, of dealing with the Office of  
17 State Legislative Labor Relations on behalf of the General  
18 Assembly concerning wages, hours, and other terms and  
19 conditions of employment, including the settlement of  
20 grievances.

21 (k) "Legislative employee" means any employee of the  
22 General Assembly of the State of Illinois. Except to the  
23 extent otherwise excluded under this subsection (k),  
24 "legislative employee" includes research and appropriations  
25 employees, legislative affairs employees, legal employees,  
26 communications employees, clerk's office employees, district

1 office employees, and employees employed by a legislative  
2 support services agency. "Legislative employee" does not  
3 include a member of the General Assembly of the State of  
4 Illinois; the chief of staff, deputy chief of staff, or chief  
5 legal counsel for the President of the Senate, the Minority  
6 Leader of the Senate, the Speaker of the House of  
7 Representatives, or the Minority Leader of the House of  
8 Representatives; the Secretary of the Senate; the Assistant  
9 Secretary of the Senate; the Clerk of the House of  
10 Representatives; the Assistant Clerk of the House of  
11 Representatives; the Legislative Inspector General; an  
12 employee of the Office of the Legislative Inspector General;  
13 the Director or any employee of the Office of State  
14 Legislative Labor Relations; the commissioners or employees of  
15 the Legislative Ethics Commission; the executive director,  
16 deputy director, supervising attorney, principal attorney, or  
17 chief fiscal officer of a legislative support services agency;  
18 a confidential employee; a contractual employee; a managerial  
19 employee; a short-term employee; a supervisor; a temporary  
20 employee; or an excluded employee.

21 (1) "Legislative support services agency" means the  
22 Commission on Government Forecasting and Accountability, the  
23 Joint Committee on Administrative Rules, the Legislative Audit  
24 Commission, the Legislative Information System, the  
25 Legislative Printing Unit, and the Legislative Reference  
26 Bureau.

1           (m) "Managerial employee" means an individual who is  
2 engaged predominantly in executive and management functions  
3 and is charged with the responsibility of directing the  
4 effectuation of management policies and practices.  
5 Determination of managerial employee status shall be based on  
6 actual employee job duties and not solely on written job  
7 descriptions. Nothing in this definition prohibits an  
8 individual from also meeting the definition of "supervisor"  
9 under subsection (q) of this Section.

10          (n) "Office of State Legislative Labor Relations" means  
11 the Office of State Legislative Labor Relations that is  
12 created under Section 25 of this Act and that is responsible  
13 for representing and otherwise managing the interests of the  
14 General Assembly in collective bargaining with legislative  
15 employees.

16          (o) "Person" includes one or more individuals, labor  
17 organizations, legislative employees, associations,  
18 corporations, legal representatives, trustees, trustees in  
19 bankruptcy, receivers, or the State of Illinois or any  
20 political subdivision of the State, including the General  
21 Assembly of the State of Illinois or any individual employed  
22 by the General Assembly of the State of Illinois.

23          (p) "Professional employee" means any employee engaged in  
24 work predominantly intellectual and varied in character rather  
25 than routine mental, manual, mechanical or physical work;  
26 involving the consistent exercise of discretion and adjustment

1 in its performance; of such a character that the output  
2 produced or the result accomplished cannot be standardized in  
3 relation to a given period of time; and requiring advanced  
4 knowledge in a field of science or learning customarily  
5 acquired by a prolonged course of specialized intellectual  
6 instruction and study in an institution of higher learning, as  
7 distinguished from a general academic education or from  
8 apprenticeship or from training in the performance of routine  
9 mental, manual, or physical processes; or any employee who has  
10 completed the courses of specialized intellectual instruction  
11 and study prescribed in this subsection (p) and is performing  
12 related work under the supervision of a professional person to  
13 qualify to become a professional employee as defined in this  
14 subsection (p).

15 (q) "Short-term employee" means an employee who is  
16 employed for less than 2 consecutive calendar quarters during  
17 a calendar year and who does not have a reasonable assurance  
18 that he or she will be rehired by the same employing entity of  
19 the General Assembly for the same service in a subsequent  
20 calendar year.

21 (r) "Supervisor" mean an employee whose principal work is  
22 substantially different from that of the employee's  
23 subordinates and who has authority, in the interest of the  
24 General Assembly, to hire, transfer, suspend, lay off, recall,  
25 promote, discharge, direct, reward, or discipline employees,  
26 to adjust their grievances, or to effectively recommend any of



1 those actions, if the exercise of that authority is not of a  
2 merely routine or clerical nature, but requires the consistent  
3 use of independent judgment. The term "supervisor" includes  
4 only those individuals who devote a preponderance of their  
5 employment time to exercising that authority, State  
6 supervisors notwithstanding. Determinations of supervisor  
7 status shall be based on actual employee job duties and not  
8 solely on written job descriptions. Nothing in this definition  
9 prohibits an individual from also meeting the definition of  
10 "managerial employee" under subsection (m) of this Section.

11 (s) "Unit" means a class of jobs or positions that are held  
12 by legislative employees whose collective interests may  
13 suitably be represented by a labor organization for collective  
14 bargaining. A bargaining unit determined by the Board shall  
15 not include (i) supervisors only or (ii) both employees and  
16 supervisors. Legislative employees who are partisan employees  
17 or legislative secretaries (other than district office  
18 employees) and whose ultimate jurisdictional authority under  
19 the State Officials and Employees Ethics Act is the President  
20 of the Senate, the Minority Leader of the Senate, the Speaker  
21 of the House of Representatives, or the Minority Leader of the  
22 House of Representatives shall comprise one unit, regardless  
23 of their political affiliation. Legislative employees who are  
24 nonpartisan employees and whose ultimate jurisdictional  
25 authority under the State Officials and Employees Ethics Act  
26 is the Senate Operations Commission or the Speaker of the

1 House of Representatives shall comprise one unit. Legislative  
2 employees who are district office employees shall comprise one  
3 unit, regardless of their political affiliation.

4 Section 15. Management rights. The General Assembly shall  
5 not be required to bargain over matters of inherent managerial  
6 policy, which shall include such areas of discretion or policy  
7 as the following matters: the functions of the General  
8 Assembly, standards of services, the General Assembly's  
9 overall budget, the organizational structure and selection of  
10 new employees, examination techniques, and direction of  
11 employees.

12 The General Assembly shall not be required to bargain over  
13 any one or more of the following topics: (i) matters relating  
14 to qualifications and elections of senators or  
15 representatives; (ii) matters relating to the House of  
16 Representatives or Senate choosing members of leadership,  
17 committee chairs, or officers; (iii) matters related to the  
18 House of Representatives or Senate adopting rules; (iv)  
19 matters relating to establishing committees; (v) matters  
20 related to considering and enacting legislation; (vi) matters  
21 related to exercising the legislative power of the State;  
22 (vii) matters relating to legislative calendars, schedules,  
23 and deadlines for the House of Representatives or Senate; or  
24 (viii) laws, rules, policies, or procedures regarding ethics  
25 or conflicts of interest.

1           The General Assembly, however, shall be required to  
2 bargain collectively with regard to policy matters directly  
3 affecting wages, hours, and terms and conditions of  
4 employment, as well as the impact thereon upon request by  
5 legislative employee representatives.

6           Notwithstanding any other provision of this Act, each  
7 employing entity of the General Assembly has the sole and  
8 exclusive authority to designate one-third of its collective  
9 employee positions as department or office leaders,  
10 confidential employees, supervisors, or excluded employees.  
11 The one-third of employee positions shall be calculated based  
12 on the total number of employee positions and not the number of  
13 employees at a given time. Nothing in this Section shall  
14 preclude the Board from exercising its discretion to designate  
15 additional employees as department or office leaders,  
16 confidential employees, supervisors, or excluded employees.

17           Section 20. Illinois Labor Relations Board.

18           (a) The State Panel of the Illinois Labor Relations Board  
19 established under Section 5 of the Illinois Public Labor  
20 Relations Act has jurisdiction over collective bargaining  
21 matters between employee organizations and the General  
22 Assembly of the State of Illinois under this Act.

23           (b) To accomplish the objectives and carry out the duties  
24 prescribed by this Act, the State Panel may hold elections to  
25 determine whether a labor organization has majority status;

1 investigate and attempt to resolve or settle charges of unfair  
2 labor practices; hold hearings in order to carry out its  
3 functions; develop and effectuate appropriate impasse  
4 resolution procedures for purposes of resolving labor  
5 disputes; and administer oaths and affirmations. The State  
6 Panel shall sign and report in full an opinion in every case  
7 that it decides.

8 Section 25. Office of State Legislative Labor Relations.

9 (a) The Office of State Legislative Labor Relations is  
10 hereby created and shall be responsible for representing and  
11 otherwise managing the interests of the General Assembly in  
12 collective bargaining between the General Assembly and  
13 legislative employees.

