



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5582

Introduced 2/15/2012, by Rep. Dave Winters

#### SYNOPSIS AS INTRODUCED:

5 ILCS 315/3	from Ch. 48, par. 1603
5 ILCS 315/6	from Ch. 48, par. 1606

Amends the Illinois Public Labor Relations Act. Specifies that the State Board of Elections does not qualify as a public employer under the Act. Provides that employees of the State Board of Elections do not qualify as public employees under the Act. Effective immediately.

LRB097 19924 JDS 65214 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 Sections 3 and 6 as follows:

6 (5 ILCS 315/3) (from Ch. 48, par. 1603)

7 Sec. 3. Definitions. As used in this Act, unless the  
8 context otherwise requires:

9 (a) "Board" means the Illinois Labor Relations Board or,  
10 with respect to a matter over which the jurisdiction of the  
11 Board is assigned to the State Panel or the Local Panel under  
12 Section 5, the panel having jurisdiction over the matter.

13 (b) "Collective bargaining" means bargaining over terms  
14 and conditions of employment, including hours, wages, and other  
15 conditions of employment, as detailed in Section 7 and which  
16 are not excluded by Section 4.

17 (c) "Confidential employee" means an employee who, in the  
18 regular course of his or her duties, assists and acts in a  
19 confidential capacity to persons who formulate, determine, and  
20 effectuate management policies with regard to labor relations  
21 or who, in the regular course of his or her duties, has  
22 authorized access to information relating to the effectuation  
23 or review of the employer's collective bargaining policies.

1 (d) "Craft employees" means skilled journeymen, crafts  
2 persons, and their apprentices and helpers.

3 (e) "Essential services employees" means those public  
4 employees performing functions so essential that the  
5 interruption or termination of the function will constitute a  
6 clear and present danger to the health and safety of the  
7 persons in the affected community.

8 (f) "Exclusive representative", except with respect to  
9 non-State fire fighters and paramedics employed by fire  
10 departments and fire protection districts, non-State peace  
11 officers, and peace officers in the Department of State Police,  
12 means the labor organization that has been (i) designated by  
13 the Board as the representative of a majority of public  
14 employees in an appropriate bargaining unit in accordance with  
15 the procedures contained in this Act, (ii) historically  
16 recognized by the State of Illinois or any political  
17 subdivision of the State before July 1, 1984 (the effective  
18 date of this Act) as the exclusive representative of the  
19 employees in an appropriate bargaining unit, (iii) after July  
20 1, 1984 (the effective date of this Act) recognized by an  
21 employer upon evidence, acceptable to the Board, that the labor  
22 organization has been designated as the exclusive  
23 representative by a majority of the employees in an appropriate  
24 bargaining unit; (iv) recognized as the exclusive  
25 representative of personal care attendants or personal  
26 assistants under Executive Order 2003-8 prior to the effective

1 date of this amendatory Act of the 93rd General Assembly, and  
2 the organization shall be considered to be the exclusive  
3 representative of the personal care attendants or personal  
4 assistants as defined in this Section; or (v) recognized as the  
5 exclusive representative of child and day care home providers,  
6 including licensed and license exempt providers, pursuant to an  
7 election held under Executive Order 2005-1 prior to the  
8 effective date of this amendatory Act of the 94th General  
9 Assembly, and the organization shall be considered to be the  
10 exclusive representative of the child and day care home  
11 providers as defined in this Section.

12 With respect to non-State fire fighters and paramedics  
13 employed by fire departments and fire protection districts,  
14 non-State peace officers, and peace officers in the Department  
15 of State Police, "exclusive representative" means the labor  
16 organization that has been (i) designated by the Board as the  
17 representative of a majority of peace officers or fire fighters  
18 in an appropriate bargaining unit in accordance with the  
19 procedures contained in this Act, (ii) historically recognized  
20 by the State of Illinois or any political subdivision of the  
21 State before January 1, 1986 (the effective date of this  
22 amendatory Act of 1985) as the exclusive representative by a  
23 majority of the peace officers or fire fighters in an  
24 appropriate bargaining unit, or (iii) after January 1, 1986  
25 (the effective date of this amendatory Act of 1985) recognized  
26 by an employer upon evidence, acceptable to the Board, that the

1 labor organization has been designated as the exclusive  
2 representative by a majority of the peace officers or fire  
3 fighters in an appropriate bargaining unit.

