



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB3411

Introduced 2/14/2014, by Sen. Andy Manar

#### SYNOPSIS AS INTRODUCED:

5 ILCS 315/10 from Ch. 48, par. 1610  
55 ILCS 5/5-1136 new  
65 ILCS 5/11-1-12 new

Amends the Counties Code and the Illinois Municipal Code. Provides that a county or municipality may not require a law enforcement officer to issue a specific number of citations or warnings within a designated period of time. Provides that a county or municipality may not, for purposes of evaluating a law enforcement officer's job performance, compare the number of citations or warnings issued by the law enforcement officer to the number of citations or warnings issued by any other law enforcement officer who has similar job duties. Limits home rule powers. Amends the Illinois Public Labor Relations Act. Provides that it shall be an unfair labor practice to require a peace officer to perform a duty that conflicts with the provisions of this amendatory Act.

LRB098 18994 JLK 55614 b

HOME RULE NOTE  
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning local 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 Section 10 as follows:

6 (5 ILCS 315/10) (from Ch. 48, par. 1610)

7 Sec. 10. Unfair labor practices.

8 (a) It shall be an unfair labor practice for an employer or  
9 its agents:

10 (1) to interfere with, restrain or coerce public  
11 employees in the exercise of the rights guaranteed in this  
12 Act or to dominate or interfere with the formation,  
13 existence or administration of any labor organization or  
14 contribute financial or other support to it; provided, an  
15 employer shall not be prohibited from permitting employees  
16 to confer with him during working hours without loss of  
17 time or pay;

18 (2) to discriminate in regard to hire or tenure of  
19 employment or any term or condition of employment in order  
20 to encourage or discourage membership in or other support  
21 for any labor organization. Nothing in this Act or any  
22 other law precludes a public employer from making an  
23 agreement with a labor organization to require as a

1 condition of employment the payment of a fair share under  
2 paragraph (e) of Section 6;

3 (3) to discharge or otherwise discriminate against a  
4 public employee because he has signed or filed an  
5 affidavit, petition or charge or provided any information  
6 or testimony under this Act;

7 (4) to refuse to bargain collectively in good faith  
8 with a labor organization which is the exclusive  
9 representative of public employees in an appropriate unit,  
10 including, but not limited to, the discussing of grievances  
11 with the exclusive representative;

12 (5) to violate any of the rules and regulations  
13 established by the Board with jurisdiction over them  
14 relating to the conduct of representation elections or the  
15 conduct affecting the representation elections;

16 (6) to expend or cause the expenditure of public funds  
17 to any external agent, individual, firm, agency,  
18 partnership or association in any attempt to influence the  
19 outcome of representational elections held pursuant to  
20 Section 9 of this Act; provided, that nothing in this  
21 subsection shall be construed to limit an employer's right  
22 to internally communicate with its employees as provided in  
23 subsection (c) of this Section, to be represented on any  
24 matter pertaining to unit determinations, unfair labor  
25 practice charges or pre-election conferences in any formal  
26 or informal proceeding before the Board, or to seek or

1 obtain advice from legal counsel. Nothing in this paragraph  
2 shall be construed to prohibit an employer from expending  
3 or causing the expenditure of public funds on, or seeking  
4 or obtaining services or advice from, any organization,  
5 group, or association established by and including public  
6 or educational employers, whether covered by this Act, the  
7 Illinois Educational Labor Relations Act or the public  
8 employment labor relations law of any other state or the  
9 federal government, provided that such services or advice  
10 are generally available to the membership of the  
11 organization, group or association, and are not offered  
12 solely in an attempt to influence the outcome of a  
13 particular representational election; or

14 (7) to refuse to reduce a collective bargaining  
15 agreement to writing or to refuse to sign such agreement.

16 (b) It shall be an unfair labor practice for a labor  
17 organization or its agents:

18 (1) to restrain or coerce public employees in the  
19 exercise of the rights guaranteed in this Act, provided,  
20 (i) that this paragraph shall not impair the right of a  
21 labor organization to prescribe its own rules with respect  
22 to the acquisition or retention of membership therein or  
23 the determination of fair share payments and (ii) that a  
24 labor organization or its agents shall commit an unfair  
25 labor practice under this paragraph in duty of fair  
26 representation cases only by intentional misconduct in

1 representing employees under this Act;

2 (2) to restrain or coerce a public employer in the  
3 selection of his representatives for the purposes of  
4 collective bargaining or the settlement of grievances; or

5 (3) to cause, or attempt to cause, an employer to  
6 discriminate against an employee in violation of  
7 subsection (a) (2);