14 (b) The Joint Committee on Legislative Support Services  
15 shall appoint the Director of the Office of State Legislative  
16 Labor Relations by a weighted vote of the Joint Committee's  
17 members within 60 days after the effective date of this Act and  
18 within 60 days after any subsequent vacancy in that office.  
19 When voting to select a Director of the Office of State  
20 Legislative Labor Relations, each member of the Joint  
21 Committee on Legislative Support Services is entitled to one  
22 vote for each member of his or her legislative caucus, and the  
23 President of the Senate and the Speaker of the House of  
24 Representatives are also each entitled to an additional 59  
25 votes.

1 (c) The Director of the Office of State Legislative Labor  
2 Relations shall be appointed for a 4-year term and until his or  
3 her successor is appointed and qualified. The Director and  
4 other employees of the Office of State Legislative Labor  
5 Relations shall not be subject to the Personnel Code.

6 (d) The Director of the Office of State Legislative Labor  
7 Relations shall:

8 (1) conduct negotiations on behalf of the General  
9 Assembly with legislative employees and their exclusive  
10 representative or delegate that negotiating authority to a  
11 designee of the Director's choosing;

12 (2) be authorized to employ, fix the compensation, and  
13 prescribe the duties of negotiators, attorneys, and any  
14 other necessary professional, technical, and secretarial  
15 employees of the Office of State Legislative Labor  
16 Relations;

17 (3) sign contracts;

18 (4) issue vouchers for the payment of obligations  
19 pursuant to rules adopted by the Joint Committee on  
20 Legislative Support Services; and

21 (5) receive a salary as fixed by the Joint Committee.

22 Section 30. Right to organize and bargain collectively;  
23 exclusive representation; fair-share arrangements.

24 (a) Legislative employees have, and are protected in the  
25 exercise of, the right of self-organization, and they may

1 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 15, and to engage in other concerted  
5 activities not otherwise prohibited by law for the purposes of  
6 collective bargaining or other mutual aid or protection, free  
7 from interference, restraint, or coercion. Legislative  
8 employees also have, and are protected in the exercise of, the  
9 right to refrain from participating in any such concerted  
10 activities. Legislative employees may be required, pursuant to  
11 the terms of a lawful fair-share agreement, to pay a fee which  
12 shall be their proportionate share of the costs of the  
13 collective bargaining process, contract administration, and  
14 pursuing matters affecting wages, hours and other conditions  
15 of employment as defined in subsection (g) of Section 10.

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

25 (c) A labor organization designated by the Board as the  
26 representative of the majority of legislative employees in an

1 appropriate unit in accordance with the procedures provided in  
2 this Act or recognized by the Office of State Legislative  
3 Labor Relations as the representative of the majority of  
4 legislative employees in an appropriate unit is the exclusive  
5 representative for the employees of such unit for the purpose  
6 of collective bargaining with respect to rates of pay, wages,  
7 hours, and other conditions of employment not excluded by  
8 Section 15. Unless otherwise mutually agreed, the Office of  
9 State Legislative Labor Relations is required at least once  
10 each month and upon request, to furnish the exclusive  
11 bargaining representative with a complete list of the names  
12 and addresses of the legislative employees in the bargaining  
13 unit, provided that the Office of State Legislative Labor  
14 Relations shall not be required to furnish such a list more  
15 than once per payroll period. The exclusive bargaining  
16 representative shall use the list exclusively for bargaining  
17 representation purposes and shall not disclose any information  
18 contained in the list for any other purpose. Nothing in this  
19 Section, however, prohibits a bargaining representative from  
20 disseminating a list of its union members.

21 At the time the Office of State Legislative Labor  
22 Relations provides such list, it shall also provide to the  
23 exclusive representative, in a spreadsheet file or other  
24 mutually agreed upon editable digital file format, the  
25 employee's job title, work site, work telephone numbers,  
26 identification number, if available, and any home and personal

1 cellular telephone numbers on file with the Office of State  
2 Legislative Labor Relations, date of hire, work email address,  
3 and any personal email address on file with the Office of State  
4 Legislative Labor Relations. In addition, unless otherwise  
5 mutually agreed, within 10 calendar days from the date of hire  
6 of a bargaining unit employee, the Office of State Legislative  
7 Labor Relations shall provide to the exclusive representative,  
8 in an electronic file or other mutually agreed upon format,  
9 the following information about the new employee: the  
10 employee's name, job title, work site, home address, work  
11 telephone numbers, and any home and personal cellular  
12 telephone numbers on file with the Office of State Legislative  
13 Labor Relations, date of hire, work email address, and any  
14 personal email address on file with the Office of State  
15 Legislative Labor Relations.

16 (d) The Office of State Legislative Labor Relations shall  
17 not disclose the following information of any legislative  
18 employee: (1) the legislative employee's home address  
19 (including ZIP code and county); (2) the legislative  
20 employee's date of birth; (3) the legislative employee's home  
21 and personal phone number; (4) the legislative employee's  
22 personal email address; (5) any information personally  
23 identifying employee membership or membership status in a  
24 labor organization or other voluntary association affiliated  
25 with a labor organization or a labor federation (including  
26 whether employees are members of such organization, the



1 identity of such organization, whether or not employees pay or  
2 authorize the payment of any dues or moneys to such  
3 organization, and the amounts of such dues or moneys); and (6)  
4 emails or other communications between a labor organization  
5 and its members.

6 As soon as practicable after receiving a request for any  
7 information prohibited from disclosure under this subsection  
8 (d), excluding a request from the exclusive bargaining  
9 representative of the employee, the Office of State  
10 Legislative Labor Relations must provide a written copy of the  
11 request, or a written summary of any oral request, to the  
12 exclusive bargaining representative of the legislative  
13 employee or, if no such representative exists, to the  
14 legislative employee. The Office of State Legislative Labor  
15 Relations must also provide a copy of any response it has made  
16 within 5 business days of sending the response to any request.

17 If the Office of State Legislative Labor Relations  
18 discloses information in violation of this subsection (d), an  
19 aggrieved legislative employee or the legislative employee's  
20 exclusive bargaining representative may file an unfair labor  
21 practice charge with the Illinois Labor Relations Board  
22 pursuant to Section 50 or commence an action in the circuit  
23 court to enforce the provisions of this Act, including actions  
24 to compel compliance, if the Office of State Legislative Labor  
25 Relations willfully and wantonly discloses information in  
26 violation of this subsection. The circuit court for the county

1 in which the complainant resides, in which the complainant is  
2 employed, or in which the Office of State Legislative Labor  
3 Relations is located shall have jurisdiction in this matter.

4 This subsection does not apply to disclosures (i) required  
5 under the Freedom of Information Act, (ii) for purposes of  
6 conducting public operations or business, or (iii) to the  
7 exclusive representative.

8 (e) On behalf of the General Assembly, the Office of State  
9 Legislative Labor Relations shall provide to exclusive  
10 representatives, including their agents and employees,  
11 reasonable access to legislative employees in the bargaining  
12 units they represent. This access shall at all times be  
13 conducted in a manner so as not to impede normal operations.

14 (1) Access includes the following:

15 (A) the right to meet with one or more employees in  
16 the legislative complex or district office during the  
17 workday to investigate and discuss grievances and  
18 workplace-related complaints without charge to pay or  
19 leave time of employees or agents of the exclusive  
20 representative;

21 (B) the right to conduct work site meetings during  
22 lunch and other non-work breaks, and before and after  
23 the workday, in the legislative complex or district  
24 office to discuss collective bargaining negotiations,  
25 the administration of collective bargaining  
26 agreements, other matters related to the duties of the

1 exclusive representative, and internal matters  
2 involving the governance or business of the exclusive  
3 representative, without charge to pay or leave time of  
4 employees or agents of the exclusive representative;

5 (C) the right to meet with newly hired legislative  
6 employees, without charge to pay or leave time of the  
7 employees or agents of the exclusive representative,  
8 in the legislative complex or at a location mutually  
9 agreed to by the Office of State Legislative Labor  
10 Relations and exclusive representative for up to one  
11 hour either within the first 2 weeks of employment in  
12 the bargaining unit or at a later date and time if  
13 mutually agreed upon by the Office of State  
14 Legislative Labor Relations and the exclusive  
15 representative; and

16 (D) the right to use the facility mailboxes and  
17 bulletin boards of the General Assembly to communicate  
18 with bargaining unit employees regarding collective  
19 bargaining negotiations, the administration of  
20 collective bargaining agreements, the investigation of  
21 grievances, other workplace-related complaints and  
22 issues, and internal matters involving the governance  
23 or business of the exclusive representative.

24 (2) Nothing in this Section prohibits the Office of  
25 State Legislative Labor Relations and exclusive  
26 representative from agreeing in a collective bargaining

1 agreement to provide the exclusive representative greater  
2 access to bargaining unit employees, including through the  
3 use of the General Assembly's email system.

4 (f) A labor organization recognized by the Office of State  
5 Legislative Labor Relations as the exclusive representative or  
6 so designated in accordance with the provisions of this Act is  
7 responsible for representing the interests of all legislative  
8 employees in the unit. Nothing in this Act shall be construed  
9 to limit an exclusive representative's right to exercise its  
10 discretion to refuse to process grievances of legislative  
11 employees that are unmeritorious.

