



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB5753

by Rep. Keith Wheeler

#### SYNOPSIS AS INTRODUCED:

5 ILCS 315/6	from Ch. 48, par. 1606
115 ILCS 5/7.5 new	
115 ILCS 5/11	from Ch. 48, par. 1711

Amends the Illinois Public Labor Relations Act. Provides that certain provisions concerning the collection of dues under collective bargaining agreements apply only to collective bargaining agreements entered into before the effective date of this amendatory Act. Provides that for collective bargaining agreements entered into, modified, extended, or amended on and after the effective date of the amendatory Act, employers shall not enter into collective bargaining agreements that provide for the payroll deduction of labor organization dues, fair share payments, initiation fees, and assessments. Provides that employers shall not deduct labor organization dues, fair share payments, initiation fees, and assessments from any employee paychecks. Amends the Illinois Educational Labor Relations Act to make conforming changes. Effective immediately.

LRB099 15769 RJF 42473 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 5. The Illinois Public Labor Relations Act is  
5 amended by changing Section 6 as follows:

6 (5 ILCS 315/6) (from Ch. 48, par. 1606)

7 Sec. 6. Right to organize and bargain collectively;  
8 exclusive representation; and fair share arrangements.

9 (a) Employees of the State and any political subdivision of  
10 the State, excluding employees of the General Assembly of the  
11 State of Illinois and employees excluded from the definition of  
12 "public employee" under subsection (n) of Section 3 of this  
13 Act, have, and are protected in the exercise of, the right of  
14 self-organization, and may form, join or assist any labor  
15 organization, to bargain collectively through representatives  
16 of their own choosing on questions of wages, hours and other  
17 conditions of employment, not excluded by Section 4 of this  
18 Act, and to engage in other concerted activities not otherwise  
19 prohibited by law for the purposes of collective bargaining or  
20 other mutual aid or protection, free from interference,  
21 restraint or coercion. Employees also have, and are protected  
22 in the exercise of, the right to refrain from participating in  
23 any such concerted activities. Employees may be required,

1 pursuant to the terms of a lawful fair share agreement, to pay  
2 a fee which shall be their proportionate share of the costs of  
3 the collective bargaining process, contract administration and  
4 pursuing matters affecting wages, hours and other conditions of  
5 employment as defined in Section 3(g).

6 (b) Nothing in this Act prevents an employee from  
7 presenting a grievance to the employer and having the grievance  
8 heard and settled without the intervention of an employee  
9 organization; provided that the exclusive bargaining  
10 representative is afforded the opportunity to be present at  
11 such conference and that any settlement made shall not be  
12 inconsistent with the terms of any agreement in effect between  
13 the employer and the exclusive bargaining representative.

14 (c) A labor organization designated by the Board as the  
15 representative of the majority of public employees in an  
16 appropriate unit in accordance with the procedures herein or  
17 recognized by a public employer as the representative of the  
18 majority of public employees in an appropriate unit is the  
19 exclusive representative for the employees of such unit for the  
20 purpose of collective bargaining with respect to rates of pay,  
21 wages, hours and other conditions of employment not excluded by  
22 Section 4 of this Act. A public employer is required upon  
23 request to furnish the exclusive bargaining representative  
24 with a complete list of the names and addresses of the public  
25 employees in the bargaining unit, provided that a public  
26 employer shall not be required to furnish such a list more than

1 once per payroll period. The exclusive bargaining  
2 representative shall use the list exclusively for bargaining  
3 representation purposes and shall not disclose any information  
4 contained in the list for any other purpose. Nothing in this  
5 Section, however, shall prohibit a bargaining representative  
6 from disseminating a list of its union members.

7 (d) Labor organizations recognized by a public employer as  
8 the exclusive representative or so designated in accordance  
9 with the provisions of this Act are responsible for  
10 representing the interests of all public employees in the unit.  
11 Nothing herein shall be construed to limit an exclusive  
12 representative's right to exercise its discretion to refuse to  
13 process grievances of employees that are unmeritorious.

