



Sen. Dale A. Righter

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1 AMENDMENT TO SENATE BILL 1066

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1066 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 3, 7, and 15.1 and by adding  
6 Sections 5.2 and 5.3 as follows:

7 (5 ILCS 315/3) (from Ch. 48, par. 1603)

8 Sec. 3. Definitions. As used in this Act, unless the  
9 context otherwise requires:

10 (a) "Board" means the Department of Labor as successor to  
11 the Illinois Labor Relations Board ~~or, with respect to a matter~~  
12 ~~over which the jurisdiction of the Board is assigned to the~~  
13 ~~State Panel or the Local Panel under Section 5, the panel~~  
14 ~~having jurisdiction over the matter.~~

15 (b) "Collective bargaining" means bargaining over terms  
16 and conditions of employment, including hours, wages, and other

1 conditions of employment, as detailed in Section 7 and which  
2 are not excluded by Section 4.

3 (c) "Confidential employee" means an employee who, in the  
4 regular course of his or her duties, assists and acts in a  
5 confidential capacity to persons who formulate, determine, and  
6 effectuate management policies with regard to labor relations  
7 or who, in the regular course of his or her duties, has  
8 authorized access to information relating to the effectuation  
9 or review of the employer's collective bargaining policies.

10 (d) "Craft employees" means skilled journeymen, crafts  
11 persons, and their apprentices and helpers.

12 (e) "Essential services employees" means those public  
13 employees performing functions so essential that the  
14 interruption or termination of the function will constitute a  
15 clear and present danger to the health and safety of the  
16 persons in the affected community.

17 (f) "Exclusive representative", except with respect to  
18 non-State fire fighters and paramedics employed by fire  
19 departments and fire protection districts, non-State peace  
20 officers, and peace officers in the Department of State Police,  
21 means the labor organization that has been (i) designated by  
22 the Board as the representative of a majority of public  
23 employees in an appropriate bargaining unit in accordance with  
24 the procedures contained in this Act, (ii) historically  
25 recognized by the State of Illinois or any political  
26 subdivision of the State before July 1, 1984 (the effective

1 date of this Act) as the exclusive representative of the  
2 employees in an appropriate bargaining unit, (iii) after July  
3 1, 1984 (the effective date of this Act) recognized by an  
4 employer upon evidence, acceptable to the Board, that the labor  
5 organization has been designated as the exclusive  
6 representative by a majority of the employees in an appropriate  
7 bargaining unit; (iv) recognized as the exclusive  
8 representative of personal assistants under Executive Order  
9 2003-8 prior to the effective date of this amendatory Act of  
10 the 93rd General Assembly, and the organization shall be  
11 considered to be the exclusive representative of the personal  
12 assistants as defined in this Section; or (v) recognized as the  
13 exclusive representative of child and day care home providers,  
14 including licensed and license exempt providers, pursuant to an  
15 election held under Executive Order 2005-1 prior to the  
16 effective date of this amendatory Act of the 94th General  
17 Assembly, and the organization shall be considered to be the  
18 exclusive representative of the child and day care home  
19 providers as defined in this Section.

20 With respect to non-State fire fighters and paramedics  
21 employed by fire departments and fire protection districts,  
22 non-State peace officers, and peace officers in the Department  
23 of State Police, "exclusive representative" means the labor  
24 organization that has been (i) designated by the Board as the  
25 representative of a majority of peace officers or fire fighters  
26 in an appropriate bargaining unit in accordance with the

1 procedures contained in this Act, (ii) historically recognized  
2 by the State of Illinois or any political subdivision of the  
3 State before January 1, 1986 (the effective date of this  
4 amendatory Act of 1985) as the exclusive representative by a  
5 majority of the peace officers or fire fighters in an  
6 appropriate bargaining unit, or (iii) after January 1, 1986  
7 (the effective date of this amendatory Act of 1985) recognized  
8 by an employer upon evidence, acceptable to the Board, that the  
9 labor organization has been designated as the exclusive  
10 representative by a majority of the peace officers or fire  
11 fighters in an appropriate bargaining unit.

12 Where a historical pattern of representation exists for the  
13 workers of a water system that was owned by a public utility,  
14 as defined in Section 3-105 of the Public Utilities Act, prior  
15 to becoming certified employees of a municipality or  
16 municipalities once the municipality or municipalities have  
17 acquired the water system as authorized in Section 11-124-5 of  
18 the Illinois Municipal Code, the Board shall find the labor  
19 organization that has historically represented the workers to  
20 be the exclusive representative under this Act, and shall find  
21 the unit represented by the exclusive representative to be the  
22 appropriate unit.

23 (g) "Fair share agreement" means an agreement between the  
24 employer and an employee organization under which all or any of  
25 the employees in a collective bargaining unit are required to  
26 pay their proportionate share of the costs of the collective

1 bargaining process, contract administration, and pursuing  
2 matters affecting wages, hours, and other conditions of  
3 employment, but not to exceed the amount of dues uniformly  
4 required of members. The amount certified by the exclusive  
5 representative shall not include any fees for contributions  
6 related to the election or support of any candidate for  
7 political office. Nothing in this subsection (g) shall preclude  
8 an employee from making voluntary political contributions in  
9 conjunction with his or her fair share payment.

