

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Labor Relations Act is  
5 amended by changing Sections 5 and 11 as follows:

6 (5 ILCS 315/5) (from Ch. 48, par. 1605)

7 Sec. 5. Illinois Labor Relations Board; State Panel; Local  
8 Panel.

9 (a) There is created the Illinois Labor Relations Board.  
10 The Board shall be comprised of 2 panels, to be known as the  
11 State Panel and the Local Panel.

12 (a-5) The State Panel shall have jurisdiction over  
13 collective bargaining matters between employee organizations  
14 and the State of Illinois, excluding the General Assembly of  
15 the State of Illinois, between employee organizations and  
16 units of local government and school districts with a  
17 population not in excess of 2 million persons, and between  
18 employee organizations and the Regional Transportation  
19 Authority.

20 The State Panel shall consist of 5 members appointed by  
21 the Governor, with the advice and consent of the Senate. The  
22 Governor shall appoint to the State Panel only persons who  
23 have had a minimum of 5 years of experience directly related to

1 labor and employment relations in representing public  
2 employers, private employers or labor organizations; or  
3 teaching labor or employment relations; or administering  
4 executive orders or regulations applicable to labor or  
5 employment relations. At the time of his or her appointment,  
6 each member of the State Panel shall be an Illinois resident.  
7 The Governor shall designate one member to serve as the  
8 Chairman of the State Panel and the Board.

9 Notwithstanding any other provision of this Section, the  
10 term of each member of the State Panel who was appointed by the  
11 Governor and is in office on June 30, 2003 shall terminate at  
12 the close of business on that date or when all of the successor  
13 members to be appointed pursuant to this amendatory Act of the  
14 93rd General Assembly have been appointed by the Governor,  
15 whichever occurs later. As soon as possible, the Governor  
16 shall appoint persons to fill the vacancies created by this  
17 amendatory Act.

18 The initial appointments under this amendatory Act of the  
19 93rd General Assembly shall be for terms as follows: The  
20 Chairman shall initially be appointed for a term ending on the  
21 4th Monday in January, 2007; 2 members shall be initially  
22 appointed for terms ending on the 4th Monday in January, 2006;  
23 one member shall be initially appointed for a term ending on  
24 the 4th Monday in January, 2005; and one member shall be  
25 initially appointed for a term ending on the 4th Monday in  
26 January, 2004. Each subsequent member shall be appointed for a

1 term of 4 years, commencing on the 4th Monday in January. Upon  
2 expiration of the term of office of any appointive member,  
3 that member shall continue to serve until a successor shall be  
4 appointed and qualified. In case of a vacancy, a successor  
5 shall be appointed to serve for the unexpired portion of the  
6 term. If the Senate is not in session at the time the initial  
7 appointments are made, the Governor shall make temporary  
8 appointments in the same manner successors are appointed to  
9 fill vacancies. A temporary appointment shall remain in effect  
10 no longer than 20 calendar days after the commencement of the  
11 next Senate session.

12 (b) The Local Panel shall have jurisdiction over  
13 collective bargaining agreement matters between employee  
14 organizations and units of local government with a population  
15 in excess of 2 million persons, but excluding the Regional  
16 Transportation Authority.

17 The Local Panel shall consist of one person appointed by  
18 the Governor with the advice and consent of the Senate (or, if  
19 no such person is appointed, the Chairman of the State Panel)  
20 and two additional members, one appointed by the Mayor of the  
21 City of Chicago and one appointed by the President of the Cook  
22 County Board of Commissioners. Appointees to the Local Panel  
23 must have had a minimum of 5 years of experience directly  
24 related to labor and employment relations in representing  
25 public employers, private employers or labor organizations; or  
26 teaching labor or employment relations; or administering

1 executive orders or regulations applicable to labor or  
2 employment relations. Each member of the Local Panel shall be  
3 an Illinois resident at the time of his or her appointment. The  
4 member appointed by the Governor (or, if no such person is  
5 appointed, the Chairman of the State Panel) shall serve as the  
6 Chairman of the Local Panel.

