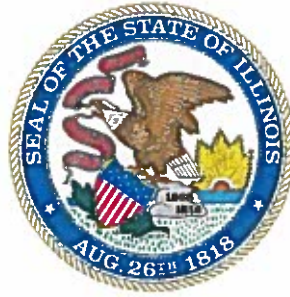


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**GARY FORBY**  
STATE SENATOR • 59<sup>TH</sup> DISTRICT

March 2, 2015

Honorable Lisa Madigan, Attorney General  
Attention: Opinions Bureau  
500 South Second Street  
Springfield, IL 62706

Dear Attorney General Madigan,

As Chairman of the Senate Labor Committee, I respectfully request a formal opinion from you as to the following legal questions regarding a recent situation involving labor. The back ground follows:

During recent speeches, including his State of the State speech, Governor Rauner has called for the creation of right-to-work zones and has suggested that governmental entities can opt out of the Prevailing Wage Act. As I understand his proposal (I have not seen a bill yet), voters in a county, municipality or other unit of local government would decide by referendum to create a right-to-work zone. As I understand right-to-work, it prevents labor unions from negotiating contracts with employers which require all employees in the bargaining unit to pay dues to the union for negotiating the contract for which they reap the benefits. This prevents free-riders from enjoying the benefit of union negotiations without making any contribution to the union since unions must represent all employees in the bargaining unit.

**Questions:**

- 1) Under current law, may Illinois counties or municipalities, either home rule or non-home rule, adopt "right-to-work" ordinances that would be enforceable within their corporate boundaries?
- 2) Alternatively under current law, may voters authorize, by referendum, "right-to-work" zones that would be enforceable within a governmental entity's corporate boundaries?
- 3) Under current law, may a county, municipality, or school district adopt any ordinance or pass a referendum allowing the local government to opt out of the provisions of the Prevailing Wage Act?

I appreciate your attention to this timely and important matter to the People of Illinois. If you have any questions, please feel free to call me at either my Springfield or Southern Illinois office and I await your opinion.

Sincerely Yours,

  
Gary Forby, State Senator - 59<sup>th</sup> District  
Chairman of the Senate Labor Committee