

1 AN ACT concerning education.

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 is  
5 amended by changing Section 11 as follows:

6 (115 ILCS 5/11) (from Ch. 48, par. 1711)

7 Sec. 11. Non-member fair share payments. When a collective  
8 bargaining agreement is entered into with an exclusive  
9 representative, it may include a provision requiring employees  
10 covered by the agreement who are not members of the  
11 organization to pay to the organization a fair share fee for  
12 services rendered. The exclusive representative shall certify  
13 to the employer an amount not to exceed the dues uniformly  
14 required of members which shall constitute each non member  
15 employee's fair share fee. The fair share fee payment shall be  
16 deducted by the employer from the earnings of the non member  
17 employees and paid to the exclusive representative.

18 The amount certified by the exclusive representative shall  
19 not include any fees for contributions related to the election  
20 or support of any candidate for political office. Nothing in  
21 this Section shall preclude the non member employee from making  
22 voluntary political contributions in conjunction with his or  
23 her fair share payment.

24 If a collective bargaining agreement that includes a fair  
25 share clause expires or continues in effect beyond its  
26 scheduled expiration date pending the negotiation of a  
27 successor agreement, then the employer shall continue to honor  
28 and abide by the fair share clause until a new agreement that  
29 includes a fair share clause is reached. Failure to honor and  
30 abide by the fair share clause for the benefit of any exclusive  
31 representative as set forth in this paragraph shall be a  
32 violation of the duty to bargain and an unfair labor practice.

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

14           The Board shall by rule require that in cases where an  
15 employee files an objection to the amount of the fair share  
16 fee, the employer shall continue to deduct the employee's fair  
17 share fee from the employee's pay, but shall transmit the fee,  
18 or some portion thereof, to the Board for deposit in an escrow  
19 account maintained by the Board; provided, however, that if the  
20 exclusive representative maintains an escrow account for the  
21 purpose of holding fair share fees to which an employee has  
22 objected, the employer shall transmit the entire fair share fee  
23 to the exclusive representative, and the exclusive  
24 representative shall hold in escrow that portion of the fee  
25 that the employer would otherwise have been required to  
26 transmit to the Board for escrow, provided that the escrow  
27 account maintained by the exclusive representative complies  
28 with rules to be promulgated by the Board within 30 days of the  
29 effective date of this amendatory Act of 1989 or that the  
30 collective bargaining agreement requiring the payment of the  
31 fair share fee contains an indemnification provision for the  
32 purpose of indemnifying the employer with respect to the  
33 employer's transmission of fair share fees to the exclusive  
34 representative.

35           (Source: P.A. 86-412.)

1 Section 90. The State Mandates Act is amended by adding  
2 Section 8.29 as follows:

3 (30 ILCS 805/8.29 new)

4 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8  
5 of this Act, no reimbursement by the State is required for the  
6 implementation of any mandate created by this amendatory Act of  
7 the 94th General Assembly.

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.