



Question: Can SIUC employees be required to serve as 'strikebreakers'?

Answer: No – and here's the law to prove it!

The four IEA locals at SIUC have received numerous reports from concerned SIUC employees (faculty, AP, civil service) who have been pressured to work in the event of a strike as substitute instructors, to fill in for other civil service employees, and even threatened with being fired should they refuse to do so. This is illegal, per the Illinois Educational Labor Relations Act or "IELRA." (Entire IELRA is at <http://www2.illinois.gov/elrb/Pages/acts.aspx>)

Your rights under law to 'mutual aid and protection'

- Educational employees can, in concerted action (i.e., not alone) respectfully and legally refuse any requests to perform work outside the normal scope of their duties. This would include being asked to visit classrooms during a strike to see if a class is in session, and certainly apply to being assigned – or even asked – to cover a class in the place of fellow employees engaged in a strike action.
- Non-managerial, non-supervisory, or non-confidential employees of SIUC are educational employees covered by the IELRA – whether or not they are represented by a union, and whether or not they are a member of a union.
- Section 3 of the IELRA provides: ***"It shall be lawful for educational employees to organize, form, join, or assist in employee organizations or engage in lawful concerted activities for the purpose of collective bargaining or other mutual aid and protection or bargain collectively through representatives of their own free choice and, except as provided in Section 11, such employees shall also have the right to refrain from any or all such activities."***(emphasis added)

To legally refuse what a supervisor or administrator asks of you, know that:

- Fellow educational employees may offer "mutual aid and protection" to other educational employees on campus.
- Supportive of a strike or not, "pro-union" or not, you have rights – and cannot be legally required to teach or to perform tasks outside the normal scope of your position.
- You must, however, act "in concert" with other employees. In fact, enlisting just *one other employee* in your refusal fulfills this requirement.
- You can legally tell your employer that "we" refuse to comply with their request in keeping with your right to provide mutual aid and protection, and that it is illegal for SIUC to punish you or threaten to punish you for doing so.
- Faculty, for example, cannot be compelled to teach the courses of their striking colleagues.
- Office workers cannot be compelled to cover others' work that is not part of their regular job duties.
- This applies as well to other educational employees (including, for example, chairs and advisors, and other AP staff) who are not classified as "executive/managerial" staff.
- Although your job description may include your performing "other duties as assigned," your rights under law would supersede in this case.
- If you have questions, or need assistance finding other workers to invoke your mutual aid and protection, contact the regional office of the Illinois Education Association at 618/773-4481 or 1-800-431-3730.

To support fellow employees on strike in other ways, you can:

- Regularly check our joint four local website for updates: <http://siucunions.wordpress.com>
- Come out and join a picket line (during your non-work hours)
- Make a donation to the fund supporting strikers (who are not paid during a work stoppage)*
- Join the local that represents your classification!*
- Wear supportive buttons and display supportive signs
- Contact the SIU Board of Trustees, SIUC and SIU administrators, and state lawmakers to demand fair settlement offers by SIUC!