12 (g) When a collective bargaining agreement is entered into  
13 with an exclusive representative, the bargaining agreement may  
14 include a provision requiring legislative employees covered by  
15 the agreement who are not members of the organization to pay  
16 their proportionate share of the costs of the collective  
17 bargaining process, contract administration and pursuing  
18 matters affecting wages, hours, and conditions of employment,  
19 as defined in subsection (g) of Section 10, but not to exceed  
20 the amount of dues uniformly required of members. The  
21 organization shall certify to the Office of State Legislative  
22 Labor Relations the amount constituting each nonmember  
23 legislative employee's proportionate share, which shall not  
24 exceed dues uniformly required of members. In such a case, the  
25 proportionate share payment in this Section shall be deducted  
26 by each employing entity of the General Assembly from the

1 earnings of the nonmember legislative employees and paid to  
2 the employee organization.

3 (h) The General Assembly shall make payroll deductions of  
4 labor organization dues, initiation fees, assessments, and  
5 other payments for a labor organization that is the exclusive  
6 representative. Such deductions shall be made in accordance  
7 with the terms of a legislative employee's written  
8 authorization, and shall be paid to the exclusive  
9 representative. Written authorization may be evidenced by  
10 electronic communications, and such writing or communication  
11 may be evidenced by the electronic signature of the  
12 legislative employee as provided under Section 5-120 of the  
13 Uniform Electronic Transactions Act.

14 There is no impediment to a legislative employee's right  
15 to resign union membership at any time. However,  
16 notwithstanding any other provision of law to the contrary  
17 regarding authorization and deduction of dues or other  
18 payments to a labor organization, the exclusive representative  
19 and a legislative employee may agree to reasonable limits on  
20 the right of the employee to revoke such authorization,  
21 including a period of irrevocability that exceeds one year. An  
22 authorization that is irrevocable for one year, which may be  
23 automatically renewed for successive annual periods in  
24 accordance with the terms of the authorization, and that  
25 contains at least an annual 10-day period of time during which  
26 the legislative employee may revoke the authorization, shall

1 be deemed reasonable.

2 This Section applies to all claims that allege that a  
3 labor organization or the General Assembly has improperly  
4 deducted or collected dues from a legislative employee without  
5 regard to whether the claims or the facts upon which they are  
6 based occurred before, on, or after the effective date of this  
7 Act.

8 (i) If a collective bargaining agreement is terminated or  
9 continues in effect beyond its scheduled expiration date  
10 pending the negotiation of a successor agreement, the General  
11 Assembly shall continue to honor and abide by any dues  
12 deduction or fair-share clause contained therein until a new  
13 agreement is reached including dues deduction or a fair-share  
14 clause. For the benefit of any successor exclusive  
15 representative certified under this Act, this provision  
16 applies if the successor exclusive representative:

17 (1) certifies to the General Assembly the amount  
18 constituting each nonmember's proportionate share under  
19 subsection (g); or

20 (2) presents the General Assembly with employee  
21 written authorizations for the deduction of dues,  
22 assessments, and fees under this subsection.

23 Failure to so honor and abide by dues deduction or  
24 fair-share clauses for the benefit of any exclusive  
25 representative, including a successor, is a violation of the  
26 duty to bargain and an unfair labor practice.

1           (j) Upon receiving written notice of authorization, the  
2     employing entity of the General Assembly must commence dues  
3     deductions as soon as practicable but in no case later than 30  
4     days after receiving notice from the labor organization.  
5     Employee deductions shall be transmitted to the labor  
6     organization no later than 30 days after they are deducted  
7     unless a shorter period is mutually agreed to.

8           (k) Deductions shall remain in effect until:

9           (1) the General Assembly receives notice that a  
10    legislative employee has revoked the employee's  
11    authorization in writing in accordance with the terms of  
12    the authorization; or

13          (2) the individual employee is no longer employed by  
14    the General Assembly in a bargaining unit position  
15    represented by the same exclusive representative, provided  
16    that if the legislative employee is, within a period of  
17    one year, employed by the General Assembly in a position  
18    represented by the same labor organization, the right to  
19    dues deduction shall be automatically reinstated.

20          Nothing in this subsection prevents an employee from  
21    continuing to authorize payroll deductions when no longer  
22    represented by the exclusive representative that would receive  
23    such deduction.

24          If the individual employee who has signed a dues deduction  
25    authorization card is either removed from the General  
26    Assembly's payroll or otherwise placed on any type of

1 involuntary or voluntary leave of absence, whether paid or  
2 unpaid, the legislative employee's dues deduction shall be  
3 continued upon that employee's return to the payroll in a  
4 bargaining unit position represented by the same exclusive  
5 representative or restoration to active duty from such a leave  
6 of absence.

7 (1) Unless otherwise mutually agreed by the Office of  
8 State Legislative Labor Relations and the exclusive  
9 representative, employee requests to authorize, revoke,  
10 cancel, or change authorizations for payroll deductions for  
11 labor organizations shall be directed to the labor  
12 organization rather than to the Office of State Legislative  
13 Labor Relations or the General Assembly. The labor  
14 organization shall be responsible for initially processing and  
15 notifying the Office of State Legislative Labor Relations of  
16 proper requests or providing proper requests to the Office of  
17 State Legislative Labor Relations. If the requests are not  
18 provided to the Office of State Legislative Labor Relations,  
19 the Office of State Legislative Labor Relations shall rely on  
20 information provided by the labor organization regarding  
21 whether deductions for a labor organization were properly  
22 authorized, revoked, canceled, or changed, and the labor  
23 organization shall indemnify the General Assembly and the  
24 Office of State Legislative Labor Relations for any damages  
25 and reasonable costs incurred for any claims made by employees  
26 for deductions made in good faith reliance on that



1 information.

2 (m) Upon receipt by the exclusive representative of an  
3 appropriate written authorization from a legislative employee,  
4 written notice of authorization shall be provided to the  
5 Office of State Legislative Labor Relations and any authorized  
6 deductions shall be made in accordance with law by the  
7 employing entity of the General Assembly following receipt of  
8 a copy of the notice. The labor organization shall indemnify  
9 the General Assembly and the Office of State Legislative Labor  
10 Relations for any damages and reasonable costs incurred for  
11 any claims made by employees for deductions made in good faith  
12 reliance on its notification.

13 (n) The failure of an employing entity of the General  
14 Assembly or the Office of State Legislative Labor Relations to  
15 comply with the provisions of this Section is a violation of  
16 the duty to bargain and an unfair labor practice. Relief for  
17 the violation shall be reimbursement by the General Assembly  
18 of dues that should have been deducted or paid based on a valid  
19 authorization given by the employee or employees. In addition,  
20 the provisions of a collective bargaining agreement that  
21 contain the obligations set forth in this Section may be  
22 enforced in accordance with Sections 40 and 80.

23 (o) The Illinois Labor Relations Board shall have  
24 exclusive jurisdiction over claims under Illinois law that  
25 allege that a labor organization has unlawfully collected dues  
26 from a legislative employee in violation of this Act. The

1 Board shall, by rule, require that in cases in which a  
2 legislative employee alleges that a labor organization has  
3 unlawfully collected dues, the employing entity of the General  
4 Assembly shall continue to deduct the employee's dues from the  
5 employee's pay, but shall transmit the dues to the Board for  
6 deposit in an escrow account maintained by the Board. If the  
7 exclusive representative maintains an escrow account for the  
8 purpose of holding dues to which an employee has objected, the  
9 employing entity of the General Assembly shall transmit the  
10 entire amount of dues to the exclusive representative, and the  
11 exclusive representative shall hold in escrow the dues that  
12 the employing entity would otherwise have been required to  
13 transmit to the Board for escrow; provided that the escrow  
14 account maintained by the exclusive representative complies  
15 with rules adopted by the Board or that the collective  
16 bargaining agreement requiring the payment of the dues  
17 contains an indemnification provision for the purpose of  
18 indemnifying the General Assembly and the Office of State  
19 Legislative Labor Relations with respect to their transmission  
20 of dues to the exclusive representative.

21 (p) If any clause, sentence, paragraph, or subparagraph of  
22 this Section shall be adjudged by a court of competent  
23 jurisdiction to be unconstitutional or otherwise invalid, that  
24 judgment shall not affect, impair, or invalidate the remainder  
25 thereof, but shall be confined in its operation to the clause,  
26 sentence, paragraph, or subparagraph of this Section directly

1 involved in the controversy in which that judgment shall have  
2 been rendered.

3 If any clause, sentence, paragraph, or part of a signed  
4 authorization for payroll deductions shall be adjudged by a  
5 court of competent jurisdiction to be unconstitutional or  
6 otherwise invalid, that judgment shall not affect, impair, or  
7 invalidate the remainder of the signed authorization, but  
8 shall be confined in its operation to the clause, sentence,  
9 paragraph, or part of the signed authorization directly  
10 involved in the controversy in which that judgment shall have  
11 been rendered.

