

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 tenured and
15 tenure-track academic faculty at each campus of the
16 University of Illinois shall be a unit that is comprised of
17 non-supervisory academic faculty employed more than half-time
18 and that includes all tenured and, tenure-track, ~~and~~
19 ~~non~~tenure-track faculty of that University campus employed by
20 the board of trustees ~~of that University~~ in all of the
21 campus's its undergraduate, graduate, and professional
22 schools and degree and non-degree programs (with the
23 exception of the college of medicine, the college of
24 pharmacy, the college of dentistry, the college of law, and
25 the college of veterinary medicine, each of which shall have
26 its own separate unit), regardless of current or historical
27 representation rights or patterns or the application of any
28 other factors. Any decision, rule, or regulation, promulgated
29 by the Board to the contrary shall be null and void.

30 (b) An educational employer may voluntarily recognize a
31 labor organization for collective bargaining purposes if that
32 organization appears to represent a majority of employees in
33 the unit. The employer shall post notice of its intent to so
34 recognize for a period of at least 20 school days on bulletin

1 boards or other places used or reserved for employee notices.
2 Thereafter, the employer, if satisfied as to the majority
3 status of the employee organization, shall send written
4 notification of such recognition to the Board for
5 certification.

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

17 (c) A labor organization may also gain recognition as
18 the exclusive representative by an election of the employees
19 in the unit. Petitions requesting an election may be filed
20 with the Board:

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

29 (2) by an employer alleging that one or more labor
30 organizations have presented a claim to be recognized as
31 an exclusive bargaining representative of a majority of
32 the employees in an appropriate unit and that it doubts
33 the majority status of any of the organizations or that
34 it doubts the majority status of an exclusive bargaining

1 representative.

2 The Board shall investigate the petition and if it has
3 reasonable cause to suspect that a question of representation
4 exists, it shall give notice and conduct a hearing. If it
5 finds upon the record of the hearing that a question of
6 representation exists, it shall direct an election, which
7 shall be held no later than 90 days after the date the
8 petition was filed. Nothing prohibits the waiving of
9 hearings by the parties and the conduct of consent elections.

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

31 No election may be conducted in any bargaining unit
32 during the term of a collective bargaining agreement covering
33 such unit or subdivision thereof, except the Board may direct
34 an election after the filing of a petition between January 15

1 and March 1 of the final year of a collective bargaining
2 agreement. Nothing in this Section prohibits the negotiation
3 of a collective bargaining agreement covering a period not
4 exceeding 3 years. A collective bargaining agreement of less
5 than 3 years may be extended up to 3 years by the parties if
6 the extension is agreed to in writing before the filing of a
7 petition under this Section. In such case, the final year of
8 the extension is the final year of the collective bargaining
9 agreement. No election may be conducted in a bargaining
10 unit, or subdivision thereof, in which a valid election has
11 been held within the preceding 12 month period.

12 (Source: P.A. 88-1; 89-4, eff. 7-1-95 (eff. date changed from
13 1-1-96 by P.A. 89-24).)