

**SB0628**



**97TH GENERAL ASSEMBLY**

**State of Illinois**

**2011 and 2012**

**SB0628**

Introduced 2/8/2011, by Sen. John J. Cullerton

**SYNOPSIS AS INTRODUCED:**

115 ILCS 5/5

from Ch. 48, par. 1705

Amends the Illinois Educational Labor Relations Act. Makes a technical change in a Section concerning the Illinois Educational Labor Relations Board.

LRB097 04412 NHT 44451 b

**A BILL FOR**

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 5 as follows:

6 (115 ILCS 5/5) (from Ch. 48, par. 1705)

7 Sec. 5. Illinois Educational Labor Relations Board.

8 (a) There is hereby created the ~~the~~ Illinois Educational  
9 Labor Relations Board.

10 (a-5) Until July 1, 2003 or when all of the new members to  
11 be initially appointed under this amendatory Act of the 93rd  
12 General Assembly have been appointed by the Governor, whichever  
13 occurs later, the Illinois Educational Labor Relations Board  
14 shall consist of 7 members, no more than 4 of whom may be of the  
15 same political party, who are residents of Illinois appointed  
16 by the Governor with the advice and consent of the Senate.

17 The term of each appointed member of the Board who is in  
18 office on June 30, 2003 shall terminate at the close of  
19 business on that date or when all of the new members to be  
20 initially appointed under this amendatory Act of the 93rd  
21 General Assembly have been appointed by the Governor, whichever  
22 occurs later.

23 (b) Beginning on July 1, 2003 or when all of the new

1 members to be initially appointed under this amendatory Act of  
2 the 93rd General Assembly have been appointed by the Governor,  
3 whichever occurs later, the Illinois Educational Labor  
4 Relations Board shall consist of 5 members appointed by the  
5 Governor with the advice and consent of the Senate. No more  
6 than 3 members may be of the same political party.

7 The Governor shall appoint to the Board only persons who  
8 are residents of Illinois and have had a minimum of 5 years of  
9 experience directly related to labor and employment relations  
10 in representing educational employers or educational employees  
11 in collective bargaining matters. One appointed member shall be  
12 designated at the time of his or her appointment to serve as  
13 chairman.

14 Of the initial members appointed pursuant to this  
15 amendatory Act of the 93rd General Assembly, 2 shall be  
16 designated at the time of appointment to serve a term of 6  
17 years, 2 shall be designated at the time of appointment to  
18 serve a term of 4 years, and the other shall be designated at  
19 the time of his or her appointment to serve a term of 4 years,  
20 with each to serve until his or her successor is appointed and  
21 qualified.

22 Each subsequent member shall be appointed in like manner  
23 for a term of 6 years and until his or her successor is  
24 appointed and qualified. Each member of the Board is eligible  
25 for reappointment. Vacancies shall be filled in the same manner  
26 as original appointments for the balance of the unexpired term.

1           (c) The chairman shall be paid \$50,000 per year, or an  
2 amount set by the Compensation Review Board, whichever is  
3 greater. Other members of the Board shall each be paid \$45,000  
4 per year, or an amount set by the Compensation Review Board,  
5 whichever is greater. They shall be entitled to reimbursement  
6 for necessary traveling and other official expenditures  
7 necessitated by their official duties.

8           Each member shall devote his entire time to the duties of  
9 the office, and shall hold no other office or position of  
10 profit, nor engage in any other business, employment or  
11 vocation.

12           (d) Three members of the Board constitute a quorum and a  
13 vacancy on the Board does not impair the right of the remaining  
14 members to exercise all of the powers of the Board.

15           (e) Any member of the Board may be removed by the Governor,  
16 upon notice, for neglect of duty or malfeasance in office, but  
17 for no other cause.

18           (f) The Board may appoint or employ an executive director,  
19 attorneys, hearing officers, and such other employees as it  
20 deems necessary to perform its functions, except that the Board  
21 shall employ a minimum of 8 attorneys and 5 investigators. The  
22 Board shall prescribe the duties and qualifications of such  
23 persons appointed and, subject to the annual appropriation, fix  
24 their compensation and provide for reimbursement of actual and  
25 necessary expenses incurred in the performance of their duties.

26           (g) The Board may promulgate rules and regulations which

1 allow parties in proceedings before the Board to be represented  
2 by counsel or any other person knowledgeable in the matters  
3 under consideration.

4 (h) To accomplish the objectives and to carry out the  
5 duties prescribed by this Act, the Board may subpoena  
6 witnesses, subpoena the production of books, papers, records  
7 and documents which may be needed as evidence on any matter  
8 under inquiry and may administer oaths and affirmations.

9 In cases of neglect or refusal to obey a subpoena issued to  
10 any person, the circuit court in the county in which the  
11 investigation or the public hearing is taking place, upon  
12 application by the Board, may issue an order requiring such  
13 person to appear before the Board or any member or agent of the  
14 Board to produce evidence or give testimony. A failure to obey  
15 such order may be punished by the court as in civil contempt.

16 Any subpoena, notice of hearing, or other process or notice  
17 of the Board issued under the provisions of this Act may be  
18 served personally, by registered mail or by leaving a copy at  
19 the principal office of the respondent required to be served. A  
20 return, made and verified by the individual making such service  
21 and setting forth the manner of such service, is proof of  
22 service. A post office receipt, when registered mail is used,  
23 is proof of service. All process of any court to which  
24 application may be made under the provisions of this Act may be  
25 served in the county where the persons required to be served  
26 reside or may be found.

1           (i) The Board shall adopt, promulgate, amend, or rescind  
2 rules and regulations in accordance with the Illinois  
3 Administrative Procedure Act as it deems necessary and feasible  
4 to carry out this Act.

5           (j) The Board at the end of every State fiscal year shall  
6 make a report in writing to the Governor and the General  
7 Assembly, stating in detail the work it has done in hearing and  
8 deciding cases and otherwise.

9           (Source: P.A. 96-813, eff. 10-30-09.)