12 (q) Agreements containing a fair-share agreement must  
13 safeguard the right of nonassociation of legislative employees  
14 based upon bona fide religious tenets or teachings of a church  
15 or religious body of which such employees are members. Such  
16 employees may be required to pay an amount equal to their fair  
17 share, determined under a lawful fair-share agreement, to a  
18 nonreligious charitable organization mutually agreed upon by  
19 the employees affected and the exclusive bargaining  
20 representative to which such employees would otherwise pay  
21 such service fee. If the affected employees and the bargaining  
22 representative are unable to reach an agreement on the matter,  
23 the Board may establish an approved list of charitable  
24 organizations to which such payments may be made.

25 Section 35. Duty to bargain. The Office of State

1 Legislative Labor Relations and the exclusive representative  
2 have the authority and the duty to bargain collectively as set  
3 forth in this Section.

4 As used in this Act, "to bargain collectively" means the  
5 performance of the mutual obligation of the Office of State  
6 Legislative Labor Relations and the representative of the  
7 legislative employees to meet at reasonable times, including  
8 meetings in advance of the budget-making process, and to  
9 negotiate in good faith with respect to wages, hours, and  
10 other conditions of employment, not excluded by Section 15, or  
11 the negotiation of an agreement, or any question arising  
12 thereunder and the execution of a written contract  
13 incorporating any agreement reached if requested by either  
14 party, but such obligation does not compel either party to  
15 agree to a proposal or require the making of a concession.

16 The duty "to bargain collectively" also includes an  
17 obligation to negotiate over any matter with respect to wages,  
18 hours, and other conditions of employment, not specifically  
19 provided for in any other law or not specifically in violation  
20 of the provisions of any law. If any other law pertains, in  
21 part, to a matter affecting the wages, hours, and other  
22 conditions of employment, such other law shall not be  
23 construed as limiting the duty "to bargain collectively" and  
24 to enter into collective bargaining agreements containing  
25 clauses that either supplement, implement, or relate to the  
26 effect of such provisions in other laws.

1           The duty "to bargain collectively" also includes  
2 negotiations as to the terms of a collective bargaining  
3 agreement. The parties may, by mutual agreement, provide for  
4 arbitration of impasses resulting from their inability to  
5 agree upon wages, hours, and terms and conditions of  
6 employment to be included in a collective bargaining  
7 agreement. Such arbitration provisions shall be subject to the  
8 Uniform Arbitration Act unless agreed by the parties.

9           The duty "to bargain collectively" also means that no  
10 party to a collective bargaining agreement shall terminate or  
11 modify such contract, unless the party desiring such  
12 termination or modification:

13           (1) serves a written notice upon the other party to  
14 the contract of the proposed termination or modification  
15 60 days prior to the expiration date thereof, or in the  
16 event such contract contains no expiration date, 60 days  
17 prior to the time it is proposed to make such termination  
18 or modification;

19           (2) offers to meet and confer with the other party for  
20 the purpose of negotiating a new contract or a contract  
21 containing the proposed modifications;

22           (3) notifies the Board within 30 days after such  
23 notice of the existence of a dispute, provided no  
24 agreement has been reached by that time; and

25           (4) continues in full force and effect, without  
26 resorting to strike or lockout, all the terms and

1 conditions of the existing contract for a period of 60  
2 days after such notice is given to the other party or until  
3 the expiration date of such contract, whichever occurs  
4 later.

5 The duties imposed by paragraphs (2), (3) and (4) shall  
6 become inapplicable upon an intervening certification of the  
7 Board, under which the labor organization, which is a party to  
8 the contract, has been superseded as or ceased to be the  
9 exclusive representative of the employees pursuant to the  
10 provisions of subsection (a) of Section 45, and the duties so  
11 imposed shall not be construed as requiring either party to  
12 discuss or agree to any modification of the terms and  
13 conditions contained in a contract for a fixed period, if such  
14 modification is to become effective before such terms and  
15 conditions can be reopened under the provisions of the  
16 contract.

17 Notwithstanding any other provision of this Section,  
18 whenever collective bargaining is for the purpose of  
19 establishing an initial agreement following original  
20 certification of units with fewer than 35 employees, with  
21 respect to legislative employees the following apply:

22 (1) Not later than 10 days after receiving a written  
23 request for collective bargaining from a labor  
24 organization that has been newly certified as a  
25 representative as defined in subsection (c) of Section 30,  
26 or within such further period as the parties agree upon,

1           the parties shall meet and commence to bargain  
2           collectively and shall make every reasonable effort to  
3           conclude and sign a collective bargaining agreement.

4           (2) If any time after the expiration of the 90-day  
5           period beginning on the date on which bargaining is  
6           commenced the parties have failed to reach an agreement,  
7           either party may notify the Board of the existence of a  
8           dispute and request mediation in accordance with the  
9           provisions of Section 60.

10          Section 40. Grievance Procedure. A collective bargaining  
11          agreement negotiated between the Office of State Legislative  
12          Labor Relations and the exclusive representative shall contain  
13          a grievance resolution procedure that shall apply to all  
14          legislative employees in the bargaining unit and shall provide  
15          for final and binding arbitration of disputes concerning the  
16          administration or interpretation of the agreement unless  
17          mutually agreed otherwise. Any agreement containing a final  
18          and binding arbitration provision shall also contain a  
19          provision prohibiting strikes for the duration of the  
20          agreement. The grievance and arbitration provisions of any  
21          collective bargaining agreement shall be subject to the  
22          Uniform Arbitration Act. The costs of such arbitration shall  
23          be borne equally by the Office of State Legislative Labor  
24          Relations and the employee organization.

1 Section 45. Elections; recognition.

2 (a) Whenever in accordance with such regulations as may be  
3 prescribed by the Board a petition has been filed:

4 (1) by a legislative employee or group of legislative  
5 employees or any labor organization acting on their  
6 behalf, demonstrating that 30% of the legislative  
7 employees in an appropriate unit (A) wish to be  
8 represented for the purposes of collective bargaining by a  
9 labor organization as exclusive representative or (B)  
10 asserting that the labor organization that has been  
11 certified or is currently recognized by the Office of  
12 State Legislative Labor Relations as bargaining  
13 representative is no longer the representative of the  
14 majority of legislative employees in the unit; or

15 (2) by the Office of State Legislative Labor Relations  
16 on behalf of the General Assembly alleging that one or  
17 more labor organizations have presented to it a claim that  
18 they be recognized as the representative of a majority of  
19 the legislative employees in an appropriate unit, the  
20 Board shall investigate such petition, and if it has  
21 reasonable cause to believe that a question of  
22 representation exists, shall provide for an appropriate  
23 hearing upon due notice. Such hearing shall be held at the  
24 offices of the Board or such other location as the Board  
25 deems appropriate. If the Board finds upon the record of  
26 the hearing that a question of representation exists, it



1 shall direct an election in accordance with subsection (d)  
2 of this Section, which election shall be held not later  
3 than 120 days after the date the petition was filed  
4 regardless of whether that petition was filed before or  
5 after the effective date of this Act; however, the Board  
6 may extend the time for holding an election by an  
7 additional 60 days if, upon motion by a person who has  
8 filed a petition under this Section or is the subject of a  
9 petition filed under this Section and is a party to such  
10 hearing, or upon the Board's own motion, the Board finds  
11 that good cause has been shown for extending the election  
12 date. Nothing in this Section prohibits the Board, in its  
13 discretion, from extending the time for holding an  
14 election for so long as may be necessary under the  
15 circumstances, where the purpose for such extension is to  
16 permit resolution by the Board of an unfair labor practice  
17 charge filed by one of the parties to a representational  
18 proceeding against the other based upon conduct that may  
19 either affect the existence of a question concerning  
20 representation or have a tendency to interfere with a fair  
21 and free election, where the party filing the charge has  
22 not filed a request to proceed with the election; and  
23 provided further that prior to the expiration of the total  
24 time allotted for holding an election, a person who has  
25 filed a petition under this Section or is the subject of a  
26 petition filed under this Section and is a party to such

1 hearing or the Board, may move for and obtain the entry of  
2 an order in the circuit court of the county in which the  
3 majority of the legislative employees sought to be  
4 represented by such person reside, such order extending  
5 the date upon which the election shall be held. Such order  
6 shall be issued by the circuit court only upon a judicial  
7 finding that there has been a sufficient showing that  
8 there is good cause to extend the election date beyond  
9 such period and shall require the Board to hold the  
10 election as soon as is feasible given the totality of the  
11 circumstances. Such 120-day period may be extended one or  
12 more times by the agreement of all parties to the hearing  
13 to a date certain without the necessity of obtaining a  
14 court order. The showing of interest in support of a  
15 petition filed under paragraph (1) of this subsection (a)  
16 may be evidenced by electronic communications, and such  
17 writing or communication may be evidenced by the  
18 electronic signature of the employee as provided under  
19 Section 5-120 of the Electronic Commerce Security Act. The  
20 showing of interest shall be valid only if signed within  
21 12 months prior to the filing of the petition. Nothing in  
22 this Section prohibits the waiving of hearings by  
23 stipulation for the purpose of a consent election in  
24 conformity with the rules of the Board or an election in a  
25 unit agreed upon by the parties. Other interested employee  
26 organizations may intervene in the proceedings in the

1 manner and within the time period specified by rules of  
2 the Board. Interested parties who are necessary to the  
3 proceedings may also intervene in the proceedings in the  
4 manner and within the time period specified by the rules  
5 of the Board.