4 Where a historical pattern of representation exists for the  
5 workers of a water system that was owned by a public utility,  
6 as defined in Section 3-105 of the Public Utilities Act, prior  
7 to becoming certified employees of a municipality or  
8 municipalities once the municipality or municipalities have  
9 acquired the water system as authorized in Section 11-124-5 of  
10 the Illinois Municipal Code, the Board shall find the labor  
11 organization that has historically represented the workers to  
12 be the exclusive representative under this Act, and shall find  
13 the unit represented by the exclusive representative to be the  
14 appropriate unit.

15 (g) "Fair share agreement" means an agreement between the  
16 employer and an employee organization under which all or any of  
17 the employees in a collective bargaining unit are required to  
18 pay their proportionate share of the costs of the collective  
19 bargaining process, contract administration, and pursuing  
20 matters affecting wages, hours, and other conditions of  
21 employment, but not to exceed the amount of dues uniformly  
22 required of members. The amount certified by the exclusive  
23 representative shall not include any fees for contributions  
24 related to the election or support of any candidate for  
25 political office. Nothing in this subsection (g) shall preclude  
26 an employee from making voluntary political contributions in

1 conjunction with his or her fair share payment.

2 (g-1) "Fire fighter" means, for the purposes of this Act  
3 only, any person who has been or is hereafter appointed to a  
4 fire department or fire protection district or employed by a  
5 state university and sworn or commissioned to perform fire  
6 fighter duties or paramedic duties, except that the following  
7 persons are not included: part-time fire fighters, auxiliary,  
8 reserve or voluntary fire fighters, including paid on-call fire  
9 fighters, clerks and dispatchers or other civilian employees of  
10 a fire department or fire protection district who are not  
11 routinely expected to perform fire fighter duties, or elected  
12 officials.

13 (g-2) "General Assembly of the State of Illinois" means the  
14 legislative branch of the government of the State of Illinois,  
15 as provided for under Article IV of the Constitution of the  
16 State of Illinois, and includes but is not limited to the House  
17 of Representatives, the Senate, the Speaker of the House of  
18 Representatives, the Minority Leader of the House of  
19 Representatives, the President of the Senate, the Minority  
20 Leader of the Senate, the Joint Committee on Legislative  
21 Support Services and any legislative support services agency  
22 listed in the Legislative Commission Reorganization Act of  
23 1984.

24 (h) "Governing body" means, in the case of the State, the  
25 State Panel of the Illinois Labor Relations Board, the Director  
26 of the Department of Central Management Services, and the

1 Director of the Department of Labor; the county board in the  
2 case of a county; the corporate authorities in the case of a  
3 municipality; and the appropriate body authorized to provide  
4 for expenditures of its funds in the case of any other unit of  
5 government.

6 (i) "Labor organization" means any organization in which  
7 public employees participate and that exists for the purpose,  
8 in whole or in part, of dealing with a public employer  
9 concerning wages, hours, and other terms and conditions of  
10 employment, including the settlement of grievances.

11 (j) "Managerial employee" means an individual who is  
12 engaged predominantly in executive and management functions  
13 and is charged with the responsibility of directing the  
14 effectuation of management policies and practices.

15 (k) "Peace officer" means, for the purposes of this Act  
16 only, any persons who have been or are hereafter appointed to a  
17 police force, department, or agency and sworn or commissioned  
18 to perform police duties, except that the following persons are  
19 not included: part-time police officers, special police  
20 officers, auxiliary police as defined by Section 3.1-30-20 of  
21 the Illinois Municipal Code, night watchmen, "merchant  
22 police", court security officers as defined by Section 3-6012.1  
23 of the Counties Code, temporary employees, traffic guards or  
24 wardens, civilian parking meter and parking facilities  
25 personnel or other individuals specially appointed to aid or  
26 direct traffic at or near schools or public functions or to aid

1 in civil defense or disaster, parking enforcement employees who  
2 are not commissioned as peace officers and who are not armed  
3 and who are not routinely expected to effect arrests, parking  
4 lot attendants, clerks and dispatchers or other civilian  
5 employees of a police department who are not routinely expected  
6 to effect arrests, or elected officials.

7 (l) "Person" includes one or more individuals, labor  
8 organizations, public employees, associations, corporations,  
9 legal representatives, trustees, trustees in bankruptcy,  
10 receivers, or the State of Illinois or any political  
11 subdivision of the State or governing body, but does not  
12 include the General Assembly of the State of Illinois or any  
13 individual employed by the General Assembly of the State of  
14 Illinois.