7 Notwithstanding any other provision of this Section, the  
8 term of the member of the Local Panel who was appointed by the  
9 Governor and is in office on June 30, 2003 shall terminate at  
10 the close of business on that date or when his or her successor  
11 has been appointed by the Governor, whichever occurs later. As  
12 soon as possible, the Governor shall appoint a person to fill  
13 the vacancy created by this amendatory Act. The initial  
14 appointment under this amendatory Act of the 93rd General  
15 Assembly shall be for a term ending on the 4th Monday in  
16 January, 2007.

17 The initial appointments under this amendatory Act of the  
18 91st General Assembly shall be for terms as follows: The  
19 member appointed by the Governor shall initially be appointed  
20 for a term ending on the 4th Monday in January, 2001; the  
21 member appointed by the President of the Cook County Board  
22 shall be initially appointed for a term ending on the 4th  
23 Monday in January, 2003; and the member appointed by the Mayor  
24 of the City of Chicago shall be initially appointed for a term  
25 ending on the 4th Monday in January, 2004. Each subsequent  
26 member shall be appointed for a term of 4 years, commencing on

1 the 4th Monday in January. Upon expiration of the term of  
2 office of any appointive member, the member shall continue to  
3 serve until a successor shall be appointed and qualified. In  
4 the case of a vacancy, a successor shall be appointed by the  
5 applicable appointive authority to serve for the unexpired  
6 portion of the term.

7 (c) Three members of the State Panel shall at all times  
8 constitute a quorum. Two members of the Local Panel shall at  
9 all times constitute a quorum. A vacancy on a panel does not  
10 impair the right of the remaining members to exercise all of  
11 the powers of that panel. Each panel shall adopt an official  
12 seal which shall be judicially noticed. The salary of the  
13 Chairman of the State Panel shall be \$82,429 per year, or as  
14 set by the Compensation Review Board, whichever is greater,  
15 and that of the other members of the State and Local Panels  
16 shall be \$74,188 per year, or as set by the Compensation Review  
17 Board, whichever is greater.

18 (d) Each member shall devote his or her entire time to the  
19 duties of the office, and shall hold no other office or  
20 position of profit, nor engage in any other business,  
21 employment, or vocation. No member shall hold any other public  
22 office or be employed as a labor or management representative  
23 by the State or any political subdivision of the State or of  
24 any department or agency thereof, or actively represent or act  
25 on behalf of an employer or an employee organization or an  
26 employer in labor relations matters. Any member of the State

1 Panel may be removed from office by the Governor for  
2 inefficiency, neglect of duty, misconduct or malfeasance in  
3 office, and for no other cause, and only upon notice and  
4 hearing. Any member of the Local Panel may be removed from  
5 office by the applicable appointive authority for  
6 inefficiency, neglect of duty, misconduct or malfeasance in  
7 office, and for no other cause, and only upon notice and  
8 hearing.

9 (e) Each panel at the end of every State fiscal year shall  
10 make a report in writing to the Governor and the General  
11 Assembly, stating in detail the work it has done to carry out  
12 the policy of the Act in hearing and deciding cases and  
13 otherwise. Each panel's report shall include:

14 (1) the number of unfair labor practice charges filed  
15 during the fiscal year;

16 (2) the number of unfair labor practice charges  
17 resolved during the fiscal year;

18 (3) the total number of unfair labor charges pending  
19 before the Board at the end of the fiscal year;

20 (4) the number of unfair labor charge cases at the end  
21 of the fiscal year that have been pending before the Board  
22 between 1 and 100 days, 101 and 150 days, 151 and 200 days,  
23 201 and 250 days, 251 and 300 days, 301 and 350 days, 351  
24 and 400 days, 401 and 450 days, 451 and 500 days, 501 and  
25 550 days, 551 and 600 days, 601 and 650 days, 651 and 700  
26 days, and over 701 days;