6 (b) A labor organization or the Office of State  
7 Legislative Labor Relations on behalf of the General Assembly  
8 may file a unit clarification petition seeking to clarify an  
9 existing bargaining unit. Unit clarification petitions may be  
10 filed if: (1) substantial changes occur in the duties and  
11 functions of an existing job title, raising an issue as to the  
12 title's unit placement; (2) an existing job title that is  
13 logically encompassed within the existing unit was  
14 inadvertently excluded by the parties at the time the unit was  
15 established; (3) a newly created job title is logically  
16 encompassed within an existing unit; (4) a significant change  
17 takes place in statutory or case law that affects the  
18 bargaining rights of employees; (5) a determination needs to  
19 be made as to the unit placement of positions in dispute  
20 following a certification of representative issued following a  
21 direction of election under subsection (d); (6) the parties  
22 have agreed to eliminate a position or title because the  
23 General Assembly no longer uses it; (7) the parties have  
24 agreed to exclude some of the positions in a title or  
25 classification from a bargaining unit and include others; or  
26 (8) as prescribed in rules set by the Board. The Board shall

1 conclude its investigation, including any hearing process  
2 deemed necessary, and issue a certification of clarified unit  
3 or dismiss the petition not later than 120 days after the date  
4 the petition was filed. The 120-day period may be extended one  
5 or more times by the agreement of all parties to a hearing to a  
6 date certain.

7 (c) The Board shall decide in each case, in order to assure  
8 legislative employees the fullest freedom in exercising the  
9 rights guaranteed by this Act, a unit appropriate for the  
10 purpose of collective bargaining, based upon, but not limited  
11 to, such factors as: historical pattern of recognition;  
12 community of interest including employee skills and functions;  
13 degree of functional integration; interchangeability and  
14 contact among employees; fragmentation of employee groups;  
15 common supervision, wages, hours, and other working conditions  
16 of the employees involved; and the desires of the employees.  
17 For purposes of this subsection, fragmentation shall not be  
18 the sole or predominant factor used by the Board in  
19 determining an appropriate bargaining unit. A single  
20 bargaining unit determined by the Board may not include both  
21 supervisors and nonsupervisors.

22 In cases involving a historical pattern of recognition,  
23 and in cases where the General Assembly has recognized the  
24 union as the sole and exclusive bargaining agent for a  
25 specified existing unit, the Board shall find the employees in  
26 the unit then represented by the union pursuant to the

1 recognition to be the appropriate unit.

2 The Board shall not decide that any unit is appropriate if  
3 such unit includes both professional employees and  
4 nonprofessional employees, unless a majority of each group  
5 votes for inclusion in such unit.

6 (d) If the Office of State Legislative Labor Relations  
7 does not voluntarily recognize a labor organization as the  
8 exclusive bargaining representative for a unit of legislative  
9 employees, the Board shall determine the majority  
10 representative of the legislative employees in an appropriate  
11 collective bargaining unit by conducting a secret ballot  
12 election. Such a secret ballot election may be conducted  
13 electronically, using an electronic voting system, in addition  
14 to paper ballot voting systems. Within 7 days after the Board  
15 issues its bargaining unit determination and direction of  
16 election or the execution of a stipulation for the purpose of a  
17 consent election, the Office of State Legislative Labor  
18 Relations shall submit to the labor organization the complete  
19 names and addresses of those employees who are determined by  
20 the Board to be eligible to participate in the election. When  
21 the Board has determined that a labor organization has been  
22 fairly and freely chosen by a majority of legislative  
23 employees in an appropriate unit, it shall certify such  
24 organization as the exclusive representative. If the Board  
25 determines that a majority of employees in an appropriate unit  
26 has fairly and freely chosen not to be represented by a labor

1 organization, it shall so certify. The Board may also revoke  
2 the certification of the legislative employee organizations as  
3 exclusive bargaining representatives which have been found by  
4 a secret ballot election to be no longer the majority  
5 representative.

6 (e) The Board shall not conduct an election in any  
7 bargaining unit or any subdivision thereof within which a  
8 valid election has been held in the preceding 12-month period.  
9 The Board shall determine who is eligible to vote in an  
10 election and shall establish rules governing the conduct of  
11 the election or conduct affecting the results of the election.  
12 The Board shall include on a ballot in a representation  
13 election a choice of "no representation". A labor organization  
14 currently representing the bargaining unit of legislative  
15 employees shall be placed on the ballot in any representation  
16 election. In any election where none of the choices on the  
17 ballot receives a majority, a runoff election shall be  
18 conducted between the 2 choices receiving the largest number  
19 of valid votes cast in the election. A labor organization  
20 which receives a majority of the votes cast in an election  
21 shall be certified by the Board as exclusive representative of  
22 all legislative employees in the unit.

23 (f) A labor organization shall be designated as the  
24 exclusive representative by the Office of State Legislative  
25 Labor Relations on behalf of the General Assembly, provided  
26 that the labor organization represents a majority of the

1 legislative employees in an appropriate unit. Any employee  
2 organization that is designated or selected by the majority of  
3 legislative employees, in a unit of the General Assembly  
4 having no other recognized or certified representative, as  
5 their representative for purposes of collective bargaining may  
6 request recognition by the Office of State Legislative Labor  
7 Relations on behalf of the General Assembly in writing. The  
8 Office of State Legislative Labor Relations on behalf of the  
9 General Assembly shall post such request for a period of at  
10 least 20 days following its receipt thereof on bulletin boards  
11 or other places used or reserved for employee notices.

12 (g) Within the 20-day period any other interested employee  
13 organization may petition the Board in the manner specified by  
14 rules of the Board, provided that such interested employee  
15 organization has been designated by at least 10% of the  
16 employees in an appropriate bargaining unit which includes all  
17 or some of the employees in the unit recognized by the Office  
18 of State Legislative Labor Relations. In such event, the Board  
19 shall proceed with the petition in the same manner as provided  
20 by paragraph (1) of subsection (a) of this Section.

21 (h) No election shall be directed by the Board in any  
22 bargaining unit where there is in force a valid collective  
23 bargaining agreement. The Board, however, may process an  
24 election petition filed between 90 and 60 days prior to the  
25 expiration of the date of an agreement, and may further  
26 refine, by rule or decision, the implementation of this

1 provision. Where more than 4 years have elapsed since the  
2 effective date of the agreement, the agreement shall continue  
3 to bar an election, except that the Board may process an  
4 election petition filed between 90 and 60 days prior to the end  
5 of the fifth year of such an agreement, and between 90 and 60  
6 days prior to the end of each successive year of such  
7 agreement.

8 (i) An order of the Board dismissing a representation  
9 petition, determining and certifying that a labor organization  
10 has been fairly and freely chosen by a majority of employees in  
11 an appropriate bargaining unit, or determining and certifying  
12 that a labor organization has not been fairly and freely  
13 chosen by a majority of employees in the bargaining unit is a  
14 final order. Any person aggrieved by any such order issued on  
15 or after the effective date of this Act may apply for and  
16 obtain judicial review in accordance with the Administrative  
17 Review Law, as now or hereafter amended, except that such  
18 review shall be afforded directly in the Appellate Court for  
19 the district in which the aggrieved party resides or transacts  
20 business. Any direct appeal to the Appellate Court shall be  
21 filed within 35 days from the date that a copy of the decision  
22 sought to be reviewed was served upon the party affected by the  
23 decision.

24 Section 50. Unfair labor practices.

25 (a) It is an unfair labor practice for the General



1 Assembly or its agents, including, but not limited to, the  
2 Office of State Legislative Labor Relations:

3 (1) to interfere with, restrain, or coerce legislative  
4 employees in the exercise of the rights guaranteed in this  
5 Act or to dominate or interfere with the formation,  
6 existence, or administration of any labor organization or  
7 contribute financial or other support to it; provided, the  
8 General Assembly shall not be prohibited from permitting  
9 employees to confer with the organization during working  
10 hours without loss of time or pay;

11 (2) to discriminate in regard to hire or tenure of  
12 employment or any term or condition of employment in order  
13 to encourage or discourage membership in or other support  
14 for any labor organization. Nothing in this Act or any  
15 other law precludes the Office of State Legislative Labor  
16 Relations on behalf of the General Assembly from making an  
17 agreement with a labor organization to require as a  
18 condition of employment the payment of a fair share under  
19 paragraph (g) of Section 30;

20 (3) to discharge or otherwise discriminate against a  
21 legislative employee because the legislative employee has  
22 signed or filed an affidavit, petition, or charge or  
23 provided any information or testimony under this Act;

24 (4) to refuse to bargain collectively in good faith  
25 with a labor organization that is the exclusive  
26 representative of legislative employees in an appropriate

1 unit, including, but not limited to, the discussing of  
2 grievances with the exclusive representative;

3 (5) to violate any of the rules established by the  
4 Board with jurisdiction over them relating to the conduct  
5 of representation elections or the conduct affecting the  
6 representation elections;