15 (m) "Professional employee" means any employee engaged in  
16 work predominantly intellectual and varied in character rather  
17 than routine mental, manual, mechanical or physical work;  
18 involving the consistent exercise of discretion and adjustment  
19 in its performance; of such a character that the output  
20 produced or the result accomplished cannot be standardized in  
21 relation to a given period of time; and requiring advanced  
22 knowledge in a field of science or learning customarily  
23 acquired by a prolonged course of specialized intellectual  
24 instruction and study in an institution of higher learning or a  
25 hospital, as distinguished from a general academic education or  
26 from apprenticeship or from training in the performance of



1 routine mental, manual, or physical processes; or any employee  
2 who has completed the courses of specialized intellectual  
3 instruction and study prescribed in this subsection (m) and is  
4 performing related work under the supervision of a professional  
5 person to qualify to become a professional employee as defined  
6 in this subsection (m).

7 (n) "Public employee" or "employee", for the purposes of  
8 this Act, means any individual employed by a public employer,  
9 including (i) interns and residents at public hospitals, (ii)  
10 as of the effective date of this amendatory Act of the 93rd  
11 General Assembly, but not before, personal care attendants and  
12 personal assistants working under the Home Services Program  
13 under Section 3 of the Disabled Persons Rehabilitation Act,  
14 subject to the limitations set forth in this Act and in the  
15 Disabled Persons Rehabilitation Act, and (iii) as of the  
16 effective date of this amendatory Act of the 94th General  
17 Assembly, but not before, child and day care home providers  
18 participating in the child care assistance program under  
19 Section 9A-11 of the Illinois Public Aid Code, subject to the  
20 limitations set forth in this Act and in Section 9A-11 of the  
21 Illinois Public Aid Code, but excluding all of the following:  
22 employees of the General Assembly of the State of Illinois;  
23 employees of the State Board of Elections; elected officials;  
24 executive heads of a department; members of boards or  
25 commissions; the Executive Inspectors General; any special  
26 Executive Inspectors General; employees of each Office of an

1 Executive Inspector General; commissioners and employees of  
2 the Executive Ethics Commission; the Auditor General's  
3 Inspector General; employees of the Office of the Auditor  
4 General's Inspector General; the Legislative Inspector  
5 General; any special Legislative Inspectors General; employees  
6 of the Office of the Legislative Inspector General;  
7 commissioners and employees of the Legislative Ethics  
8 Commission; employees of any agency, board or commission  
9 created by this Act; employees appointed to State positions of  
10 a temporary or emergency nature; all employees of school  
11 districts and higher education institutions except  
12 firefighters and peace officers employed by a state university  
13 and except peace officers employed by a school district in its  
14 own police department in existence on the effective date of  
15 this amendatory Act of the 96th General Assembly; managerial  
16 employees; short-term employees; confidential employees;  
17 independent contractors; and supervisors except as provided in  
18 this Act.

19 Personal care attendants and personal assistants shall not  
20 be considered public employees for any purposes not  
21 specifically provided for in the amendatory Act of the 93rd  
22 General Assembly, including but not limited to, purposes of  
23 vicarious liability in tort and purposes of statutory  
24 retirement or health insurance benefits. Personal care  
25 attendants and personal assistants shall not be covered by the  
26 State Employees Group Insurance Act of 1971 (5 ILCS 375/).

1 Child and day care home providers shall not be considered  
2 public employees for any purposes not specifically provided for  
3 in this amendatory Act of the 94th General Assembly, including  
4 but not limited to, purposes of vicarious liability in tort and  
5 purposes of statutory retirement or health insurance benefits.  
6 Child and day care home providers shall not be covered by the  
7 State Employees Group Insurance Act of 1971.

8 Notwithstanding Section 9, subsection (c), or any other  
9 provisions of this Act, all peace officers above the rank of  
10 captain in municipalities with more than 1,000,000 inhabitants  
11 shall be excluded from this Act.