10 (g-1) "Fire fighter" means, for the purposes of this Act  
11 only, any person who has been or is hereafter appointed to a  
12 fire department or fire protection district or employed by a  
13 state university and sworn or commissioned to perform fire  
14 fighter duties or paramedic duties, including paramedics  
15 employed by a unit of local government, except that the  
16 following persons are not included: part-time fire fighters,  
17 auxiliary, reserve or voluntary fire fighters, including paid  
18 on-call fire fighters, clerks and dispatchers or other civilian  
19 employees of a fire department or fire protection district who  
20 are not routinely expected to perform fire fighter duties, or  
21 elected officials.

22 (g-2) "General Assembly of the State of Illinois" means the  
23 legislative branch of the government of the State of Illinois,  
24 as provided for under Article IV of the Constitution of the  
25 State of Illinois, and includes but is not limited to the House  
26 of Representatives, the Senate, the Speaker of the House of

1 Representatives, the Minority Leader of the House of  
2 Representatives, the President of the Senate, the Minority  
3 Leader of the Senate, the Joint Committee on Legislative  
4 Support Services and any legislative support services agency  
5 listed in the Legislative Commission Reorganization Act of  
6 1984.

7 (h) "Governing body" means, in the case of the State, ~~the~~  
8 ~~State Panel of the Illinois Labor Relations Board,~~ the Director  
9 of the Department of Central Management Services, and the  
10 Director of the Department of Labor; the county board in the  
11 case of a county; the corporate authorities in the case of a  
12 municipality; and the appropriate body authorized to provide  
13 for expenditures of its funds in the case of any other unit of  
14 government.

15 (i) "Labor organization" means any organization in which  
16 public employees participate and that exists for the purpose,  
17 in whole or in part, of dealing with a public employer  
18 concerning wages, hours, and other terms and conditions of  
19 employment, including the settlement of grievances.

20 (i-5) "Legislative liaison" means a person who is an  
21 employee of a State agency, the Attorney General, the Secretary  
22 of State, the Comptroller, or the Treasurer, as the case may  
23 be, and whose job duties require the person to regularly  
24 communicate in the course of his or her employment with any  
25 official or staff of the General Assembly of the State of  
26 Illinois for the purpose of influencing any legislative action.

1           (j) "Managerial employee" means an individual who is  
2 engaged predominantly in executive and management functions  
3 and is charged with the responsibility of directing the  
4 effectuation of management policies and practices. With  
5 respect only to State employees in positions under the  
6 jurisdiction of the Attorney General, Secretary of State,  
7 Comptroller, or Treasurer (i) that were certified in a  
8 bargaining unit on or after December 2, 2008, (ii) for which a  
9 petition is filed with the Illinois Public Labor Relations  
10 Board, or the Department of Labor as its successor, on or after  
11 April 5, 2013 (the effective date of Public Act 97-1172), or  
12 (iii) for which a petition is pending before the Illinois  
13 Public Labor Relations Board on that date, "managerial  
14 employee" means an individual who is engaged in executive and  
15 management functions or who is charged with the effectuation of  
16 management policies and practices or who represents management  
17 interests by taking or recommending discretionary actions that  
18 effectively control or implement policy. Nothing in this  
19 definition prohibits an individual from also meeting the  
20 definition of "supervisor" under subsection (r) of this  
21 Section.

22           (k) "Peace officer" means, for the purposes of this Act  
23 only, any persons who have been or are hereafter appointed to a  
24 police force, department, or agency and sworn or commissioned  
25 to perform police duties, except that the following persons are  
26 not included: part-time police officers, special police

1 officers, auxiliary police as defined by Section 3.1-30-20 of  
2 the Illinois Municipal Code, night watchmen, "merchant  
3 police", court security officers as defined by Section 3-6012.1  
4 of the Counties Code, temporary employees, traffic guards or  
5 wardens, civilian parking meter and parking facilities  
6 personnel or other individuals specially appointed to aid or  
7 direct traffic at or near schools or public functions or to aid  
8 in civil defense or disaster, parking enforcement employees who  
9 are not commissioned as peace officers and who are not armed  
10 and who are not routinely expected to effect arrests, parking  
11 lot attendants, clerks and dispatchers or other civilian  
12 employees of a police department who are not routinely expected  
13 to effect arrests, or elected officials.

14 (l) "Person" includes one or more individuals, labor  
15 organizations, public employees, associations, corporations,  
16 legal representatives, trustees, trustees in bankruptcy,  
17 receivers, or the State of Illinois or any political  
18 subdivision of the State or governing body, but does not  
19 include the General Assembly of the State of Illinois or any  
20 individual employed by the General Assembly of the State of  
21 Illinois.

22 (m) "Professional employee" means any employee engaged in  
23 work predominantly intellectual and varied in character rather  
24 than routine mental, manual, mechanical or physical work;  
25 involving the consistent exercise of discretion and adjustment  
26 in its performance; of such a character that the output



1 produced or the result accomplished cannot be standardized in  
2 relation to a given period of time; and requiring advanced  
3 knowledge in a field of science or learning customarily  
4 acquired by a prolonged course of specialized intellectual  
5 instruction and study in an institution of higher learning or a  
6 hospital, as distinguished from a general academic education or  
7 from apprenticeship or from training in the performance of  
8 routine mental, manual, or physical processes; or any employee  
9 who has completed the courses of specialized intellectual  
10 instruction and study prescribed in this subsection (m) and is  
11 performing related work under the supervision of a professional  
12 person to qualify to become a professional employee as defined  
13 in this subsection (m).

