



Sen. William E. Brady

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LRB100 17626 RJF 38866 a

1 AMENDMENT TO SENATE BILL 2680

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2680 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Labor Relations Act is  
5 amended by changing Sections 4 and 7 as follows:

6 (5 ILCS 315/4) (from Ch. 48, par. 1604)

7 (Text of Section WITHOUT the changes made by P.A. 98-599,  
8 which has been held unconstitutional)

9 Sec. 4. Management Rights. Employers shall not be required  
10 to bargain over matters of inherent managerial policy, which  
11 shall include such areas of discretion or policy as the  
12 functions of the employer, standards of services, its overall  
13 budget, the organizational structure and selection of new  
14 employees, examination techniques and direction of employees.  
15 Employers, however, shall be required to bargain collectively  
16 with regard to policy matters directly affecting wages, hours

1 and terms and conditions of employment as well as the impact  
2 thereon upon request by employee representatives.

3 With respect to the State of Illinois as a public employer,  
4 the design, implementation, and administration of a health  
5 insurance plan in which the combination of employee premiums  
6 and out-of-pocket costs for the plan do not exceed 40% of total  
7 active employee healthcare costs, in the aggregate, as  
8 determined by actuaries contracted by the State, shall be  
9 considered an inherent management right for the purposes of  
10 this Section, and shall not be the subject of negotiations  
11 between the State of Illinois as a public employer and any  
12 exclusive representative of public employees. The State of  
13 Illinois may elect to negotiate over other health insurance  
14 plans, but permissive negotiations over such matters shall not  
15 impair or impact the State's ability to design, implement, or  
16 administer the health insurance plan identified in this  
17 paragraph.

18 To preserve the rights of employers and exclusive  
19 representatives which have established collective bargaining  
20 relationships or negotiated collective bargaining agreements  
21 prior to the effective date of this Act, employers shall be  
22 required to bargain collectively with regard to any matter  
23 concerning wages, hours or conditions of employment about which  
24 they have bargained for and agreed to in a collective  
25 bargaining agreement prior to the effective date of this Act.

26 The chief judge of the judicial circuit that employs a

1 public employee who is a court reporter, as defined in the  
2 Court Reporters Act, has the authority to hire, appoint,  
3 promote, evaluate, discipline, and discharge court reporters  
4 within that judicial circuit.

5 Nothing in this amendatory Act of the 94th General Assembly  
6 shall be construed to intrude upon the judicial functions of  
7 any court. This amendatory Act of the 94th General Assembly  
8 applies only to nonjudicial administrative matters relating to  
9 the collective bargaining rights of court reporters.

10 (Source: P.A. 94-98, eff. 7-1-05.)

11 (5 ILCS 315/7) (from Ch. 48, par. 1607)

12 Sec. 7. Duty to bargain. A public employer and the  
13 exclusive representative have the authority and the duty to  
14 bargain collectively set forth in this Section.

15 For the purposes of this Act, "to bargain collectively"  
16 means the performance of the mutual obligation of the public  
17 employer or his designated representative and the  
18 representative of the public employees to meet at reasonable  
19 times, including meetings in advance of the budget-making  
20 process, and to negotiate in good faith with respect to wages,  
21 hours, and other conditions of employment, not excluded by  
22 Section 4 of this Act, or the negotiation of an agreement, or  
23 any question arising thereunder and the execution of a written  
24 contract incorporating any agreement reached if requested by  
25 either party, but such obligation does not compel either party

1 to agree to a proposal or require the making of a concession.

2 The duty "to bargain collectively" shall also include an  
3 obligation to negotiate over any matter with respect to wages,  
4 hours and other conditions of employment, not specifically  
5 provided for in any other law or not specifically in violation  
6 of the provisions of any law. If any other law pertains, in  
7 part, to a matter affecting the wages, hours and other  
8 conditions of employment, such other law shall not be construed  
9 as limiting the duty "to bargain collectively" and to enter  
10 into collective bargaining agreements containing clauses which  
11 either supplement, implement, or relate to the effect of such  
12 provisions in other laws.

13 The duty "to bargain collectively" shall also include  
14 negotiations as to the terms of a collective bargaining  
15 agreement. The parties may, by mutual agreement, provide for  
16 arbitration of impasses resulting from their inability to agree  
17 upon wages, hours and terms and conditions of employment to be  
18 included in a collective bargaining agreement. Such  
19 arbitration provisions shall be subject to the Illinois  
20 "Uniform Arbitration Act" unless agreed by the parties.