12 (o) Except as otherwise in subsection (o-5), "public  
13 employer" or "employer" means the State of Illinois; any  
14 political subdivision of the State, unit of local government or  
15 school district; authorities including departments, divisions,  
16 bureaus, boards, commissions, or other agencies of the  
17 foregoing entities; and any person acting within the scope of  
18 his or her authority, express or implied, on behalf of those  
19 entities in dealing with its employees. As of the effective  
20 date of the amendatory Act of the 93rd General Assembly, but  
21 not before, the State of Illinois shall be considered the  
22 employer of the personal care attendants and personal  
23 assistants working under the Home Services Program under  
24 Section 3 of the Disabled Persons Rehabilitation Act, subject  
25 to the limitations set forth in this Act and in the Disabled  
26 Persons Rehabilitation Act. The State shall not be considered

1 to be the employer of personal care attendants and personal  
2 assistants for any purposes not specifically provided for in  
3 this amendatory Act of the 93rd General Assembly, including but  
4 not limited to, purposes of vicarious liability in tort and  
5 purposes of statutory retirement or health insurance benefits.  
6 Personal care attendants and personal assistants shall not be  
7 covered by the State Employees Group Insurance Act of 1971 (5  
8 ILCS 375/). As of the effective date of this amendatory Act of  
9 the 94th General Assembly but not before, the State of Illinois  
10 shall be considered the employer of the day and child care home  
11 providers participating in the child care assistance program  
12 under Section 9A-11 of the Illinois Public Aid Code, subject to  
13 the limitations set forth in this Act and in Section 9A-11 of  
14 the Illinois Public Aid Code. The State shall not be considered  
15 to be the employer of child and day care home providers for any  
16 purposes not specifically provided for in this amendatory Act  
17 of the 94th General Assembly, including but not limited to,  
18 purposes of vicarious liability in tort and purposes of  
19 statutory retirement or health insurance benefits. Child and  
20 day care home providers shall not be covered by the State  
21 Employees Group Insurance Act of 1971.

22 "Public employer" or "employer" as used in this Act,  
23 however, does not mean and shall not include the General  
24 Assembly of the State of Illinois, the Executive Ethics  
25 Commission, the Offices of the Executive Inspectors General,  
26 the Legislative Ethics Commission, the Office of the

1 Legislative Inspector General, the Office of the Auditor  
2 General's Inspector General, the State Board of Elections, and  
3 educational employers or employers as defined in the Illinois  
4 Educational Labor Relations Act, except with respect to a state  
5 university in its employment of firefighters and peace officers  
6 and except with respect to a school district in the employment  
7 of peace officers in its own police department in existence on  
8 the effective date of this amendatory Act of the 96th General  
9 Assembly. County boards and county sheriffs shall be designated  
10 as joint or co-employers of county peace officers appointed  
11 under the authority of a county sheriff. Nothing in this  
12 subsection (o) shall be construed to prevent the State Panel or  
13 the Local Panel from determining that employers are joint or  
14 co-employers.

15 (o-5) With respect to wages, fringe benefits, hours,  
16 holidays, vacations, proficiency examinations, sick leave, and  
17 other conditions of employment, the public employer of public  
18 employees who are court reporters, as defined in the Court  
19 Reporters Act, shall be determined as follows:

20 (1) For court reporters employed by the Cook County  
21 Judicial Circuit, the chief judge of the Cook County  
22 Circuit Court is the public employer and employer  
23 representative.

24 (2) For court reporters employed by the 12th, 18th,  
25 19th, and, on and after December 4, 2006, the 22nd judicial  
26 circuits, a group consisting of the chief judges of those

1 circuits, acting jointly by majority vote, is the public  
2 employer and employer representative.

3 (3) For court reporters employed by all other judicial  
4 circuits, a group consisting of the chief judges of those  
5 circuits, acting jointly by majority vote, is the public  
6 employer and employer representative.

7 (p) "Security employee" means an employee who is  
8 responsible for the supervision and control of inmates at  
9 correctional facilities. The term also includes other  
10 non-security employees in bargaining units having the majority  
11 of employees being responsible for the supervision and control  
12 of inmates at correctional facilities.

13 (q) "Short-term employee" means an employee who is employed  
14 for less than 2 consecutive calendar quarters during a calendar  
15 year and who does not have a reasonable assurance that he or  
16 she will be rehired by the same employer for the same service  
17 in a subsequent calendar year.

18 (r) "Supervisor" is an employee whose principal work is  
19 substantially different from that of his or her subordinates  
20 and who has authority, in the interest of the employer, to  
21 hire, transfer, suspend, lay off, recall, promote, discharge,  
22 direct, reward, or discipline employees, to adjust their  
23 grievances, or to effectively recommend any of those actions,  
24 if the exercise of that authority is not of a merely routine or  
25 clerical nature, but requires the consistent use of independent  
26 judgment. Except with respect to police employment, the term

1 "supervisor" includes only those individuals who devote a  
2 preponderance of their employment time to exercising that  
3 authority, State supervisors notwithstanding. In addition, in  
4 determining supervisory status in police employment, rank  
5 shall not be determinative. The Board shall consider, as  
6 evidence of bargaining unit inclusion or exclusion, the common  
7 law enforcement policies and relationships between police  
8 officer ranks and certification under applicable civil service  
9 law, ordinances, personnel codes, or Division 2.1 of Article 10  
10 of the Illinois Municipal Code, but these factors shall not be  
11 the sole or predominant factors considered by the Board in  
12 determining police supervisory status.