14 (e) When a collective bargaining agreement is entered into  
15 with an exclusive representative, it may include in the  
16 agreement a provision requiring employees covered by the  
17 agreement who are not members of the organization to pay their  
18 proportionate share of the costs of the collective bargaining  
19 process, contract administration and pursuing matters  
20 affecting wages, hours and conditions of employment, as defined  
21 in Section 3 (g), but not to exceed the amount of dues  
22 uniformly required of members. The organization shall certify  
23 to the employer the amount constituting each nonmember  
24 employee's proportionate share which shall not exceed dues  
25 uniformly required of members. In such case, the proportionate  
26 share payment in this Section shall be deducted by the employer

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

3 (f) For collective bargaining agreements entered into  
4 before the effective date of this amendatory Act of the 99th  
5 General Assembly, only ~~Only~~ the exclusive representative may  
6 negotiate provisions in a collective bargaining agreement  
7 providing for the payroll deduction of labor organization dues,  
8 fair share payment, initiation fees and assessments. Except as  
9 provided in subsection (e) of this Section, any such deductions  
10 shall only be made upon an employee's written authorization,  
11 and continued until revoked in writing in the same manner or  
12 until the termination date of an applicable collective  
13 bargaining agreement. Such payments shall be paid to the  
14 exclusive representative.

15 Where a collective bargaining agreement is terminated, or  
16 continues in effect beyond its scheduled expiration date  
17 pending the negotiation of a successor agreement or the  
18 resolution of an impasse under Section 14, the employer shall  
19 continue to honor and abide by any dues deduction or fair share  
20 clause contained therein until a new agreement is reached  
21 including dues deduction or a fair share clause. For the  
22 benefit of any successor exclusive representative certified  
23 under this Act, this provision shall be applicable, provided  
24 the successor exclusive representative:

25 (i) certifies to the employer the amount constituting  
26 each non-member's proportionate share under subsection

1 (e); or

2 (ii) presents the employer with employee written  
3 authorizations for the deduction of dues, assessments, and  
4 fees under this subsection.

5 Failure to so honor and abide by dues deduction or fair  
6 share clauses for the benefit of any exclusive representative,  
7 including a successor, shall be a violation of the duty to  
8 bargain and an unfair labor practice.

9 (f-5) For collective bargaining agreements entered into,  
10 modified, extended, or amended on and after the effective date  
11 of this amendatory Act of the 99th General Assembly, employers  
12 shall not enter into collective bargaining agreements that  
13 provide for the payroll deduction of labor organization dues,  
14 fair share payments, initiation fees, and assessments.  
15 Employers shall not deduct labor organization dues, fair share  
16 payments, initiation fees, and assessments from any employee  
17 paychecks.

18 (g) Agreements containing a fair share agreement must  
19 safeguard the right of nonassociation of employees based upon  
20 bona fide religious tenets or teachings of a church or  
21 religious body of which such employees are members. Such  
22 employees may be required to pay an amount equal to their fair  
23 share, determined under a lawful fair share agreement, to a  
24 nonreligious charitable organization mutually agreed upon by  
25 the employees affected and the exclusive bargaining  
26 representative to which such employees would otherwise pay such

1 service fee. If the affected employees and the bargaining  
2 representative are unable to reach an agreement on the matter,  
3 the Board may establish an approved list of charitable  
4 organizations to which such payments may be made.

5 (Source: P.A. 97-1172, eff. 4-5-13.)

6 Section 10. The Illinois Educational Labor Relations Act is  
7 amended by changing Section 11 and by adding Section 7.5 as  
8 follows:

9 (115 ILCS 5/7.5 new)

10 Sec. 7.5. No dues collections. For collective bargaining  
11 agreements entered into, modified, extended, or amended on and  
12 after the effective date of this amendatory Act of the 99th  
13 General Assembly, employers shall not enter into collective  
14 bargaining agreements that provide for the payroll deduction of  
15 labor organization dues, initiation fees, and assessments.  
16 Employers shall not deduct labor organization dues, initiation  
17 fees, and assessments from any employee paychecks.