14 (n) "Public employee" or "employee", for the purposes of  
15 this Act, means any individual employed by a public employer,  
16 including (i) interns and residents at public hospitals, (ii)  
17 as of the effective date of this amendatory Act of the 93rd  
18 General Assembly, but not before, personal assistants working  
19 under the Home Services Program under Section 3 of the  
20 Rehabilitation of Persons with Disabilities Act, subject to the  
21 limitations set forth in this Act and in the Rehabilitation of  
22 Persons with Disabilities Act, (iii) as of the effective date  
23 of this amendatory Act of the 94th General Assembly, but not  
24 before, child and day care home providers participating in the  
25 child care assistance program under Section 9A-11 of the  
26 Illinois Public Aid Code, subject to the limitations set forth

1 in this Act and in Section 9A-11 of the Illinois Public Aid  
2 Code, (iv) as of January 29, 2013 (the effective date of Public  
3 Act 97-1158), but not before except as otherwise provided in  
4 this subsection (n), home care and home health workers who  
5 function as personal assistants and individual maintenance  
6 home health workers and who also work under the Home Services  
7 Program under Section 3 of the Rehabilitation of Persons with  
8 Disabilities Act, no matter whether the State provides those  
9 services through direct fee-for-service arrangements, with the  
10 assistance of a managed care organization or other  
11 intermediary, or otherwise, (v) beginning on the effective date  
12 of this amendatory Act of the 98th General Assembly and  
13 notwithstanding any other provision of this Act, any person  
14 employed by a public employer and who is classified as or who  
15 holds the employment title of Chief Stationary Engineer,  
16 Assistant Chief Stationary Engineer, Sewage Plant Operator,  
17 Water Plant Operator, Stationary Engineer, Plant Operating  
18 Engineer, and any other employee who holds the position of:  
19 Civil Engineer V, Civil Engineer VI, Civil Engineer VII,  
20 Technical Manager I, Technical Manager II, Technical Manager  
21 III, Technical Manager IV, Technical Manager V, Technical  
22 Manager VI, Realty Specialist III, Realty Specialist IV, Realty  
23 Specialist V, Technical Advisor I, Technical Advisor II,  
24 Technical Advisor III, Technical Advisor IV, or Technical  
25 Advisor V employed by the Department of Transportation who is  
26 in a position which is certified in a bargaining unit on or

1 before the effective date of this amendatory Act of the 98th  
2 General Assembly, and (vi) beginning on the effective date of  
3 this amendatory Act of the 98th General Assembly and  
4 notwithstanding any other provision of this Act, any mental  
5 health administrator in the Department of Corrections who is  
6 classified as or who holds the position of Public Service  
7 Administrator (Option 8K), any employee of the Office of the  
8 Inspector General in the Department of Human Services who is  
9 classified as or who holds the position of Public Service  
10 Administrator (Option 7), any Deputy of Intelligence in the  
11 Department of Corrections who is classified as or who holds the  
12 position of Public Service Administrator (Option 7), and any  
13 employee of the Department of State Police who handles issues  
14 concerning the Illinois State Police Sex Offender Registry and  
15 who is classified as or holds the position of Public Service  
16 Administrator (Option 7), but excluding all of the following:  
17 employees of the General Assembly of the State of Illinois;  
18 elected officials; executive heads of a department; members of  
19 boards or commissions; the Executive Inspectors General; any  
20 special Executive Inspectors General; employees of each Office  
21 of an Executive Inspector General; commissioners and employees  
22 of the Executive Ethics Commission; the Auditor General's  
23 Inspector General; employees of the Office of the Auditor  
24 General's Inspector General; the Legislative Inspector  
25 General; any special Legislative Inspectors General; employees  
26 of the Office of the Legislative Inspector General;

1 commissioners and employees of the Legislative Ethics  
2 Commission; employees of any agency, board or commission  
3 created by this Act; employees appointed to State positions of  
4 a temporary or emergency nature; all employees of school  
5 districts and higher education institutions except  
6 firefighters and peace officers employed by a state university  
7 and except peace officers employed by a school district in its  
8 own police department in existence on the effective date of  
9 this amendatory Act of the 96th General Assembly; managerial  
10 employees; short-term employees; legislative liaisons; a  
11 person who is a State employee under the jurisdiction of the  
12 Office of the Attorney General who is licensed to practice law  
13 or whose position authorizes, either directly or indirectly,  
14 meaningful input into government decision-making on issues  
15 where there is room for principled disagreement on goals or  
16 their implementation; a person who is a State employee under  
17 the jurisdiction of the Office of the Comptroller who holds the  
18 position of Public Service Administrator or whose position is  
19 otherwise exempt under the Comptroller Merit Employment Code; a  
20 person who is a State employee under the jurisdiction of the  
21 Secretary of State who holds the position classification of  
22 Executive I or higher, whose position authorizes, either  
23 directly or indirectly, meaningful input into government  
24 decision-making on issues where there is room for principled  
25 disagreement on goals or their implementation, or who is  
26 otherwise exempt under the Secretary of State Merit Employment

1 Code; employees in the Office of the Secretary of State who are  
2 completely exempt from jurisdiction B of the Secretary of State  
3 Merit Employment Code and who are in Rutan-exempt positions on  
4 or after April 5, 2013 (the effective date of Public Act  
5 97-1172); a person who is a State employee under the  
6 jurisdiction of the Treasurer who holds a position that is  
7 exempt from the State Treasurer Employment Code; any employee  
8 of a State agency who (i) holds the title or position of, or  
9 exercises substantially similar duties as a legislative  
10 liaison, Agency General Counsel, Agency Chief of Staff, Agency  
11 Executive Director, Agency Deputy Director, Agency Chief  
12 Fiscal Officer, Agency Human Resources Director, Public  
13 Information Officer, or Chief Information Officer and (ii) was  
14 neither included in a bargaining unit nor subject to an active  
15 petition for certification in a bargaining unit; any employee  
16 of a State agency who (i) is in a position that is  
17 Rutan-exempt, as designated by the employer, and completely  
18 exempt from jurisdiction B of the Personnel Code and (ii) was  
19 neither included in a bargaining unit nor subject to an active  
20 petition for certification in a bargaining unit; any term  
21 appointed employee of a State agency pursuant to Section 8b.18  
22 or 8b.19 of the Personnel Code who was neither included in a  
23 bargaining unit nor subject to an active petition for  
24 certification in a bargaining unit; any employment position  
25 properly designated pursuant to Section 6.1 of this Act;  
26 confidential employees; independent contractors; and

1 supervisors except as provided in this Act.