13 Notwithstanding the provisions of the preceding paragraph,  
14 in determining supervisory status in fire fighter employment,  
15 no fire fighter shall be excluded as a supervisor who has  
16 established representation rights under Section 9 of this Act.  
17 Further, in new fire fighter units, employees shall consist of  
18 fire fighters of the rank of company officer and below. If a  
19 company officer otherwise qualifies as a supervisor under the  
20 preceding paragraph, however, he or she shall not be included  
21 in the fire fighter unit. If there is no rank between that of  
22 chief and the highest company officer, the employer may  
23 designate a position on each shift as a Shift Commander, and  
24 the persons occupying those positions shall be supervisors. All  
25 other ranks above that of company officer shall be supervisors.

26 (s) (1) "Unit" means a class of jobs or positions that are

1 held by employees whose collective interests may suitably be  
2 represented by a labor organization for collective bargaining.  
3 Except with respect to non-State fire fighters and paramedics  
4 employed by fire departments and fire protection districts,  
5 non-State peace officers, and peace officers in the Department  
6 of State Police, a bargaining unit determined by the Board  
7 shall not include both employees and supervisors, or  
8 supervisors only, except as provided in paragraph (2) of this  
9 subsection (s) and except for bargaining units in existence on  
10 July 1, 1984 (the effective date of this Act). With respect to  
11 non-State fire fighters and paramedics employed by fire  
12 departments and fire protection districts, non-State peace  
13 officers, and peace officers in the Department of State Police,  
14 a bargaining unit determined by the Board shall not include  
15 both supervisors and nonsupervisors, or supervisors only,  
16 except as provided in paragraph (2) of this subsection (s) and  
17 except for bargaining units in existence on January 1, 1986  
18 (the effective date of this amendatory Act of 1985). A  
19 bargaining unit determined by the Board to contain peace  
20 officers shall contain no employees other than peace officers  
21 unless otherwise agreed to by the employer and the labor  
22 organization or labor organizations involved. Notwithstanding  
23 any other provision of this Act, a bargaining unit, including a  
24 historical bargaining unit, containing sworn peace officers of  
25 the Department of Natural Resources (formerly designated the  
26 Department of Conservation) shall contain no employees other



1 than such sworn peace officers upon the effective date of this  
2 amendatory Act of 1990 or upon the expiration date of any  
3 collective bargaining agreement in effect upon the effective  
4 date of this amendatory Act of 1990 covering both such sworn  
5 peace officers and other employees.

6 (2) Notwithstanding the exclusion of supervisors from  
7 bargaining units as provided in paragraph (1) of this  
8 subsection (s), a public employer may agree to permit its  
9 supervisory employees to form bargaining units and may bargain  
10 with those units. This Act shall apply if the public employer  
11 chooses to bargain under this subsection.

12 (3) Public employees who are court reporters, as defined in  
13 the Court Reporters Act, shall be divided into 3 units for  
14 collective bargaining purposes. One unit shall be court  
15 reporters employed by the Cook County Judicial Circuit; one  
16 unit shall be court reporters employed by the 12th, 18th, 19th,  
17 and, on and after December 4, 2006, the 22nd judicial circuits;  
18 and one unit shall be court reporters employed by all other  
19 judicial circuits.

20 (Source: P.A. 96-1257, eff. 7-23-10; 97-586, eff. 8-26-11.)