18 (115 ILCS 5/11) (from Ch. 48, par. 1711)

19 Sec. 11. Non-member fair share payments.

20 (a) When a collective bargaining agreement is entered into  
21 with an exclusive representative, it may include a provision  
22 requiring employees covered by the agreement who are not  
23 members of the organization to pay to the organization a fair

1 share fee for services rendered. The exclusive representative  
2 shall certify to the employer an amount not to exceed the dues  
3 uniformly required of members which shall constitute each non  
4 member employee's fair share fee. For collective bargaining  
5 agreements containing a fair share fee provision entered into  
6 before the effective date of this amendatory Act of the 99th  
7 General Assembly, the ~~The~~ fair share fee payment shall be  
8 deducted by the employer from the earnings of the non member  
9 employees and paid to the exclusive representative.

10 The amount certified by the exclusive representative shall  
11 not include any fees for contributions related to the election  
12 or support of any candidate for political office. Nothing in  
13 this Section shall preclude the non member employee from making  
14 voluntary political contributions in conjunction with his or  
15 her fair share payment.

16 If a collective bargaining agreement that includes a fair  
17 share clause expires or continues in effect beyond its  
18 scheduled expiration date pending the negotiation of a  
19 successor agreement, then the employer shall continue to honor  
20 and abide by the fair share clause until a new agreement that  
21 includes a fair share clause is reached. Failure to honor and  
22 abide by the fair share clause for the benefit of any exclusive  
23 representative as set forth in this paragraph shall be a  
24 violation of the duty to bargain and an unfair labor practice.

25 Agreements containing a fair share agreement must  
26 safeguard the right of non-association of employees based upon



1 bonafide religious tenets or teaching of a church or religious  
2 body of which such employees are members. Such employees may be  
3 required to pay an amount equal to their proportionate share,  
4 determined under a proportionate share agreement, to a  
5 non-religious charitable organization mutually agreed upon by  
6 the employees affected and the exclusive representative to  
7 which such employees would otherwise pay such fee. If the  
8 affected employees and the exclusive representative are unable  
9 to reach an agreement on the matter, the Illinois Educational  
10 Labor Relations Board may establish an approved list of  
11 charitable organizations to which such payments may be made.

12 For collective bargaining agreements containing a fair  
13 share fee provision entered into before the effective date of  
14 this amendatory Act of the 99th General Assembly, the ~~The~~ Board  
15 shall by rule require that in cases where an employee files an  
16 objection to the amount of the fair share fee, the employer  
17 shall continue to deduct the employee's fair share fee from the  
18 employee's pay, but shall transmit the fee, or some portion  
19 thereof, to the Board for deposit in an escrow account  
20 maintained by the Board; provided, however, that if the  
21 exclusive representative maintains an escrow account for the  
22 purpose of holding fair share fees to which an employee has  
23 objected, the employer shall transmit the entire fair share fee  
24 to the exclusive representative, and the exclusive  
25 representative shall hold in escrow that portion of the fee  
26 that the employer would otherwise have been required to

1 transmit to the Board for escrow, provided that the escrow  
2 account maintained by the exclusive representative complies  
3 with rules to be promulgated by the Board within 30 days of the  
4 effective date of this amendatory Act of 1989 or that the  
5 collective bargaining agreement requiring the payment of the  
6 fair share fee contains an indemnification provision for the  
7 purpose of indemnifying the employer with respect to the  
8 employer's transmission of fair share fees to the exclusive  
9 representative.

10 (b) For collective bargaining agreements entered into,  
11 modified, extended, or amended on and after the effective date  
12 of this amendatory Act of the 99th General Assembly, employers  
13 shall not enter into collective bargaining agreements that  
14 provide for the payroll deduction of fair share payments.  
15 Employers shall not deduct fair share payments from any  
16 employee paychecks.

17 (Source: P.A. 94-210, eff. 7-14-05.)

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.