1           (5) the number of representation cases and unit  
2           clarification cases filed during the fiscal year;

3           (6) the number of representation cases and unit  
4           clarification cases resolved during the fiscal year;

5           (7) the total number of representation cases and unit  
6           clarification cases pending before the Board at the end of  
7           the fiscal year;

8           (8) the number of representation cases and unit  
9           clarification cases at the end of the fiscal year that  
10           have been pending before the Board between 1 and 120 days,  
11           121 and 180 days, and over 180 days; and

12           (9) the Board's progress in meeting the timeliness  
13           goals established pursuant to the criteria in subsection  
14           (j) of Section 11 of this Act; the report shall include,  
15           but is not limited to:

16                   (A) the average number of days taken to complete  
17                   investigations and issue complaints, dismissals, or  
18                   deferrals;

19                   (B) the average number of days taken for the Board  
20                   to issue decisions on appeals of dismissals or  
21                   deferrals;

22                   (C) the average number of days taken to schedule a  
23                   hearing on complaints once issued;

24                   (D) the average number of days taken to issue a  
25                   recommended decision and order once the record is  
26                   closed;

1           (E) the average number of days taken for the Board  
2           to issue final decisions on recommended decisions  
3           where exceptions have been filed;

4           (F) the average number of days taken for the Board  
5           to issue final decision on recommended decisions when  
6           no exceptions have been filed; and

7           (G) in cases where the Board was unable to meet the  
8           timeliness goals established in subsection (j) of  
9           Section 11, an explanation as to why the goal was not  
10          met.

11           (f) In order to accomplish the objectives and carry out  
12           the duties prescribed by this Act, a panel or its authorized  
13           designees may hold elections to determine whether a labor  
14           organization has majority status; investigate and attempt to  
15           resolve or settle charges of unfair labor practices; hold  
16           hearings in order to carry out its functions; develop and  
17           effectuate appropriate impasse resolution procedures for  
18           purposes of resolving labor disputes; require the appearance  
19           of witnesses and the production of evidence on any matter  
20           under inquiry; and administer oaths and affirmations. The  
21           panels shall sign and report in full an opinion in every case  
22           which they decide.

23           (g) Each panel may appoint or employ an executive  
24           director, attorneys, hearing officers, mediators,  
25           fact-finders, arbitrators, and such other employees as it may  
26           deem necessary to perform its functions. The governing boards



1 shall prescribe the duties and qualifications of such persons  
2 appointed and, subject to the annual appropriation, fix their  
3 compensation and provide for reimbursement of actual and  
4 necessary expenses incurred in the performance of their  
5 duties. The Board shall employ a minimum of 16 attorneys and 6  
6 investigators.

7 (h) Each panel shall exercise general supervision over all  
8 attorneys which it employs and over the other persons employed  
9 to provide necessary support services for such attorneys. The  
10 panels shall have final authority in respect to complaints  
11 brought pursuant to this Act.

12 (i) The following rules and regulations shall be adopted  
13 by the panels meeting in joint session: (1) procedural rules  
14 and regulations which shall govern all Board proceedings; (2)  
15 procedures for election of exclusive bargaining  
16 representatives pursuant to Section 9, except for the  
17 determination of appropriate bargaining units; and (3)  
18 appointment of counsel pursuant to subsection (k) of this  
19 Section.

20 (j) Rules and regulations may be adopted, amended or  
21 rescinded only upon a vote of 5 of the members of the State and  
22 Local Panels meeting in joint session. The adoption, amendment  
23 or rescission of rules and regulations shall be in conformity  
24 with the requirements of the Illinois Administrative Procedure  
25 Act.

