**Section 1230.180 Strikes**

Employees in general public employee units have the right to strike, provided that the following conditions have been met:

a) *The employees are represented by an exclusive bargaining representative* (Section 17(a)(1) of the Act) that has been certified by the Board or that has a valid claim to status as an historical bargaining representative pursuant to Section 3(f) of the Act.

b) *The collective bargaining agreement between the public employer and the public employees, if any, has expired, or such agreement does not prohibit the strike.* (Section 17(a)(2) of the Act) Pursuant to Section 8 of the Act, a collective bargaining agreement must contain provisions prohibiting strikes for the agreement's duration and providing for a grievance procedure culminating in final and binding arbitration of disputes over the interpretation of the agreement unless the parties agree to forgo these provisions.

c) *The public employer and the labor organization have not mutually agreed to submit the disputed issues to final and binding arbitration.* (Section 17(a)(3) of the Act)

d) *The exclusive representative has requested a mediator pursuant to* Section 12 of the Act and Section 1230.150 of this Part *and mediation has been used*. (Section 17(a)(4) of the Act)

e) *At least* *5* *days have elapsed after a notice of intent to strike has been given by the exclusive representative to the public employer.* (Section 17(a)(5) of the Act) A copy of the notice shall be filed with the Board and shall reference the contract number in cases of negotiations for successor contracts or the certification case number in cases of negotiations for initial contracts. The 5 day time period shall be calculated in accordance with 80 Ill. Adm. Code 1200.30(a) and (b).

(Source: Amended at 27 Ill. Reg. 7456, effective May 1, 2003)