

1 AN ACT relating to educational labor relations.

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

4 Section 5. The Illinois Educational Labor Relations Act  
5 is amended by changing Section 7 as follows:

6 (115 ILCS 5/7) (from Ch. 48, par. 1707)

7 Sec. 7. Recognition of exclusive bargaining  
8 representatives - unit determination. The Board is empowered  
9 to administer the recognition of bargaining representatives  
10 of employees of public school districts, including employees  
11 of districts which have entered into joint agreements, or  
12 employees of public community college districts, or any State  
13 college or university, and any State agency whose major  
14 function is providing educational services, making certain  
15 that each bargaining unit contains employees with an  
16 identifiable community of interest and that no unit includes  
17 both professional employees and nonprofessional employees  
18 unless a majority of employees in each group vote for  
19 inclusion in the unit.

20 (a) In determining the appropriateness of a unit, the  
21 Board shall decide in each case, in order to ensure employees  
22 the fullest freedom in exercising the rights guaranteed by  
23 this Act, the unit appropriate for the purpose of collective  
24 bargaining, based upon but not limited to such factors as  
25 historical pattern of recognition, community of interest,  
26 including employee skills and functions, degree of functional  
27 integration, interchangeability and contact among employees,  
28 common supervision, wages, hours and other working conditions  
29 of the employees involved, and the desires of the employees.  
30 Nothing in this Act, ~~except as herein provided,~~ shall  
31 interfere with or negate the current representation rights or

1 patterns and practices of employee organizations which have  
2 historically represented employees for the purposes of  
3 collective bargaining, including but not limited to the  
4 negotiations of wages, hours and working conditions,  
5 resolutions of employees' grievances, or resolution of  
6 jurisdictional disputes, or the establishment and maintenance  
7 of prevailing wage rates, unless a majority of the employees  
8 so represented expresses a contrary desire under the  
9 procedures set forth in this Act. This Section, however,  
10 does not prohibit multi-unit bargaining. Notwithstanding the  
11 above factors, where the majority of public employees of a  
12 craft so decide, the Board shall designate such craft as a  
13 unit appropriate for the purposes of collective bargaining.

14 ~~The sole appropriate bargaining unit for academic faculty~~  
15 ~~at the University of Illinois shall be a unit that is~~  
16 ~~comprised of non-supervisory academic faculty employed more~~  
17 ~~than half-time and that includes all tenured, tenure-track,~~  
18 ~~and non-tenure-track faculty employed by the board of trustees~~  
19 ~~of that University in all of its undergraduate, graduate, and~~  
20 ~~professional schools and degree and non-degree programs,~~  
21 ~~regardless of current or historical representation rights or~~  
22 ~~patterns or the application of any other factors. Any~~  
23 ~~decision, rule, or regulation promulgated by the Board to~~  
24 ~~the contrary shall be null and void.~~

25 (b) An educational employer may voluntarily recognize a  
26 labor organization for collective bargaining purposes if that  
27 organization appears to represent a majority of employees in  
28 the unit. The employer shall post notice of its intent to so  
29 recognize for a period of at least 20 school days on bulletin  
30 boards or other places used or reserved for employee notices.  
31 Thereafter, the employer, if satisfied as to the majority  
32 status of the employee organization, shall send written  
33 notification of such recognition to the Board for  
34 certification.

1           Within the 20 day notice period, however, any other  
2 interested employee organization may petition the Board to  
3 seek recognition as the exclusive representative of the unit  
4 in the manner specified by rules and regulations prescribed  
5 by the Board, if such interested employee organization has  
6 been designated by at least 15% of the employees in an  
7 appropriate bargaining unit which includes all or some of the  
8 employees in the unit intended to be recognized by the  
9 employer. In such event, the Board shall proceed with the  
10 petition in the same manner as provided in paragraph (c) of  
11 this Section.

12           (c) A labor organization may also gain recognition as  
13 the exclusive representative by an election of the employees  
14 in the unit. Petitions requesting an election may be filed  
15 with the Board:

16           (1) by an employee or group of employees or any  
17 labor organizations acting on their behalf alleging and  
18 presenting evidence that 30% or more of the employees in  
19 a bargaining unit wish to be represented for collective  
20 bargaining or that the labor organization which has been  
21 acting as the exclusive bargaining representative is no  
22 longer representative of a majority of the employees in  
23 the unit; or

24           (2) by an employer alleging that one or more labor  
25 organizations have presented a claim to be recognized as  
26 an exclusive bargaining representative of a majority of  
27 the employees in an appropriate unit and that it doubts  
28 the majority status of any of the organizations or that  
29 it doubts the majority status of an exclusive bargaining  
30 representative.

31           The Board shall investigate the petition and if it has  
32 reasonable cause to suspect that a question of representation  
33 exists, it shall give notice and conduct a hearing. If it  
34 finds upon the record of the hearing that a question of

1 representation exists, it shall direct an election, which  
2 shall be held no later than 90 days after the date the  
3 petition was filed. Nothing prohibits the waiving of  
4 hearings by the parties and the conduct of consent elections.

5 (d) An order of the Board dismissing a representation  
6 petition, determining and certifying that a labor  
7 organization has been fairly and freely chosen by a majority  
8 of employees in an appropriate bargaining unit, determining  
9 and certifying that a labor organization has not been fairly  
10 and freely chosen by a majority of employees in the  
11 bargaining unit or certifying a labor organization as the  
12 exclusive representative of employees in an appropriate  
13 bargaining unit because of a determination by the Board that  
14 the labor organization is the historical bargaining  
15 representative of employees in the bargaining unit, is a  
16 final order. Any person aggrieved by any such order issued  
17 on or after the effective date of this amendatory Act of 1987  
18 may apply for and obtain judicial review in accordance with  
19 provisions of the Administrative Review Law, as now or  
20 hereafter amended, except that such review shall be afforded  
21 directly in the Appellate Court of a judicial district in  
22 which the Board maintains an office. Any direct appeal to the  
23 Appellate Court shall be filed within 35 days from the date  
24 that a copy of the decision sought to be reviewed was served  
25 upon the party affected by the decision.

26 No election may be conducted in any bargaining unit  
27 during the term of a collective bargaining agreement covering  
28 such unit or subdivision thereof, except the Board may direct  
29 an election after the filing of a petition between January 15  
30 and March 1 of the final year of a collective bargaining  
31 agreement. Nothing in this Section prohibits the negotiation  
32 of a collective bargaining agreement covering a period not  
33 exceeding 3 years. A collective bargaining agreement of less  
34 than 3 years may be extended up to 3 years by the parties if

1 the extension is agreed to in writing before the filing of a  
2 petition under this Section. In such case, the final year of  
3 the extension is the final year of the collective bargaining  
4 agreement. No election may be conducted in a bargaining  
5 unit, or subdivision thereof, in which a valid election has  
6 been held within the preceding 12 month period.

7 (Source: P.A. 88-1; 89-4, eff. 7-1-95 (eff. date changed from  
8 1-1-96 by P.A. 89-24).)