26 (k) The panels in joint session shall promulgate rules and

1 regulations providing for the appointment of attorneys or  
2 other Board representatives to represent persons in unfair  
3 labor practice proceedings before a panel. The regulations  
4 governing appointment shall require the applicant to  
5 demonstrate an inability to pay for or inability to otherwise  
6 provide for adequate representation before a panel. Such rules  
7 must also provide: (1) that an attorney may not be appointed in  
8 cases which, in the opinion of a panel, are clearly without  
9 merit; (2) the stage of the unfair labor proceeding at which  
10 counsel will be appointed; and (3) the circumstances under  
11 which a client will be allowed to select counsel.

12 (1) The panels in joint session may promulgate rules and  
13 regulations which allow parties in proceedings before a panel  
14 to be represented by counsel or any other representative of  
15 the party's choice.

16 (m) The Chairman of the State Panel shall serve as  
17 Chairman of a joint session of the panels. Attendance of at  
18 least 2 members of the State Panel and at least one member of  
19 the Local Panel, in addition to the Chairman, shall constitute  
20 a quorum at a joint session. The panels shall meet in joint  
21 session at least annually.

22 (Source: P.A. 96-813, eff. 10-30-09.)

23 (5 ILCS 315/11) (from Ch. 48, par. 1611)

24 Sec. 11. Unfair labor practice procedures. Unfair labor  
25 practices may be dealt with by the Board in the following

1 manner:

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

1 complaint and to appear in person or by a representative and  
2 give testimony at the place and time fixed in the complaint. In  
3 the discretion of the member or hearing officer conducting the  
4 hearing or the Board, any other person may be allowed to  
5 intervene in the proceeding and to present testimony. In any  
6 hearing conducted by the Board, neither the Board nor the  
7 member or agent conducting the hearing shall be bound by the  
8 rules of evidence applicable to courts, except as to the rules  
9 of privilege recognized by law.

10 (b) The Board shall have the power to issue subpoenas and  
11 administer oaths. If any party wilfully fails or neglects to  
12 appear or testify or to produce books, papers and records  
13 pursuant to the issuance of a subpoena by the Board, the Board  
14 may apply to a court of competent jurisdiction to request that  
15 such party be ordered to appear before the Board to testify or  
16 produce the requested evidence.

17 (c) Any testimony taken by the Board, or a member  
18 designated by the Board or a hearing officer thereof, must be  
19 reduced to writing and filed with the Board. A full and  
20 complete record shall be kept of all proceedings before the  
21 Board, and all proceedings shall be transcribed by a reporter  
22 appointed by the Board. The party on whom the burden of proof  
23 rests shall be required to sustain such burden by a  
24 preponderance of the evidence. If, upon a preponderance of the  
25 evidence taken, the Board is of the opinion that any person  
26 named in the charge has engaged in or is engaging in an unfair

1 labor practice, then it shall state its findings of fact and  
2 shall issue and cause to be served upon the person an order  
3 requiring him to cease and desist from the unfair labor  
4 practice, and to take such affirmative action, including  
5 reinstatement of public employees with or without back pay, as  
6 will effectuate the policies of this Act. If the Board awards  
7 back pay, it shall also award interest at the rate of 7% per  
8 annum. The Board's order may further require the person to  
9 make reports from time to time, and demonstrate the extent to  
10 which he has complied with the order. If there is no  
11 preponderance of evidence to indicate to the Board that the  
12 person named in the charge has engaged in or is engaging in the  
13 unfair labor practice, then the Board shall state its findings  
14 of fact and shall issue an order dismissing the complaint. The  
15 Board's order may in its discretion also include an  
16 appropriate sanction, based on the Board's rules and  
17 regulations, and the sanction may include an order to pay the  
18 other party or parties' reasonable expenses including costs  
19 and reasonable attorney's fee, if the other party has made  
20 allegations or denials without reasonable cause and found to  
21 be untrue or has engaged in frivolous litigation for the  
22 purpose of delay or needless increase in the cost of  
23 litigation; the State of Illinois or any agency thereof shall  
24 be subject to the provisions of this sentence in the same  
25 manner as any other party.

