



## **ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD PUBLISHES NEW PROPOSED RULES ON ELECTION RULES AND DUES COMPLAINTS**

On August 4th, 2023, proposed changes to the Illinois Educational Labor Relations Board's ("IELRB") Rules and Regulations were published for public comment. The proposals are set forth below.

### **Electronic Signatures for Showing of Interest**

One of the proposed amendments would allow the showing of interest in support of a representation petitions to be evidenced by an electronic signature. Submissions supported by electronic signature would be required to contain: (1) the signer's name, email address, and telephone number; (2) the language to which the signer has agreed; (3) the date the electronic signature was submitted; and (4) the name of the employer. Submissions supported by electronic signature would be verified by the Board and each signature appearing on an authorization would be effective for twelve months rather than the current six-month time period.

### **Representation Petitions Involving Combined Bargaining Units**

Under the proposed rules, in cases in which a proposed bargaining unit combines professional and nonprofessional employees or craft and non-craft employees, authorization cards must indicate that the employee desires to be represented in a combined unit. Additionally, if a majority interest self-determination petition seeks to add employees into an existing unit, the petitioner may present evidence that a majority of employees in each group of the proposed combined unit desires representation in a single unit. The Board will then conduct an independent poll of the proposed combined unit to determine whether a majority of employees in each group desire a combined unit.

### **Disclaimer of Interest Petitions**

A new rule would create a procedure for unions to relinquish their status as the exclusive bargaining representatives of a bargaining unit through filing a disclaimer of interest petition. This is similar to the petition that has been available at the Illinois Labor Relations Board for many years. A disclaimer petition would require a statement that the employee organization waives and disclaims the authority and duty to represent the employees in the bargaining unit. The Board would provide notice of such a disclaimer to the employer, receive objections to the petition, and revoke the certification, authority, and duty of the union as the exclusive bargaining representatives of a bargaining unit upon approval of the petition.

## Dues Deductions

A proposed rule would modify the processing of unfair labor practice (“ULP”) charges claiming that an employee organization unlawfully collected dues. In such cases, the employer would continue to deduct dues but would transmit the dues to be held in an escrow account. The rules regarding the escrow account are similar to the rules that were in place for fair share fee payers. The escrow account has to be held at a federally-insured financial institution and earn interest of at least the rate provided by commercial banks for regular savings accounts. The escrow account can combine the dues of more than one objector, but separate records must be kept of each objector's dues, prorating the interest earned on the account. Any cost of maintaining an escrow account would be borne by the employee organization.

If your organization wishes to make a public comment on the proposed rule changes, it must do so within forty-five (45) days of the August 4th publication.

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