21 The duty "to bargain collectively" shall also mean that no  
22 party to a collective bargaining contract shall terminate or  
23 modify such contract, unless the party desiring such  
24 termination or modification:

25 (1) serves a written notice upon the other party to the  
26 contract of the proposed termination or modification 60

1 days prior to the expiration date thereof, or in the event  
2 such contract contains no expiration date, 60 days prior to  
3 the time it is proposed to make such termination or  
4 modification;

5 (2) offers to meet and confer with the other party for  
6 the purpose of negotiating a new contract or a contract  
7 containing the proposed modifications;

8 (3) notifies the Board within 30 days after such notice  
9 of the existence of a dispute, provided no agreement has  
10 been reached by that time; and

11 (4) continues in full force and effect, without  
12 resorting to strike or lockout, all the terms and  
13 conditions of the existing contract for a period of 60 days  
14 after such notice is given to the other party or until the  
15 expiration date of such contract, whichever occurs later.

16 The duties imposed upon employers, employees and labor  
17 organizations by paragraphs (2), (3) and (4) shall become  
18 inapplicable upon an intervening certification of the Board,  
19 under which the labor organization, which is a party to the  
20 contract, has been superseded as or ceased to be the exclusive  
21 representative of the employees pursuant to the provisions of  
22 subsection (a) of Section 9, and the duties so imposed shall  
23 not be construed as requiring either party to discuss or agree  
24 to any modification of the terms and conditions contained in a  
25 contract for a fixed period, if such modification is to become  
26 effective before such terms and conditions can be reopened

1 under the provisions of the contract.

2 Collective bargaining for home care and home health workers  
3 who function as personal assistants and individual maintenance  
4 home health workers under the Home Services Program shall be  
5 limited to the terms and conditions of employment under the  
6 State's control, as defined in Public Act 93-204 or this  
7 amendatory Act of the 97th General Assembly, as applicable.

8 Collective bargaining for child and day care home providers  
9 under the child care assistance program shall be limited to the  
10 terms and conditions of employment under the State's control,  
11 as defined in this amendatory Act of the 94th General Assembly.

12 With respect to negotiations between the State of Illinois  
13 as a public employer and an exclusive representative, the duty  
14 "to bargain collectively" shall not include any obligation to  
15 negotiate health insurance or health benefits, provided that  
16 the State of Illinois provides its employees with a health  
17 insurance plan in which the combination of employee premiums  
18 and out-of-pocket costs for the plan do not exceed 40% of total  
19 active employee healthcare costs, in the aggregate, as  
20 determined by actuaries contracted by the State. The design of  
21 the plan shall be at the discretion of the State of Illinois.  
22 Bargaining for other plan designs is permissive, and  
23 negotiations over other plan designs, or the provisions of  
24 Section 14 of this Act, shall not impair the State's ability to  
25 design, implement, or administer the health insurance plan  
26 identified in this paragraph.

1           Notwithstanding any other provision of this Section,  
2 whenever collective bargaining is for the purpose of  
3 establishing an initial agreement following original  
4 certification of units with fewer than 35 employees, with  
5 respect to public employees other than peace officers, fire  
6 fighters, and security employees, the following apply:

7           (1) Not later than 10 days after receiving a written  
8 request for collective bargaining from a labor  
9 organization that has been newly certified as a  
10 representative as defined in Section 6(c), or within such  
11 further period as the parties agree upon, the parties shall  
12 meet and commence to bargain collectively and shall make  
13 every reasonable effort to conclude and sign a collective  
14 bargaining agreement.

15           (2) If anytime after the expiration of the 90-day  
16 period beginning on the date on which bargaining is  
17 commenced the parties have failed to reach an agreement,  
18 either party may notify the Illinois Public Labor Relations  
19 Board of the existence of a dispute and request mediation  
20 in accordance with the provisions of Section 14 of this  
21 Act.

22           (3) If after the expiration of the 30-day period  
23 beginning on the date on which mediation commenced, or such  
24 additional period as the parties may agree upon, the  
25 mediator is not able to bring the parties to agreement by  
26 conciliation, either the exclusive representative of the

1 employees or the employer may request of the other, in  
2 writing, arbitration and shall submit a copy of the request  
3 to the board. Upon submission of the request for  
4 arbitration, the parties shall be required to participate  
5 in the impasse arbitration procedures set forth in Section  
6 14 of this Act, except the right to strike shall not be  
7 considered waived pursuant to Section 17 of this Act, until  
8 the actual convening of the arbitration hearing.

9 (Source: P.A. 97-1158, eff. 1-29-13; 98-1004, eff. 8-18-14.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law."