26 (d) Until the record in a case has been filed in court, the

1 Board at any time, upon reasonable notice and in such manner as  
2 it deems proper, may modify or set aside, in whole or in part,  
3 any finding or order made or issued by it.

4 (e) A charging party or any person aggrieved by a final  
5 order of the Board granting or denying in whole or in part the  
6 relief sought may apply for and obtain judicial review of an  
7 order of the Board entered under this Act, in accordance with  
8 the provisions of the Administrative Review Law, as now or  
9 hereafter amended, except that such judicial review shall be  
10 afforded directly in the appellate court for the district in  
11 which the aggrieved party resides or transacts business, and  
12 provided, that such judicial review shall not be available for  
13 the purpose of challenging a final order issued by the Board  
14 pursuant to Section 9 of this Act for which judicial review has  
15 been petitioned pursuant to subsection (i) of Section 9. Any  
16 direct appeal to the Appellate Court shall be filed within 35  
17 days from the date that a copy of the decision sought to be  
18 reviewed was served upon the party affected by the decision.  
19 The filing of such an appeal to the Appellate Court shall not  
20 automatically stay the enforcement of the Board's order. An  
21 aggrieved party may apply to the Appellate Court for a stay of  
22 the enforcement of the Board's order after the aggrieved party  
23 has followed the procedure prescribed by Supreme Court Rule  
24 335. The Board in proceedings under this Section may obtain an  
25 order of the court for the enforcement of its order.

26 (f) Whenever it appears that any person has violated a

1 final order of the Board issued pursuant to this Section, the  
2 Board must commence an action in the name of the People of the  
3 State of Illinois by petition, alleging the violation,  
4 attaching a copy of the order of the Board, and praying for the  
5 issuance of an order directing the person, his officers,  
6 agents, servants, successors, and assigns to comply with the  
7 order of the Board. The Board shall be represented in this  
8 action by the Attorney General in accordance with the Attorney  
9 General Act. The court may grant or refuse, in whole or in  
10 part, the relief sought, provided that the court may stay an  
11 order of the Board in accordance with the Administrative  
12 Review Law, pending disposition of the proceedings. The court  
13 may punish a violation of its order as in civil contempt.

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

20 (h) The Board through the Attorney General, shall have  
21 power, upon issuance of an unfair labor practice complaint  
22 alleging that a person has engaged in or is engaging in an  
23 unfair labor practice, to petition the circuit court where the  
24 alleged unfair labor practice which is the subject of the  
25 Board's complaint was allegedly committed, or where a person  
26 required to cease and desist from such alleged unfair labor

1 practice resides or transacts business, for appropriate  
2 temporary relief or restraining order. Upon the filing of any  
3 such petition, the court shall cause notice thereof to be  
4 served upon such persons, and thereupon shall have  
5 jurisdiction to grant to the Board such temporary relief or  
6 restraining order as it deems just and proper.

7 (i) If an unfair labor practice charge involves the  
8 interpretation or application of a collective bargaining  
9 agreement and said agreement contains a grievance procedure  
10 with binding arbitration as its terminal step, the Board may  
11 defer the resolution of such dispute to the grievance and  
12 arbitration procedure contained in said agreement.

13 (j) To effectuate this Act's policy, the Board shall adopt  
14 goals (i) to ensure effective enforcement of this Act through  
15 timely and quality consideration and resolution of unfair  
16 labor practices with appropriate remedies and (ii) to protect  
17 employee free choice with timely and effective mechanisms to  
18 resolve questions concerning representation. To measure and  
19 report on its success in achieving these goals, the Board  
20 shall also adopt the following timeliness goals for the  
21 processing of unfair labor practice charges filed under  
22 Section 10:

23 (1) Complete the investigation and issue a complaint,  
24 dismissal, or deferral within 100 days of the charges  
25 being filed. If the dismissal or deferral is appealed to  
26 the Board, issue Board decisions within 90 days of the



1 completion of the Board's process for filing appeals.