21 (5 ILCS 315/6) (from Ch. 48, par. 1606)

22 Sec. 6. Right to organize and bargain collectively;  
23 exclusive representation; and fair share arrangements.

24 (a) Employees of the State and any political subdivision of  
25 the State, excluding employees of the General Assembly of the

1 State of Illinois and employees excluded from the definition of  
2 "public employee" under subsection (n) of Section 3 of this  
3 Act, have, and are protected in the exercise of, the right of  
4 self-organization, and may form, join or assist any labor  
5 organization, to bargain collectively through representatives  
6 of their own choosing on questions of wages, hours and other  
7 conditions of employment, not excluded by Section 4 of this  
8 Act, and to engage in other concerted activities not otherwise  
9 prohibited by law for the purposes of collective bargaining or  
10 other mutual aid or protection, free from interference,  
11 restraint or coercion. Employees also have, and are protected  
12 in the exercise of, the right to refrain from participating in  
13 any such concerted activities. Employees may be required,  
14 pursuant to the terms of a lawful fair share agreement, to pay  
15 a fee which shall be their proportionate share of the costs of  
16 the collective bargaining process, contract administration and  
17 pursuing matters affecting wages, hours and other conditions of  
18 employment as defined in Section 3(g).

19 (b) Nothing in this Act prevents an employee from  
20 presenting a grievance to the employer and having the grievance  
21 heard and settled without the intervention of an employee  
22 organization; provided that the exclusive bargaining  
23 representative is afforded the opportunity to be present at  
24 such conference and that any settlement made shall not be  
25 inconsistent with the terms of any agreement in effect between  
26 the employer and the exclusive bargaining representative.

1           (c) A labor organization designated by the Board as the  
2 representative of the majority of public employees in an  
3 appropriate unit in accordance with the procedures herein or  
4 recognized by a public employer as the representative of the  
5 majority of public employees in an appropriate unit is the  
6 exclusive representative for the employees of such unit for the  
7 purpose of collective bargaining with respect to rates of pay,  
8 wages, hours and other conditions of employment not excluded by  
9 Section 4 of this Act. A public employer is required upon  
10 request to furnish the exclusive bargaining representative  
11 with a complete list of the names and addresses of the public  
12 employees in the bargaining unit, provided that a public  
13 employer shall not be required to furnish such a list more than  
14 once per payroll period. The exclusive bargaining  
15 representative shall use the list exclusively for bargaining  
16 representation purposes and shall not disclose any information  
17 contained in the list for any other purpose. Nothing in this  
18 Section, however, shall prohibit a bargaining representative  
19 from disseminating a list of its union members.

20           (d) Labor organizations recognized by a public employer as  
21 the exclusive representative or so designated in accordance  
22 with the provisions of this Act are responsible for  
23 representing the interests of all public employees in the unit.  
24 Nothing herein shall be construed to limit an exclusive  
25 representative's right to exercise its discretion to refuse to  
26 process grievances of employees that are unmeritorious.

1           (e) When a collective bargaining agreement is entered into  
2 with an exclusive representative, it may include in the  
3 agreement a provision requiring employees covered by the  
4 agreement who are not members of the organization to pay their  
5 proportionate share of the costs of the collective bargaining  
6 process, contract administration and pursuing matters  
7 affecting wages, hours and conditions of employment, as defined  
8 in Section 3 (g), but not to exceed the amount of dues  
9 uniformly required of members. The organization shall certify  
10 to the employer the amount constituting each nonmember  
11 employee's proportionate share which shall not exceed dues  
12 uniformly required of members. In such case, the proportionate  
13 share payment in this Section shall be deducted by the employer  
14 from the earnings of the nonmember employees and paid to the  
15 employee organization.

16           (f) Only the exclusive representative may negotiate  
17 provisions in a collective bargaining agreement providing for  
18 the payroll deduction of labor organization dues, fair share  
19 payment, initiation fees and assessments. Except as provided in  
20 subsection (e) of this Section, any such deductions shall only  
21 be made upon an employee's written authorization, and continued  
22 until revoked in writing in the same manner or until the  
23 termination date of an applicable collective bargaining  
24 agreement. Such payments shall be paid to the exclusive  
25 representative.

26           Where a collective bargaining agreement is terminated, or

1 continues in effect beyond its scheduled expiration date  
2 pending the negotiation of a successor agreement or the  
3 resolution of an impasse under Section 14, the employer shall  
4 continue to honor and abide by any dues deduction or fair share  
5 clause contained therein until a new agreement is reached  
6 including dues deduction or a fair share clause. For the  
7 benefit of any successor exclusive representative certified  
8 under this Act, this provision shall be applicable, provided  
9 the successor exclusive representative:

10 (i) certifies to the employer the amount constituting  
11 each non-member's proportionate share under subsection  
12 (e); or

13 (ii) presents the employer with employee written  
14 authorizations for the deduction of dues, assessments, and  
15 fees under this subsection.

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

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

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

7 (Source: P.A. 93-854, eff. 1-1-05; 94-472, eff. 1-1-06.)

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