2 Home care and home health workers who function as personal  
3 assistants and individual maintenance home health workers and  
4 who also work under the Home Services Program under Section 3  
5 of the Rehabilitation of Persons with Disabilities Act shall  
6 not be considered public employees for any purposes not  
7 specifically provided for in Public Act 93-204 or Public Act  
8 97-1158, including but not limited to, purposes of vicarious  
9 liability in tort and purposes of statutory retirement or  
10 health insurance benefits. Home care and home health workers  
11 who function as personal assistants and individual maintenance  
12 home health workers and who also work under the Home Services  
13 Program under Section 3 of the Rehabilitation of Persons with  
14 Disabilities Act shall not be covered by the State Employees  
15 Group Insurance Act of 1971 (5 ILCS 375/).

16 Child and day care home providers shall not be considered  
17 public employees for any purposes not specifically provided for  
18 in this amendatory Act of the 94th General Assembly, including  
19 but not limited to, purposes of vicarious liability in tort and  
20 purposes of statutory retirement or health insurance benefits.  
21 Child and day care home providers shall not be covered by the  
22 State Employees Group Insurance Act of 1971.

23 Notwithstanding Section 9, subsection (c), or any other  
24 provisions of this Act, all peace officers above the rank of  
25 captain in municipalities with more than 1,000,000 inhabitants  
26 shall be excluded from this Act.

1           (o) Except as otherwise in subsection (o-5), "public  
2 employer" or "employer" means the State of Illinois; any  
3 political subdivision of the State, unit of local government or  
4 school district; authorities including departments, divisions,  
5 bureaus, boards, commissions, or other agencies of the  
6 foregoing entities; and any person acting within the scope of  
7 his or her authority, express or implied, on behalf of those  
8 entities in dealing with its employees. As of the effective  
9 date of the amendatory Act of the 93rd General Assembly, but  
10 not before, the State of Illinois shall be considered the  
11 employer of the personal assistants working under the Home  
12 Services Program under Section 3 of the Rehabilitation of  
13 Persons with Disabilities Act, subject to the limitations set  
14 forth in this Act and in the Rehabilitation of Persons with  
15 Disabilities Act. As of January 29, 2013 (the effective date of  
16 Public Act 97-1158), but not before except as otherwise  
17 provided in this subsection (o), the State shall be considered  
18 the employer of home care and home health workers who function  
19 as personal assistants and individual maintenance home health  
20 workers and who also work under the Home Services Program under  
21 Section 3 of the Rehabilitation of Persons with Disabilities  
22 Act, no matter whether the State provides those services  
23 through direct fee-for-service arrangements, with the  
24 assistance of a managed care organization or other  
25 intermediary, or otherwise, but subject to the limitations set  
26 forth in this Act and the Rehabilitation of Persons with

1 Disabilities Act. The State shall not be considered to be the  
2 employer of home care and home health workers who function as  
3 personal assistants and individual maintenance home health  
4 workers and who also work under the Home Services Program under  
5 Section 3 of the Rehabilitation of Persons with Disabilities  
6 Act, for any purposes not specifically provided for in Public  
7 Act 93-204 or Public Act 97-1158, including but not limited to,  
8 purposes of vicarious liability in tort and purposes of  
9 statutory retirement or health insurance benefits. Home care  
10 and home health workers who function as personal assistants and  
11 individual maintenance home health workers and who also work  
12 under the Home Services Program under Section 3 of the  
13 Rehabilitation of Persons with Disabilities Act shall not be  
14 covered by the State Employees Group Insurance Act of 1971 (5  
15 ILCS 375/). As of the effective date of this amendatory Act of  
16 the 94th General Assembly but not before, the State of Illinois  
17 shall be considered the employer of the day and child care home  
18 providers participating in the child care assistance program  
19 under Section 9A-11 of the Illinois Public Aid Code, subject to  
20 the limitations set forth in this Act and in Section 9A-11 of  
21 the Illinois Public Aid Code. The State shall not be considered  
22 to be the employer of child and day care home providers for any  
23 purposes not specifically provided for in this amendatory Act  
24 of the 94th General Assembly, including but not limited to,  
25 purposes of vicarious liability in tort and purposes of  
26 statutory retirement or health insurance benefits. Child and



1 day care home providers shall not be covered by the State  
2 Employees Group Insurance Act of 1971.