2 (2) Upon the issuance of complaints for hearing: (i)  
3 schedule hearings to begin within 60 days of a complaint's  
4 issuance; (ii) issue recommended decisions and orders  
5 within 120 days of the close of the record; and (iii) if  
6 exceptions to recommended decisions and orders are filed,  
7 issue Board decisions within 90 days of the completion of  
8 the Board's process for filing exceptions.

9 (Source: P.A. 100-516, eff. 9-22-17.)

10 Section 10. The Illinois Educational Labor Relations Act  
11 is amended by changing Sections 5 and 15 as follows:

12 (115 ILCS 5/5) (from Ch. 48, par. 1705)

13 Sec. 5. Illinois Educational Labor Relations Board.

14 (a) There is hereby created the Illinois Educational Labor  
15 Relations Board.

16 (a-5) Until July 1, 2003 or when all of the new members to  
17 be initially appointed under this amendatory Act of the 93rd  
18 General Assembly have been appointed by the Governor,  
19 whichever occurs later, the Illinois Educational Labor  
20 Relations Board shall consist of 7 members, no more than 4 of  
21 whom may be of the same political party, who are residents of  
22 Illinois appointed by the Governor with the advice and consent  
23 of the Senate.

24 The term of each appointed member of the Board who is in

1 office on June 30, 2003 shall terminate at the close of  
2 business on that date or when all of the new members to be  
3 initially appointed under this amendatory Act of the 93rd  
4 General Assembly have been appointed by the Governor,  
5 whichever occurs later.

6 (b) Beginning on July 1, 2003 or when all of the new  
7 members to be initially appointed under this amendatory Act of  
8 the 93rd General Assembly have been appointed by the Governor,  
9 whichever occurs later, the Illinois Educational Labor  
10 Relations Board shall consist of 5 members appointed by the  
11 Governor with the advice and consent of the Senate. No more  
12 than 3 members may be of the same political party.

13 The Governor shall appoint to the Board only persons who  
14 are residents of Illinois and have had a minimum of 5 years of  
15 experience directly related to labor and employment relations  
16 in representing educational employers or educational employees  
17 in collective bargaining matters. One appointed member shall  
18 be designated at the time of his or her appointment to serve as  
19 chairman.

20 Of the initial members appointed pursuant to this  
21 amendatory Act of the 93rd General Assembly, 2 shall be  
22 designated at the time of appointment to serve a term of 6  
23 years, 2 shall be designated at the time of appointment to  
24 serve a term of 4 years, and the other shall be designated at  
25 the time of his or her appointment to serve a term of 4 years,  
26 with each to serve until his or her successor is appointed and

1 qualified.

2 Each subsequent member shall be appointed in like manner  
3 for a term of 6 years and until his or her successor is  
4 appointed and qualified. Each member of the Board is eligible  
5 for reappointment. Vacancies shall be filled in the same  
6 manner as original appointments for the balance of the  
7 unexpired term.

8 (c) The chairman shall be paid \$50,000 per year, or an  
9 amount set by the Compensation Review Board, whichever is  
10 greater. Other members of the Board shall each be paid \$45,000  
11 per year, or an amount set by the Compensation Review Board,  
12 whichever is greater. They shall be entitled to reimbursement  
13 for necessary traveling and other official expenditures  
14 necessitated by their official duties.

15 Each member shall devote his entire time to the duties of  
16 the office, and shall hold no other office or position of  
17 profit, nor engage in any other business, employment or  
18 vocation.

19 (d) Three members of the Board constitute a quorum and a  
20 vacancy on the Board does not impair the right of the remaining  
21 members to exercise all of the powers of the Board.

22 (e) Any member of the Board may be removed by the Governor,  
23 upon notice, for neglect of duty or malfeasance in office, but  
24 for no other cause.