8 (4) to refuse to bargain collectively in good faith  
9 with a public employer, if it has been designated in  
10 accordance with the provisions of this Act as the exclusive  
11 representative of public employees in an appropriate unit;

12 (5) to violate any of the rules and regulations  
13 established by the boards with jurisdiction over them  
14 relating to the conduct of representation elections or the  
15 conduct affecting the representation elections;

16 (6) to discriminate against any employee because he has  
17 signed or filed an affidavit, petition or charge or  
18 provided any information or testimony under this Act;

19 (7) to picket or cause to be picketed, or threaten to  
20 picket or cause to be picketed, any public employer where  
21 an object thereof is forcing or requiring an employer to  
22 recognize or bargain with a labor organization of the  
23 representative of its employees, or forcing or requiring  
24 the employees of an employer to accept or select such labor  
25 organization as their collective bargaining  
26 representative, unless such labor organization is

1 currently certified as the representative of such  
2 employees:

3 (A) where the employer has lawfully recognized in  
4 accordance with this Act any labor organization and a  
5 question concerning representation may not  
6 appropriately be raised under Section 9 of this Act;

7 (B) where within the preceding 12 months a valid  
8 election under Section 9 of this Act has been  
9 conducted; or

10 (C) where such picketing has been conducted  
11 without a petition under Section 9 being filed within a  
12 reasonable period of time not to exceed 30 days from  
13 the commencement of such picketing; provided that when  
14 such a petition has been filed the Board shall  
15 forthwith, without regard to the provisions of  
16 subsection (a) of Section 9 or the absence of a showing  
17 of a substantial interest on the part of the labor  
18 organization, direct an election in such unit as the  
19 Board finds to be appropriate and shall certify the  
20 results thereof; provided further, that nothing in  
21 this subparagraph shall be construed to prohibit any  
22 picketing or other publicity for the purpose of  
23 truthfully advising the public that an employer does  
24 not employ members of, or have a contract with, a labor  
25 organization unless an effect of such picketing is to  
26 induce any individual employed by any other person in

1           the course of his employment, not to pick up, deliver,  
2           or transport any goods or not to perform any services;  
3           or

4           (8) to refuse to reduce a collective bargaining  
5           agreement to writing or to refuse to sign such agreement.

6           (b-5) It shall be an unfair labor practice for an employer  
7           or its agents to require a peace officer to perform any of the  
8           tasks that are prohibited under Section 5-1136 of the Counties  
9           Code and Section 11-1-12 of the Illinois Municipal Code.

10          (c) The expressing of any views, argument, or opinion or  
11          the dissemination thereof, whether in written, printed,  
12          graphic, or visual form, shall not constitute or be evidence of  
13          an unfair labor practice under any of the provisions of this  
14          Act, if such expression contains no threat of reprisal or force  
15          or promise of benefit.

16          (Source: P.A. 86-412; 87-736.)

17          Section 10. The Counties Code is amended by adding Section  
18          5-1136 as follows:

19                 (55 ILCS 5/5-1136 new)

20                 Sec. 5-1136. Quotas prohibited. A county may not require a  
21                 law enforcement officer to issue a specific number of citations  
22                 or warnings within a designated period of time.

23                 A county may not, for purposes of evaluating a law  
24                 enforcement officer's job performance, compare the number of

1 citations or warnings issued by the law enforcement officer to  
2 the number of citations or warnings issued by any other law  
3 enforcement officer who has similar job duties.

4 A home rule unit may not establish requirements for or  
5 assess the performance of law enforcement officers in a manner  
6 inconsistent with this Section. This Section is a limitation  
7 under subsection (i) of Section 6 of Article VII of the  
8 Illinois Constitution on the concurrent exercise by home rule  
9 units of powers and functions exercised by the State.

10 Section 15. The Illinois Municipal Code is amended by  
11 adding Section 11-1-12 as follows:

12 (65 ILCS 5/11-1-12 new)

13 Sec. 11-1-12. Quotas prohibited. A municipality may not  
14 require a law enforcement officer to issue a specific number of  
15 citations or warnings within a designated period of time.

16 A municipality may not, for purposes of evaluating a law  
17 enforcement officer's job performance, compare the number of  
18 citations or warnings issued by the law enforcement officer to  
19 the number of citations or warnings issued by any other law  
20 enforcement officer who has similar job duties.

21 A home rule municipality may not establish requirements for  
22 or assess the performance of law enforcement officers in a  
23 manner inconsistent with this Section. This Section is a  
24 limitation under subsection (i) of Section 6 of Article VII of



1 the Illinois Constitution on the concurrent exercise by home  
2 rule units of powers and functions exercised by the State.