3 "Public employer" or "employer" as used in this Act,  
4 however, does not mean and shall not include the General  
5 Assembly of the State of Illinois, the Executive Ethics  
6 Commission, the Offices of the Executive Inspectors General,  
7 the Legislative Ethics Commission, the Office of the  
8 Legislative Inspector General, the Office of the Auditor  
9 General's Inspector General, the Office of the Governor, the  
10 Governor's Office of Management and Budget, the Illinois  
11 Finance Authority, the Office of the Lieutenant Governor, the  
12 State Board of Elections, and educational employers or  
13 employers as defined in the Illinois Educational Labor  
14 Relations Act, except with respect to a state university in its  
15 employment of firefighters and peace officers and except with  
16 respect to a school district in the employment of peace  
17 officers in its own police department in existence on the  
18 effective date of this amendatory Act of the 96th General  
19 Assembly. County boards and county sheriffs shall be designated  
20 as joint or co-employers of county peace officers appointed  
21 under the authority of a county sheriff. Nothing in this  
22 subsection (o) shall be construed to prevent the State Panel or  
23 the Local Panel from determining that employers are joint or  
24 co-employers.

25 (o-5) With respect to wages, fringe benefits, hours,  
26 holidays, vacations, proficiency examinations, sick leave, and

1 other conditions of employment, the public employer of public  
2 employees who are court reporters, as defined in the Court  
3 Reporters Act, shall be determined as follows:

4 (1) For court reporters employed by the Cook County  
5 Judicial Circuit, the chief judge of the Cook County  
6 Circuit Court is the public employer and employer  
7 representative.

8 (2) For court reporters employed by the 12th, 18th,  
9 19th, and, on and after December 4, 2006, the 22nd judicial  
10 circuits, a group consisting of the chief judges of those  
11 circuits, acting jointly by majority vote, is the public  
12 employer and employer representative.

13 (3) For court reporters employed by all other judicial  
14 circuits, a group consisting of the chief judges of those  
15 circuits, acting jointly by majority vote, is the public  
16 employer and employer representative.

17 (p) "Security employee" means an employee who is  
18 responsible for the supervision and control of inmates at  
19 correctional facilities. The term also includes other  
20 non-security employees in bargaining units having the majority  
21 of employees being responsible for the supervision and control  
22 of inmates at correctional facilities.

23 (q) "Short-term employee" means an employee who is employed  
24 for less than 2 consecutive calendar quarters during a calendar  
25 year and who does not have a reasonable assurance that he or  
26 she will be rehired by the same employer for the same service

1 in a subsequent calendar year.

2 (q-5) "State agency" means an agency directly responsible  
3 to the Governor, as defined in Section 3.1 of the Executive  
4 Reorganization Implementation Act, and the Illinois Commerce  
5 Commission, the Illinois Workers' Compensation Commission, the  
6 Civil Service Commission, the Pollution Control Board, the  
7 Illinois Racing Board, and the Department of State Police Merit  
8 Board.

9 (r) "Supervisor" is:

10 (1) An employee whose principal work is substantially  
11 different from that of his or her subordinates and who has  
12 authority, in the interest of the employer, to hire,  
13 transfer, suspend, lay off, recall, promote, discharge,  
14 direct, reward, or discipline employees, to adjust their  
15 grievances, or to effectively recommend any of those  
16 actions, if the exercise of that authority is not of a  
17 merely routine or clerical nature, but requires the  
18 consistent use of independent judgment. Except with  
19 respect to police employment, the term "supervisor"  
20 includes only those individuals who devote a preponderance  
21 of their employment time to exercising that authority,  
22 State supervisors notwithstanding. Nothing in this  
23 definition prohibits an individual from also meeting the  
24 definition of "managerial employee" under subsection (j)  
25 of this Section. In addition, in determining supervisory  
26 status in police employment, rank shall not be

1       determinative. The Board shall consider, as evidence of  
2       bargaining unit inclusion or exclusion, the common law  
3       enforcement policies and relationships between police  
4       officer ranks and certification under applicable civil  
5       service law, ordinances, personnel codes, or Division 2.1  
6       of Article 10 of the Illinois Municipal Code, but these  
7       factors shall not be the sole or predominant factors  
8       considered by the Board in determining police supervisory  
9       status.

10       Notwithstanding the provisions of the preceding  
11       paragraph, in determining supervisory status in fire  
12       fighter employment, no fire fighter shall be excluded as a  
13       supervisor who has established representation rights under  
14       Section 9 of this Act. Further, in new fire fighter units,  
15       employees shall consist of fire fighters of the rank of  
16       company officer and below. If a company officer otherwise  
17       qualifies as a supervisor under the preceding paragraph,  
18       however, he or she shall not be included in the fire  
19       fighter unit. If there is no rank between that of chief and  
20       the highest company officer, the employer may designate a  
21       position on each shift as a Shift Commander, and the  
22       persons occupying those positions shall be supervisors.  
23       All other ranks above that of company officer shall be  
24       supervisors.

25       (2) With respect only to State employees in positions  
26       under the jurisdiction of the Attorney General, Secretary

1 of State, Comptroller, or Treasurer (i) that were certified  
2 in a bargaining unit on or after December 2, 2008, (ii) for  
3 which a petition is filed with the Illinois Public Labor  
4 Relations Board, or the Department of Labor as its  
5 successor, on or after April 5, 2013 (the effective date of  
6 Public Act 97-1172), or (iii) for which a petition is  
7 pending before the Illinois Public Labor Relations Board on  
8 that date, an employee who qualifies as a supervisor under  
9 (A) Section 152 of the National Labor Relations Act and (B)  
10 orders of the National Labor Relations Board interpreting  
11 that provision or decisions of courts reviewing decisions  
12 of the National Labor Relations Board.