25 (f) The Board may appoint or employ an executive director,  
26 attorneys, hearing officers, and such other employees as it

1 deems necessary to perform its functions, except that the  
2 Board shall employ a minimum of 8 attorneys and 5  
3 investigators. The Board shall prescribe the duties and  
4 qualifications of such persons appointed and, subject to the  
5 annual appropriation, fix their compensation and provide for  
6 reimbursement of actual and necessary expenses incurred in the  
7 performance of their duties.

8 (g) The Board may promulgate rules and regulations which  
9 allow parties in proceedings before the Board to be  
10 represented by counsel or any other person knowledgeable in  
11 the matters under consideration.

12 (h) To accomplish the objectives and to carry out the  
13 duties prescribed by this Act, the Board may subpoena  
14 witnesses, subpoena the production of books, papers, records  
15 and documents which may be needed as evidence on any matter  
16 under inquiry and may administer oaths and affirmations.

17 In cases of neglect or refusal to obey a subpoena issued to  
18 any person, the circuit court in the county in which the  
19 investigation or the public hearing is taking place, upon  
20 application by the Board, may issue an order requiring such  
21 person to appear before the Board or any member or agent of the  
22 Board to produce evidence or give testimony. A failure to obey  
23 such order may be punished by the court as in civil contempt.

24 Any subpoena, notice of hearing, or other process or  
25 notice of the Board issued under the provisions of this Act may  
26 be served by one of the methods permitted in the Board's rules.

1 (i) The Board shall adopt, promulgate, amend, or rescind  
2 rules and regulations in accordance with the Illinois  
3 Administrative Procedure Act as it deems necessary and  
4 feasible to carry out this Act.

5 (j) The Board at the end of every State fiscal year shall  
6 make a report in writing to the Governor and the General  
7 Assembly, stating in detail the work it has done to carry out  
8 the policy of the Act in hearing and deciding cases and  
9 otherwise. The Board's report shall include:

10 (1) the number of unfair labor practice charges filed  
11 during the fiscal year;

12 (2) the number of unfair labor practice charges  
13 resolved during the fiscal year;

14 (3) the total number of unfair labor charges pending  
15 before the Board at the end of the fiscal year;

16 (4) the number of unfair labor charge cases at the end  
17 of the fiscal year that have been pending before the Board  
18 between 1 and 100 days, 101 and 150 days, 151 and 200 days,  
19 201 and 250 days, 251 and 300 days, 301 and 350 days, 351  
20 and 400 days, 401 and 450 days, 451 and 500 days, 501 and  
21 550 days, 551 and 600 days, 601 and 650 days, 651 and 700  
22 days, and over 701 days;

23 (5) the number of representation cases and unit  
24 clarification cases filed during the fiscal year;

25 (6) the number of representation cases and unit  
26 clarification cases resolved during the fiscal year;

1           (7) the total number of representation cases and unit  
2           clarification cases pending before the Board at the end of  
3           the fiscal year;

4           (8) the number of representation cases and unit  
5           clarification cases at the end of the fiscal year that  
6           have been pending before the Board between 1 and 120 days,  
7           121 and 180 days, and over 180 days; and

8           (9) the Board's progress in meeting the timeliness  
9           goals established pursuant to the criteria in Section 15  
10           of this Act; the report shall include, but is not limited  
11           to:

12                   (A) the average number of days taken to complete  
13                   investigations and issue complaints, dismissals or  
14                   deferrals;

15                   (B) the average number of days taken for the Board  
16                   to issue decisions on appeals of dismissals or  
17                   deferrals;

18                   (C) the average number of days taken to schedule a  
19                   hearing on complaints once issued;

20                   (D) the average number of days taken to issue a  
21                   recommended decision and order once the record is  
22                   closed;

23                   (E) the average number of days taken for the Board  
24                   to issue final decisions on recommended decisions  
25                   where exceptions have been filed;

26                   (F) the average number of days taken for the Board

1           to issue final decision on recommended decisions when  
2           no exceptions have been filed; and

3           (G) in cases where the Board was unable to meet the  
4           timeliness goals established in Section 15, an  
5           explanation as to why the goal was not met.