7 (6) to expend or cause the expenditure of public funds  
8 to any external agent, individual, firm, agency,  
9 partnership, or association in any attempt to influence  
10 the outcome of representational elections held pursuant to  
11 Section 45; provided that nothing in this subsection shall  
12 be construed to limit the General Assembly's right to  
13 internally communicate with its employees as provided in  
14 subsection (c) of this Section, to be represented on any  
15 matter pertaining to unit determinations, unfair labor  
16 practice charges or pre-election conferences in any formal  
17 or informal proceeding before the Board, or to seek or  
18 obtain advice from legal counsel or the Office of State  
19 Legislative Labor Relations. Nothing in this paragraph  
20 shall be construed to prohibit the General Assembly from  
21 expending or causing the expenditure of public funds on,  
22 or seeking or obtaining services or advice from, any  
23 organization, group, or association established by and  
24 including public or educational employers, whether covered  
25 by this Act, the Illinois Educational Labor Relations Act  
26 or the public employment labor relations law of any other

1 state or the federal government, provided that such  
2 services or advice are generally available to the  
3 membership of the organization, group, or association, and  
4 are not offered solely in an attempt to influence the  
5 outcome of a particular representational election;

6 (7) to refuse to reduce a collective bargaining  
7 agreement to writing or to refuse to sign such agreement;

8 (8) to interfere with, restrain, coerce, deter, or  
9 discourage legislative employees or applicants to be  
10 legislative employees from: (i) becoming or remaining  
11 members of a labor organization; (ii) authorizing  
12 representation by a labor organization; or (iii)  
13 authorizing dues or fee deductions to a labor  
14 organization, nor shall the General Assembly intentionally  
15 permit outside third parties to use its email or other  
16 communication systems to engage in that conduct. The  
17 General Assembly's good faith implementation of a policy  
18 to block the use of its email or other communication  
19 systems for such purposes shall be a defense to an unfair  
20 labor practice; or

21 (9) to disclose to any person or entity information  
22 set forth in subsection (d) of Section 30 that the General  
23 Assembly knows or should know will be used to interfere  
24 with, restrain, coerce, deter, or discourage any  
25 legislative employee from: (i) becoming or remaining  
26 members of a labor organization, (ii) authorizing

1 representation by a labor organization, or (iii)  
2 authorizing dues or fee deductions to a labor  
3 organization.

4 (b) It shall be an unfair labor practice for a labor  
5 organization or its agents:

6 (1) to restrain or coerce legislative employees in the  
7 exercise of the rights guaranteed in this Act; however,  
8 (i) this paragraph shall not impair the right of a labor  
9 organization to prescribe its own rules with respect to  
10 the acquisition or retention of membership therein or the  
11 determination of fair-share payments and (ii) a labor  
12 organization or its agents shall commit an unfair labor  
13 practice under this paragraph in duty of fair  
14 representation cases only by intentional misconduct in  
15 representing legislative employees under this Act;

16 (2) to restrain or coerce the General Assembly or the  
17 Office of State Legislative Labor Relations in the  
18 selection of his representatives for the purposes of  
19 collective bargaining or the settlement of grievances;

20 (3) to cause, or attempt to cause, the General  
21 Assembly to discriminate against an employee in violation  
22 of paragraph (2) of subsection (a);

23 (4) to refuse to bargain collectively in good faith  
24 with the Office of State Legislative Labor Relations on  
25 behalf of the General Assembly, if it has been designated  
26 in accordance with the provisions of this Act as the

1 exclusive representative of legislative employees in an  
2 appropriate unit;

3 (5) to violate any of the rules established by the  
4 boards with jurisdiction over them relating to the conduct  
5 of representation elections or the conduct affecting the  
6 representation elections;

7 (6) to discriminate against any legislative employee  
8 because the employee has signed or filed an affidavit,  
9 petition, or charge or provided any information or  
10 testimony under this Act;

11 (7) to picket or cause to be picketed, or threaten to  
12 picket or cause to be picketed, the General Assembly where  
13 an object thereof is forcing or requiring the General  
14 Assembly to recognize or bargain with a labor organization  
15 of the representative of its employees, or forcing or  
16 requiring legislative employees to accept or select such  
17 labor organization as their collective bargaining  
18 representative, unless such labor organization is  
19 currently certified as the representative of such  
20 employees:

21 (A) where the Office of State Legislative Labor  
22 Relations has lawfully recognized in accordance with  
23 this Act any labor organization and a question  
24 concerning representation may not appropriately be  
25 raised under Section 45;

26 (B) where within the preceding 12 months a valid

1 election under Section 45 has been conducted; or

2 (C) where such picketing has been conducted  
3 without a petition under Section 45 being filed within  
4 a reasonable period of time not to exceed 30 days from  
5 the commencement of such picketing; provided that when  
6 such a petition has been filed the Board shall  
7 forthwith, without regard to the provisions of  
8 subsection (a) of Section 45 or the absence of a  
9 showing of a substantial interest on the part of the  
10 labor organization, direct an election in such unit as  
11 the Board finds to be appropriate and shall certify  
12 the results thereof; provided further, that nothing in  
13 this subparagraph shall be construed to prohibit any  
14 picketing or other publicity for the purpose of  
15 truthfully advising the public that the General  
16 Assembly does not employ members of, or have a  
17 contract with, a labor organization unless an effect  
18 of such picketing is to induce any individual employed  
19 by any other person in the course of his employment,  
20 not to pick up, deliver, or transport any goods or not  
21 to perform any services;

22 (8) to refuse to reduce a collective bargaining  
23 agreement to writing or to refuse to sign such agreement;  
24 or

25 (9) to strike or cause a strike in any month in which  
26 one or more legislative session days are scheduled or to

1           interfere in any other way with the essential operation of  
2           the General Assembly.

3           (c) The expressing of any views, argument, or opinion or  
4           the dissemination thereof, whether in written, printed,  
5           graphic, or visual form, shall not constitute or be evidence  
6           of an unfair labor practice under any of the provisions of this  
7           Act, if such expression contains no threat of reprisal or  
8           force or promise of benefit.

9           (d) The General Assembly shall not discourage legislative  
10          employees or applicants to become legislative employees from  
11          becoming or remaining union members or authorizing dues  
12          deductions, and shall not otherwise interfere with the  
13          relationship between legislative employees and their exclusive  
14          bargaining representative. The General Assembly shall refer  
15          all inquiries about union membership to the exclusive  
16          bargaining representative, except that the General Assembly  
17          may communicate with legislative employees regarding payroll  
18          processes and procedures. The General Assembly will establish  
19          email policies in an effort to prohibit the use of its email  
20          system by outside sources.

21          Section 55. Unfair labor practice procedures. Unfair labor  
22          practices may be dealt with by the Board in the following  
23          manner:

24          (a) Whenever it is charged that any person has engaged in  
25          or is engaging in any unfair labor practice under this Act, the

1 Board or any agent designated by the Board for such purposes,  
2 shall conduct an investigation of the charge. If after such  
3 investigation the Board finds that the charge involves a  
4 dispositive issue of law or fact, the Board shall issue a  
5 complaint and cause to be served upon the person a complaint  
6 stating the charges, accompanied by a notice of hearing before  
7 the Board or a member thereof designated by the Board, or  
8 before a qualified hearing officer designated by the Board at  
9 the offices of the Board or such other location as the Board  
10 deems appropriate, not less than 5 days after serving of such  
11 complaint provided that no complaint shall issue based upon  
12 any unfair labor practice occurring more than 6 months before  
13 the filing of a charge with the Board and the service of a copy  
14 thereof upon the person against whom the charge is made,  
15 unless the person aggrieved thereby did not reasonably have  
16 knowledge of the alleged unfair labor practice or was  
17 prevented from filing such a charge by reason of service in the  
18 armed forces, in which event the six-month period shall be  
19 computed from the date of his discharge. Any such complaint  
20 may be amended by the member or hearing officer conducting the  
21 hearing for the Board in his discretion at any time prior to  
22 the issuance of an order based thereon. The person who is the  
23 subject of the complaint has the right to file an answer to the  
24 original or amended complaint and to appear in person or by a  
25 representative and give testimony at the place and time fixed  
26 in the complaint. In the discretion of the member or hearing



1 officer conducting the hearing or the Board, any other person  
2 may be allowed to intervene in the proceeding and to present  
3 testimony. In any hearing conducted by the Board, neither the  
4 Board nor the member or agent conducting the hearing shall be  
5 bound by the rules of evidence applicable to courts, except as  
6 to the rules of privilege recognized by law.

7 (b) The Board shall have the power to administer oaths.