13 (s)(1) "Unit" means a class of jobs or positions that are  
14 held by employees whose collective interests may suitably be  
15 represented by a labor organization for collective bargaining.  
16 Except with respect to non-State fire fighters and paramedics  
17 employed by fire departments and fire protection districts,  
18 non-State peace officers, and peace officers in the Department  
19 of State Police, a bargaining unit determined by the Board  
20 shall not include both employees and supervisors, or  
21 supervisors only, except as provided in paragraph (2) of this  
22 subsection (s) and except for bargaining units in existence on  
23 July 1, 1984 (the effective date of this Act). With respect to  
24 non-State fire fighters and paramedics employed by fire  
25 departments and fire protection districts, non-State peace  
26 officers, and peace officers in the Department of State Police,

1 a bargaining unit determined by the Board shall not include  
2 both supervisors and nonsupervisors, or supervisors only,  
3 except as provided in paragraph (2) of this subsection (s) and  
4 except for bargaining units in existence on January 1, 1986  
5 (the effective date of this amendatory Act of 1985). A  
6 bargaining unit determined by the Board to contain peace  
7 officers shall contain no employees other than peace officers  
8 unless otherwise agreed to by the employer and the labor  
9 organization or labor organizations involved. Notwithstanding  
10 any other provision of this Act, a bargaining unit, including a  
11 historical bargaining unit, containing sworn peace officers of  
12 the Department of Natural Resources (formerly designated the  
13 Department of Conservation) shall contain no employees other  
14 than such sworn peace officers upon the effective date of this  
15 amendatory Act of 1990 or upon the expiration date of any  
16 collective bargaining agreement in effect upon the effective  
17 date of this amendatory Act of 1990 covering both such sworn  
18 peace officers and other employees.

19 (2) Notwithstanding the exclusion of supervisors from  
20 bargaining units as provided in paragraph (1) of this  
21 subsection (s), a public employer may agree to permit its  
22 supervisory employees to form bargaining units and may bargain  
23 with those units. This Act shall apply if the public employer  
24 chooses to bargain under this subsection.

25 (3) Public employees who are court reporters, as defined in  
26 the Court Reporters Act, shall be divided into 3 units for

1 collective bargaining purposes. One unit shall be court  
2 reporters employed by the Cook County Judicial Circuit; one  
3 unit shall be court reporters employed by the 12th, 18th, 19th,  
4 and, on and after December 4, 2006, the 22nd judicial circuits;  
5 and one unit shall be court reporters employed by all other  
6 judicial circuits.

7 (t) "Active petition for certification in a bargaining  
8 unit" means a petition for certification filed with the Board  
9 under one of the following case numbers: S-RC-11-110;  
10 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;  
11 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;  
12 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;  
13 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;  
14 S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220;  
15 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;  
16 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;  
17 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;  
18 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;  
19 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;  
20 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;  
21 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;  
22 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or  
23 S-RC-07-100.

24 (Source: P.A. 99-143, eff. 7-27-15; 100-1131, eff. 11-28-18.)

1       Sec. 5.2. Dissolution of the Illinois Labor Relations  
2 Board; transfer and savings provisions.

3       (a) The Illinois Labor Relations Board is dissolved on July  
4 1, 2020. Any reference in any law, appropriation, rule, form,  
5 or other document to the Illinois Labor Relations Board means  
6 the Department of Labor as successor to the Illinois Labor  
7 Relations Board as provided under this Section. For the  
8 purposes of the Successor Agency Act, the Department of Labor  
9 is declared to be the successor agency of the Illinois Labor  
10 Relations Board.

11       (b) The Department of Labor shall succeed to all of the  
12 powers, duties, rights, and property, including contractual  
13 rights and obligations, of the Illinois Labor Relations Board.

14       (c) The personnel of the Illinois Labor Relations Board  
15 shall be transferred to the Department of Labor. The status and  
16 rights of such employees under the Personnel Code shall not be  
17 affected by the transfer. The rights of the employees and the  
18 State of Illinois and its agencies under the Personnel Code and  
19 applicable collective bargaining agreements or under any  
20 pension, retirement, or annuity plan shall not be affected by  
21 this Section.

22       (d) All books, records, papers, documents, property (real  
23 and personal), contracts, causes of action, and pending  
24 business pertaining to the powers, duties, rights, and  
25 responsibilities transferred by this Section from the Illinois  
26 Labor Relations Board to the Department of Labor, including,



1 but not limited to, material in electronic or magnetic format  
2 and necessary computer hardware and software, shall be  
3 transferred to the Department of Labor.

4 (e) All unexpended appropriations and balances and other  
5 funds available for use by the Illinois Labor Relations Board  
6 shall be transferred for use by the Department of Labor.  
7 Unexpended balances so transferred shall be expended only for  
8 the purpose for which the appropriations were originally made.

9 (f) Whenever reports or notices are now required to be made  
10 or given or papers or documents furnished or served by any  
11 person to or upon the Illinois Labor Relations Board in  
12 connection with any of the powers, duties, rights, and  
13 responsibilities transferred by this Section, the same shall be  
14 made, given, furnished, or served in the same manner to or upon  
15 the Department of Labor.

16 (g) This Section does not affect any act done, ratified, or  
17 canceled or any right occurring or established or any action or  
18 proceeding had or commenced in an administrative, civil, or  
19 criminal cause by the Illinois Labor Relations Board before the  
20 effective date of this amendatory Act of the 101st General  
21 Assembly; such actions or proceedings may be prosecuted and  
22 continued by the Department of Labor.

23 (h) Any matters pending before the Illinois Labor Relations  
24 Board at the time of its dissolution shall continue as matters  
25 before the Department of Labor.