6           (Source: P.A. 102-797, eff. 1-1-23.)

7           (115 ILCS 5/15) (from Ch. 48, par. 1715)

8           Sec. 15. Unfair labor practice procedure. A charge of  
9           unfair labor practice may be filed with the Board by an  
10          employer, an individual or a labor organization. If the Board  
11          after investigation finds that the charge states an issue of  
12          law or fact, it shall issue and cause to be served upon the  
13          party complained of a complaint which fully states the charges  
14          and thereupon hold a hearing on the charges, giving at least 5  
15          days' notice to the parties. At hearing, the charging party  
16          may also present evidence in support of the charges and the  
17          party charged may file an answer to the charges, appear in  
18          person or by attorney, and present evidence in defense against  
19          the charges.

20          The Board has the power to issue subpoenas and administer  
21          oaths. If any party wilfully fails or neglects to appear or  
22          testify or to produce books, papers and records pursuant to  
23          subpoena issued by the Board, the Board shall apply to the  
24          circuit court for an order to compel the attendance of the  
25          party at the hearing to testify or produce requested

1 documents.

2 If the Board finds that the party charged has committed an  
3 unfair labor practice, it shall make findings of fact and is  
4 empowered to issue an order requiring the party charged to  
5 stop the unfair practice, and may take additional affirmative  
6 action, including requiring the party to make reports from  
7 time to time showing the extent to which he or she has complied  
8 with the order. No order shall be issued upon an unfair  
9 practice occurring more than 6 months before the filing of the  
10 charge alleging the unfair labor practice. If the Board awards  
11 back pay, it shall also award interest at the rate of 7% per  
12 annum. If the Board finds that the party charged has not  
13 committed any unfair labor practice, findings of fact shall be  
14 made and an order issued dismissing the charges.

15 The Board may petition the circuit court of the county in  
16 which the unfair labor practice in question occurred or where  
17 the party charged with the unfair labor practice resides or  
18 transacts business to enforce an order and for other relief  
19 which may include, but is not limited to, injunctions. The  
20 Board's order may in its discretion also include an  
21 appropriate sanction, based on the Board's rules and  
22 regulations, and the sanction may include an order to pay the  
23 other party or parties' reasonable expenses including costs  
24 and reasonable attorney's fee, if the other party has made  
25 allegations or denials without reasonable cause and found to  
26 be untrue or has engaged in frivolous litigation for the



1 purpose of delay or needless increase in the cost of  
2 litigation; the State of Illinois or any agency thereof shall  
3 be subject to the provisions of this sentence in the same  
4 manner as any other party.

5 To effectuate this Act's policy, the Board shall adopt  
6 goals (i) to ensure effective enforcement of this Act through  
7 timely and quality consideration and resolution of unfair  
8 labor practices with appropriate remedies and (ii) to protect  
9 employee free choice with timely and effective mechanisms to  
10 resolve questions concerning representation. To measure and  
11 report on its success in achieving these goals, the Board  
12 shall also adopt the following timeliness goals for the  
13 processing of unfair labor practice charges filed under  
14 Section 14:

15 (1) Complete the investigation and issue a complaint,  
16 dismissal, or deferral within 100 days of the charges  
17 being filed. If the dismissal or deferral is appealed to  
18 the Board, issue Board decisions within 90 days of the  
19 completion of the Board's process for filing appeals.

20 (2) Upon the issuance of complaints for hearing: (i)  
21 schedule hearings to begin within 60 days of a complaint's  
22 issuance; (ii) issue recommended decisions and orders  
23 within 120 days of the close of the record; and (iii) if  
24 exceptions to recommended decisions and orders are filed,  
25 issue Board decisions within 90 days of the completion of  
26 the Board's process for filing exceptions.

1 (Source: P.A. 86-412; 87-736.)