

STATE BARS LOCAL GOVERNMENT RIGHTS TO WORK LAWS

The General Assembly and the Government have put a spike in the figurative political coffin of the Governor who dared to challenge the collective bargaining agreements free and clear of government interference. This is a well-deserved victory and complete statement on why unions are important to the interests of workers. The Senate passed the Collective Bargaining Freedom Act, the House passed the same act with amendments, and they were concurred in by the Senate. That law is now Public Act 101-003, and it provides that the policy of the State of Illinois is to allow employers, employees and their labor organizations to have free collective bargaining and to prohibit local governments from enacting laws or rules that restrict the use of union security agreements. This law has an immediate effect.

The key provision of this act is a complete limitation on local government action by ordinance, rule, regulations that by design or application prohibits, restricts, tends to restrict or regulates the use of union security agreements between an employer and a labor organization.

To further limit actions by local governments, the act specifically states that it is a denial and limitation of all home rules powers and functions under the Illinois Constitution. Any party aggrieved by a violation of this act has a private right of action that may be filed in the Circuit Court in the county in which the alleged violation occurred.

This is a really important piece of legislation and it is designed to clarify Section 14(b) of Taft Hartley, which provides that a state or territory may enact a law that prohibits union security agreements. In Kentucky, some counties have extended that concept under Section 14(b) by stating that the words "any state" include political subdivisions. The Sixth Circuit Court of appeals has upheld that concept, but it was rejected by the U.S. Court of Appeals for the Seventh Circuit in Chicago. Nevertheless, the General Assembly believed that enacting a clear and certain prohibition is in the best interest of unions and workers.

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