8 (c) Any testimony taken by the Board, or a member  
9 designated by the Board or a hearing officer thereof, must be  
10 reduced to writing and filed with the Board. A full and  
11 complete record shall be kept of all proceedings before the  
12 Board, and all proceedings shall be transcribed by a reporter  
13 appointed by the Board. The party on whom the burden of proof  
14 rests shall be required to sustain such burden by a  
15 preponderance of the evidence. If, upon a preponderance of the  
16 evidence taken, the Board is of the opinion that any person  
17 named in the charge has engaged in or is engaging in an unfair  
18 labor practice, then it shall state its findings of fact and  
19 shall issue and cause to be served upon the person an order  
20 requiring him to cease and desist from the unfair labor  
21 practice, and to take such affirmative action, including  
22 reinstatement of legislative employees with or without back  
23 pay, as will effectuate the policies of this Act. If the Board  
24 awards back pay, it shall also award interest at the rate of 7%  
25 per annum. The Board's order may further require the person to  
26 make reports from time to time, and demonstrate the extent to

1 which he has complied with the order. If there is no  
2 preponderance of evidence to indicate to the Board that the  
3 person named in the charge has engaged in or is engaging in the  
4 unfair labor practice, then the Board shall state its findings  
5 of fact and shall issue an order dismissing the complaint. The  
6 Board's order may in its discretion also include an  
7 appropriate sanction, based on the Board's rules, and the  
8 sanction may include an order to pay the other party or  
9 parties' reasonable expenses including costs and reasonable  
10 attorney's fee, if the other party has made allegations or  
11 denials without reasonable cause and found to be untrue or has  
12 engaged in frivolous litigation for the purpose of delay or  
13 needless increase in the cost of litigation; the State of  
14 Illinois or any agency thereof shall be subject to the  
15 provisions of this sentence in the same manner as any other  
16 party.

17 (d) Until the record in a case has been filed in court, the  
18 Board, at any time, upon reasonable notice and in such manner  
19 as it deems proper, may modify or set aside, in whole or in  
20 part, any finding or order made or issued by it.

21 (e) A charging party or any person aggrieved by a final  
22 order of the Board granting or denying in whole or in part the  
23 relief sought may apply for and obtain judicial review of an  
24 order of the Board entered under this Act, in accordance with  
25 the provisions of the Administrative Review Law, as now or  
26 hereafter amended, except that such judicial review shall be

1     afforded directly in the Appellate Court for the district in  
2     which the aggrieved party resides or transacts business, and  
3     provided, that such judicial review shall not be available for  
4     the purpose of challenging a final order issued by the Board  
5     pursuant to Section 45 for which judicial review has been  
6     petitioned pursuant to subsection (i) of Section 45. Any  
7     direct appeal to the Appellate Court shall be filed within 35  
8     days from the date that a copy of the decision sought to be  
9     reviewed was served upon the party affected by the decision.  
10    The filing of such an appeal to the Appellate Court shall not  
11    automatically stay the enforcement of the Board's order. An  
12    aggrieved party may apply to the Appellate Court for a stay of  
13    the enforcement of the Board's order after the aggrieved party  
14    has followed the procedure prescribed by Supreme Court Rule  
15    335. The Board in proceedings under this Section may obtain an  
16    order of the court for the enforcement of its order.

17           (f) Whenever it appears that any person has violated a  
18    final order of the Board issued pursuant to this Section, the  
19    Board must commence an action in the name of the People of the  
20    State of Illinois by petition, alleging the violation,  
21    attaching a copy of the order of the Board, and praying for the  
22    issuance of an order directing the person, his officers,  
23    agents, servants, successors, and assigns to comply with the  
24    order of the Board. The Board shall be represented in this  
25    action by the Attorney General in accordance with the Attorney  
26    General Act. The court may grant or refuse, in whole or in

1 part, the relief sought, provided that the court may stay an  
2 order of the Board in accordance with the Administrative  
3 Review Law, pending disposition of the proceedings. The court  
4 may punish a violation of its order as in civil contempt.

5 (g) The proceedings provided in paragraph (f) of this  
6 Section shall be commenced in the Appellate Court for the  
7 district where the unfair labor practice which is the subject  
8 of the Board's order was committed, or where a person required  
9 to cease and desist by such order resides or transacts  
10 business.

11 (h) The Board through the Attorney General, shall have  
12 power, upon issuance of an unfair labor practice complaint  
13 alleging that a person has engaged in or is engaging in an  
14 unfair labor practice, to petition the circuit court where the  
15 alleged unfair labor practice which is the subject of the  
16 Board's complaint was allegedly committed, or where a person  
17 required to cease and desist from such alleged unfair labor  
18 practice resides or transacts business, for appropriate  
19 temporary relief or restraining order. Upon the filing of any  
20 such petition, the court shall cause notice thereof to be  
21 served upon such persons, and thereupon shall have  
22 jurisdiction to grant to the Board such temporary relief or  
23 restraining order as it deems just and proper.

24 (i) If an unfair labor practice charge involves the  
25 interpretation or application of a collective bargaining  
26 agreement and said agreement contains a grievance procedure

1 with binding arbitration as its terminal step, the Board may  
2 defer the resolution of such dispute to the grievance and  
3 arbitration procedure contained in said agreement.

4 Section 60. Mediation.

5 (a) The services of the mediators listed on the Public  
6 Employees Mediation Roster established under Section 12 of the  
7 Illinois Public Labor Relations Act shall be available to the  
8 Office of State Legislative Labor Relations and to labor  
9 organizations upon request of the parties for the purposes of  
10 mediation of grievances or contract disputes. Upon the request  
11 of either party, services of the Public Employees Mediation  
12 Roster shall be available for purposes of arbitrating disputes  
13 over interpretation or application of the terms of an  
14 agreement pursuant to Section 40. The function of the mediator  
15 shall be to communicate with the Office of State Legislative  
16 Labor Relations and exclusive representative or their  
17 representatives and to endeavor to bring about an amicable and  
18 voluntary settlement. Compensation of Roster members for  
19 services performed as mediators under this Act shall be paid  
20 equally by the parties to a mediated labor dispute.

21 (b) A mediator in a mediated labor dispute shall be  
22 selected by the Board from among the members of the Roster.

23 (c) Nothing in this Act or any other law prohibits the use  
24 of other mediators selected by the parties for the resolution  
25 of disputes over interpretation or application of the terms or

1 conditions of the collective bargaining agreements between the  
2 General Assembly and a labor organization.

3 (d) If requested by the parties to a labor dispute, a  
4 mediator may perform fact-finding as set forth in Section 65.

5 Section 65. Fact-finding.

6 (a) If, after a reasonable period of negotiation over the  
7 terms of the agreement or upon expiration of an existing  
8 collective bargaining agreement, the parties have not been  
9 able to mutually resolve the dispute, the parties may, by  
10 mutual consent, initiate a fact-finding.

11 (b) Within 3 days of such request the Board must submit to  
12 the parties a panel of 7 qualified, disinterested persons from  
13 the Illinois Public Employees Mediation Roster to serve as a  
14 fact-finder. The parties to the dispute shall designate one of  
15 the 7 persons to serve as fact-finder. The fact-finder must  
16 act independently of the Board and may be the same person who  
17 participated in the mediation of the labor dispute if both  
18 parties consent. The person selected or appointed as  
19 fact-finder shall immediately establish the dates and place of  
20 hearings. Upon request, the Board shall schedule hearings to  
21 be conducted by the fact-finder. The fact-finder may  
22 administer oaths. The fact-finder shall initially determine  
23 what issues are in dispute and therefore properly before the  
24 fact-finder. Upon completion of the hearings, but no later  
25 than 45 days from the date of appointment, the fact-finder

1 must make written findings of facts and recommendations for  
2 resolution of the dispute, must serve findings on the General  
3 Assembly and the labor organization involved, and must  
4 publicize such findings by mailing them to all newspapers of  
5 general circulation in the community. The fact-finder's  
6 findings shall be advisory only and shall not be binding upon  
7 the parties. If the parties do not accept the recommendations  
8 of the fact-finder as the basis for settlement, or if the  
9 fact-finder does not make written findings of facts and  
10 recommendations for the resolution of the dispute and serve  
11 and publicize such findings within 45 days of the date of  
12 appointment, the parties may resume negotiations.

13 (c) The Office of State Legislative Labor Relations and  
14 the labor organization that is certified as exclusive  
15 representative or which is recognized as exclusive  
16 representative in any particular bargaining unit by the State  
17 or political subdivision are the only proper parties to the  
18 fact-finding proceedings.

19 Section 70. Act takes precedence.

20 (a) In case of any conflict between the provisions of this  
21 Act and any other law (other than Section 5 of the State  
22 Employees Group Insurance Act of 1971 and other than the  
23 changes made to the Illinois Pension Code by Public Act  
24 96-889), executive order, or administrative regulation  
25 relating to wages, hours, and conditions of employment and

1 employment relations, the provisions of this Act or any  
2 collective bargaining agreement negotiated thereunder shall  
3 prevail and control. The provisions of this Act are subject to  
4 Section 5 of the State Employees Group Insurance Act of 1971.

5 (b) Except as provided in subsection (a), any collective  
6 bargaining agreement between the General Assembly and a labor  
7 organization executed pursuant to this Act shall supersede any  
8 contrary statutes, charters, ordinances, rules, or regulations  
9 relating to wages, hours, and conditions of employment and  
10 employment relations adopted by the General Assembly or its  
11 agents.

12 Section 75. Exhaustion of nonjudicial remedies. After the  
13 exhaustion of any procedures mandated by a collective  
14 bargaining agreement, suits for violation of agreements  
15 between the General Assembly and a labor organization  
16 representing legislative employees may be brought by the  
17 parties to such agreement in the circuit court of Cook County  
18 or Sangamon County.