26 (i) Any rules of the Illinois Labor Relations Board,

1 including any rules of its predecessors, that relate to its  
2 powers, duties, rights, and responsibilities and are in full  
3 force on the effective date of this amendatory Act of the 101st  
4 General Assembly shall become the rules of the Department of  
5 Labor. This Section does not affect the legality of any such  
6 rules in the Illinois Administrative Code.

7 Any proposed rules filed with the Secretary of State by the  
8 Illinois Labor Relations Board that are pending in the  
9 rulemaking process on the effective date of this amendatory Act  
10 of the 101st General Assembly and pertain to the powers,  
11 duties, rights, and responsibilities transferred, shall be  
12 deemed to have been filed by the Department of Labor. As soon  
13 as practicable hereafter, the Department of Labor shall revise  
14 and clarify the rules transferred to it under this Section to  
15 reflect the reorganization of powers, duties, rights, and  
16 responsibilities affected by this amendatory Act of the 101st  
17 General Assembly, using the procedures for recodification of  
18 rules available under the Illinois Administrative Procedure  
19 Act, except that existing title, part, and Section numbering  
20 for the affected rules may be retained. The Department of Labor  
21 may propose and adopt under the Illinois Administrative  
22 Procedure Act such other rules of the Illinois Labor Relations  
23 Board that will now be administered by the Department of Labor.

24 (5 ILCS 315/5.3 new)

25 Sec. 5.3. Department of Labor jurisdiction; powers and

1 duties.

2 (a) The Department of Labor shall have jurisdiction over  
3 collective bargaining matters between employee organizations  
4 and the State of Illinois, excluding the General Assembly of  
5 the State of Illinois, between employee organizations and units  
6 of local government and school districts, and between employee  
7 organizations and the Regional Transportation Authority.

8 (b) At the end of every State fiscal year, the Department  
9 of Labor shall make a report to the Governor and the General  
10 Assembly, stating in detail the work it has done in hearing and  
11 deciding cases and otherwise.

12 (c) In order to accomplish the objectives and carry out the  
13 duties prescribed by this Act, the Department of Labor may:  
14 hold elections to determine whether a labor organization has  
15 majority status; investigate and attempt to resolve or settle  
16 charges of unfair labor practices; hold hearings in order to  
17 carry out its functions; develop and effectuate appropriate  
18 impasse resolution procedures for purposes of resolving labor  
19 disputes; require the appearance of witnesses and the  
20 production of evidence on any matter under inquiry; and  
21 administer oaths and affirmations. The Department of Labor  
22 shall sign and report in full an opinion in every case which  
23 they decide.

24 (d) The Department of Labor may appoint or employ an  
25 assistant director, attorneys, hearing officers, mediators,  
26 fact-finders, arbitrators, and such other employees as it may

1 deem necessary to perform its functions. The Department of  
2 Labor shall prescribe the duties and qualifications of such  
3 persons appointed and, subject to the annual appropriation, fix  
4 their compensation and provide for reimbursement of actual and  
5 necessary expenses incurred in the performance of their duties.  
6 The Department of Labor shall employ the attorneys and  
7 investigators necessary to carry out the duties of this Act.

8 (e) The Department of Labor shall exercise general  
9 supervision over all attorneys which it employs and over the  
10 other persons employed to provide necessary support services  
11 for such attorneys. The Department of Labor shall have final  
12 authority in respect to complaints brought pursuant to this  
13 Act.

14 (f) The following rules shall be adopted by the Department  
15 of Labor: (i) procedural rules which shall govern the  
16 Department's proceedings; (ii) procedures for election of  
17 exclusive bargaining representatives pursuant to Section 9,  
18 except for the determination of appropriate bargaining units;  
19 and (iii) appointment of counsel pursuant to subsection (g).

20 (g) The Department of Labor shall adopt rules providing for  
21 the appointment of attorneys or other Department  
22 representatives to represent persons in unfair labor practice  
23 proceedings before the Department. The rules governing  
24 appointment shall require the applicant to demonstrate an  
25 inability to pay for or inability to otherwise provide for  
26 adequate representation before the Department. Such rules must

1 also provide: (i) that an attorney may not be appointed in  
2 cases which, in the opinion of the Department, are clearly  
3 without merit; (ii) the stage of the unfair labor proceeding at  
4 which counsel will be appointed; and (iii) the circumstances  
5 under which a client will be allowed to select counsel.

6 (h) The Department of Labor may adopt rules which allow  
7 parties in proceedings before the Department to be represented  
8 by counsel or any other representative of the party's choice.

9 (i) The Department of Labor may adopt, amend, or rescind  
10 rules for the purpose of performing its powers and duties under  
11 this Act. The adoption, amendment, or rescission of rules by  
12 the Department shall be in conformity with the requirements of  
13 the Illinois Administrative Procedure Act.

14 (5 ILCS 315/7) (from Ch. 48, par. 1607)

15 Sec. 7. Duty to bargain. A public employer and the  
16 exclusive representative have the authority and the duty to  
17 bargain collectively set forth in this Section.

18 For the purposes of this Act, "to bargain collectively"  
19 means the performance of the mutual obligation of the public  
20 employer or his designated representative and the  
21 representative of the public employees to meet at reasonable  
22 times, including meetings in advance of the budget-making  
23 process, and to negotiate in good faith with respect to wages,  
24 hours, and other conditions of employment, not excluded by  
25 Section 4 of this Act, or the negotiation of an agreement, or

1 any question arising thereunder and the execution of a written  
2 contract incorporating any agreement reached if requested by  
3 either party, but such obligation does not compel either party  
4 to agree to a proposal or require the making of a concession.