19 Section 80. Right to strike.

20 (a) Nothing in this Act makes it unlawful or makes it an  
21 unfair labor practice for legislative employees to strike  
22 except as otherwise provided in this Act. Legislative  
23 employees who are permitted to strike may strike only if:

24 (1) the employees are represented by an exclusive



1 bargaining representative;

2 (2) the collective bargaining agreement entered into  
3 on behalf of the General Assembly and the legislative  
4 employees, if any, has expired, or such collective  
5 bargaining agreement does not prohibit the strike;

6 (3) the exclusive representative has requested a  
7 mediator pursuant to Section 60 for the purpose of  
8 mediation or conciliation of a dispute between the General  
9 Assembly and the exclusive representative and mediation  
10 has been used;

11 (4) the strike does not occur in any month in which one  
12 or more legislative session days are scheduled and does  
13 not otherwise interfere with the essential operation of  
14 the General Assembly; and

15 (5) at least 30 days have elapsed after a notice of  
16 intent to strike has been given by the exclusive  
17 bargaining representative to the Office of State  
18 Legislative Labor Relations.

19 In mediation under this Section, if either party requests  
20 the use of mediation services from the Federal Mediation and  
21 Conciliation Service, the other party shall either join in  
22 such request or bear the additional cost of mediation services  
23 from another source. As used in this Section, "legislative  
24 session day" does not include a day that is solely a  
25 perfunctory session day or a day when only a legislative  
26 committee is meeting.

1           (b) A legislative employee who participates in a strike, a  
2 work stoppage, or a work slowdown against the General  
3 Assembly, in violation of this Section shall be subject to  
4 discipline by the employing entity of the General Assembly.

5           Section 85. Prohibitions. Nothing in this Act shall be  
6 construed to require an individual legislative employee to  
7 render labor or service without his consent; nor shall  
8 anything in this Act be construed to make the quitting of his  
9 or her labor by an individual legislative employee an illegal  
10 act; nor shall any court issue any process to compel the  
11 performance by an individual legislative employee of such  
12 labor or service, without the employee's consent; nor shall  
13 the quitting of labor by a legislative employee or legislative  
14 employees in good faith because of abnormally dangerous  
15 conditions for work at the place of employment of such  
16 employee be deemed a strike under this Act.

17           Section 90. Multiyear collective bargaining agreements.  
18 Subject to the appropriation power of the General Assembly,  
19 the Office of State Legislative Labor Relations and exclusive  
20 representatives may negotiate multiyear collective bargaining  
21 agreements pursuant to the provisions of this Act.

22           Section 95. Meetings. The provisions of the Open Meetings  
23 Act do not apply to collective bargaining negotiations and

1 grievance arbitration conducted pursuant to this Act.

2 Section 100. Waiver of sovereign immunity. For purposes of  
3 this Act, the State of Illinois waives sovereign immunity.

4 Section 105. Application of Labor Dispute Act. The  
5 provisions of the Labor Dispute Act apply.

6 Section 900. The Criminal Code of 2012 is amended by  
7 changing Section 33G-4 as follows:

8 (720 ILCS 5/33G-4)

9 (Section scheduled to be repealed on June 1, 2025)

10 Sec. 33G-4. Prohibited activities.

11 (a) It is unlawful for any person, who intentionally  
12 participates in the operation or management of an enterprise,  
13 directly or indirectly, to:

14 (1) knowingly do so, directly or indirectly, through a  
15 pattern of predicate activity;

16 (2) knowingly cause another to violate this Article;

17 or

18 (3) knowingly conspire to violate this Article.

19 Notwithstanding any other provision of law, in any  
20 prosecution for a conspiracy to violate this Article, no  
21 person may be convicted of that conspiracy unless an overt act  
22 in furtherance of the agreement is alleged and proved to have

1 been committed by him, her, or by a coconspirator, but the  
2 commission of the overt act need not itself constitute  
3 predicate activity underlying the specific violation of this  
4 Article.

5 (b) It is unlawful for any person knowingly to acquire or  
6 maintain, directly or indirectly, through a pattern of  
7 predicate activity any interest in, or control of, to any  
8 degree, any enterprise, real property, or personal property of  
9 any character, including money.

10 (c) Nothing in this Article shall be construed as to make  
11 unlawful any activity which is arguably protected or  
12 prohibited by the National Labor Relations Act, the Illinois  
13 Educational Labor Relations Act, the Legislative Employee  
14 Labor Relations Act, the Illinois Public Labor Relations Act,  
15 or the Railway Labor Act.

16 (d) The following organizations, and any officer or agent  
17 of those organizations acting in his or her official capacity  
18 as an officer or agent, may not be sued in civil actions under  
19 this Article:

20 (1) a labor organization; or

21 (2) any business defined in Division D, E, F, G, H, or  
22 I of the Standard Industrial Classification as established  
23 by the Occupational Safety and Health Administration, U.S.  
24 Department of Labor.

25 (e) Any person prosecuted under this Article may be  
26 convicted and sentenced either:

1           (1) for the offense of conspiring to violate this  
2 Article, and for any other particular offense or offenses  
3 that may be one of the objects of a conspiracy to violate  
4 this Article; or

5           (2) for the offense of violating this Article, and for  
6 any other particular offense or offenses that may  
7 constitute predicate activity underlying a violation of  
8 this Article.

9           (f) The State's Attorney, or a person designated by law to  
10 act for him or her and to perform his or her duties during his  
11 or her absence or disability, may authorize a criminal  
12 prosecution under this Article. Prior to any State's Attorney  
13 authorizing a criminal prosecution under this Article, the  
14 State's Attorney shall adopt rules and procedures governing  
15 the investigation and prosecution of any offense enumerated in  
16 this Article. These rules and procedures shall set forth  
17 guidelines which require that any potential prosecution under  
18 this Article be subject to an internal approval process in  
19 which it is determined, in a written prosecution memorandum  
20 prepared by the State's Attorney's Office, that (1) a  
21 prosecution under this Article is necessary to ensure that the  
22 indictment adequately reflects the nature and extent of the  
23 criminal conduct involved in a way that prosecution only on  
24 the underlying predicate activity would not, and (2) a  
25 prosecution under this Article would provide the basis for an  
26 appropriate sentence under all the circumstances of the case

1 in a way that a prosecution only on the underlying predicate  
2 activity would not. No State's Attorney, or person designated  
3 by law to act for him or her and to perform his or her duties  
4 during his or her absence or disability, may authorize a  
5 criminal prosecution under this Article prior to reviewing the  
6 prepared written prosecution memorandum. However, any internal  
7 memorandum shall remain protected from disclosure under the  
8 attorney-client privilege, and this provision does not create  
9 any enforceable right on behalf of any defendant or party, nor  
10 does it subject the exercise of prosecutorial discretion to  
11 judicial review.

12 (g) A labor organization and any officer or agent of that  
13 organization acting in his or her capacity as an officer or  
14 agent of the labor organization are exempt from prosecution  
15 under this Article.

16 (Source: P.A. 97-686, eff. 6-11-12; 98-463, eff. 8-16-13.)

17 Section 905. The State Lawsuit Immunity Act is amended by  
18 changing Section 1 as follows:

19 (745 ILCS 5/1) (from Ch. 127, par. 801)

20 Sec. 1. Except as provided in the Illinois Public Labor  
21 Relations Act, the Legislative Employee Labor Relations Act,  
22 the Court of Claims Act, the State Officials and Employees  
23 Ethics Act, and Section 1.5 of this Act, the State of Illinois  
24 shall not be made a defendant or party in any court.

1 (Source: P.A. 97-618, eff. 10-26-11.)

2 Section 910. The Workplace Violence Prevention Act is  
3 amended by changing Section 120 as follows:

4 (820 ILCS 275/120)

5 Sec. 120. Exemptions.

6 (a) The court may not enter a workplace protection  
7 restraining order that enjoins the following activities:

8 (1) lawful monitoring of compliance with public or  
9 worker safety laws, wage and hour requirements, or other  
10 statutory workplace requirements;

11 (2) lawful picketing, patrolling, using a banner, or  
12 other lawful protesting at the workplace which arises out  
13 of a bona fide labor dispute; and

14 (3) engaging in concerted and protected activities as  
15 defined in applicable labor law.

16 (b) As used in this Section, "bona fide labor dispute"  
17 means any activity recognized as a labor dispute by the  
18 National Labor Relations Act, the Illinois Public Labor  
19 Relations Act, the Legislative Employee Labor Relations Act,  
20 or the Illinois Educational Labor Relations Act, and includes  
21 a controversy concerning: wages, salaries, hours, working  
22 conditions, or benefits, including health and welfare, sick  
23 leave, insurance, and pension or retirement provisions; the  
24 terms to be included in collective bargaining agreements; and

1 the making, maintaining, administering, and filing of protests  
2 or grievances under a collective bargaining agreement.

3 (Source: P.A. 98-766, eff. 7-16-14.)

4 Section 999. Effective date. This Act takes effect July 1,  
5 2026.