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

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

24 The duty "to bargain collectively" shall also mean that no  
25 party to a collective bargaining contract shall terminate or  
26 modify such contract, unless the party desiring such

1 termination or modification:

2 (1) serves a written notice upon the other party to the  
3 contract of the proposed termination or modification 60  
4 days prior to the expiration date thereof, or in the event  
5 such contract contains no expiration date, 60 days prior to  
6 the time it is proposed to make such termination or  
7 modification;

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

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

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

19 The duties imposed upon employers, employees and labor  
20 organizations by paragraphs (2), (3) and (4) shall become  
21 inapplicable upon an intervening certification of the Board,  
22 under which the labor organization, which is a party to the  
23 contract, has been superseded as or ceased to be the exclusive  
24 representative of the employees pursuant to the provisions of  
25 subsection (a) of Section 9, and the duties so imposed shall  
26 not be construed as requiring either party to discuss or agree

1 to any modification of the terms and conditions contained in a  
2 contract for a fixed period, if such modification is to become  
3 effective before such terms and conditions can be reopened  
4 under the provisions of the contract.

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

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

15 Notwithstanding any other provision of this Section,  
16 whenever collective bargaining is for the purpose of  
17 establishing an initial agreement following original  
18 certification of units with fewer than 35 employees, with  
19 respect to public employees other than peace officers, fire  
20 fighters, and security employees, the following apply:

21 (1) Not later than 10 days after receiving a written  
22 request for collective bargaining from a labor  
23 organization that has been newly certified as a  
24 representative as defined in Section 6(c), or within such  
25 further period as the parties agree upon, the parties shall  
26 meet and commence to bargain collectively and shall make



1 every reasonable effort to conclude and sign a collective  
2 bargaining agreement.

3 (2) If anytime after the expiration of the 90-day  
4 period beginning on the date on which bargaining is  
5 commenced the parties have failed to reach an agreement,  
6 either party may notify the ~~Illinois Public Labor Relations~~  
7 Board of the existence of a dispute and request mediation  
8 in accordance with the provisions of Section 14 of this  
9 Act.

10 (3) If after the expiration of the 30-day period  
11 beginning on the date on which mediation commenced, or such  
12 additional period as the parties may agree upon, the  
13 mediator is not able to bring the parties to agreement by  
14 conciliation, either the exclusive representative of the  
15 employees or the employer may request of the other, in  
16 writing, arbitration and shall submit a copy of the request  
17 to the board. Upon submission of the request for  
18 arbitration, the parties shall be required to participate  
19 in the impasse arbitration procedures set forth in Section  
20 14 of this Act, except the right to strike shall not be  
21 considered waived pursuant to Section 17 of this Act, until  
22 the actual convening of the arbitration hearing.

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

24 (5 ILCS 315/15.1) (from Ch. 48, par. 1615.1)

25 Sec. 15.1. Precedents established by other labor boards.

1 Unless contradicted by administrative precedent previously  
2 established by the State Panel of the Illinois Labor Relations  
3 Board, all final decisions in representation and unfair labor  
4 practice cases decided by the Local Panel and the Illinois  
5 Educational Labor Relations Board created under the Illinois  
6 Educational Labor Relations Act which have not been reversed by  
7 subsequent court rulings, shall be considered, but need not be  
8 followed by the Department of Labor as successor to the State  
9 Panel of the Illinois Labor Relations Board.

10 Unless contradicted by administrative precedent previously  
11 established by the Local Panel, all final decisions in  
12 representation and unfair labor practice cases decided by the  
13 State Panel and the Illinois Educational Labor Relations Board  
14 which have not been reversed by subsequent court rulings, shall  
15 be considered, but need not be followed by the Local Panel.

16 (Source: P.A. 91-798, eff. 7-9-00.)

17 (5 ILCS 315/5 rep.)

18 (5 ILCS 315/5.1 rep.)

19 Section 10. The Illinois Public Labor Relations Act is  
20 amended by repealing Sections 5 and 5.1.

21 Section 15. The State Officials and Employees Ethics Act is  
22 amended by changing Section 5-50 as follows:

23 (5 ILCS 430/5-50)

1           Sec. 5-50. Ex parte communications; special government  
2 agents.

3           (a) This Section applies to ex parte communications made to  
4 any agency listed in subsection (e).

5           (b) "Ex parte communication" means any written or oral  
6 communication by any person that imparts or requests material  
7 information or makes a material argument regarding potential  
8 action concerning regulatory, quasi-adjudicatory, investment,  
9 or licensing matters pending before or under consideration by  
10 the agency. "Ex parte communication" does not include the  
11 following: (i) statements by a person publicly made in a public  
12 forum; (ii) statements regarding matters of procedure and  
13 practice, such as format, the number of copies required, the  
14 manner of filing, and the status of a matter; and (iii)  
15 statements made by a State employee of the agency to the agency  
16 head or other employees of that agency.

17           (b-5) An ex parte communication received by an agency,  
18 agency head, or other agency employee from an interested party  
19 or his or her official representative or attorney shall  
20 promptly be memorialized and made a part of the record.

21           (c) An ex parte communication received by any agency,  
22 agency head, or other agency employee, other than an ex parte  
23 communication described in subsection (b-5), shall immediately  
24 be reported to that agency's ethics officer by the recipient of  
25 the communication and by any other employee of that agency who  
26 responds to the communication. The ethics officer shall require

1 that the ex parte communication be promptly made a part of the  
2 record. The ethics officer shall promptly file the ex parte  
3 communication with the Executive Ethics Commission, including  
4 all written communications, all written responses to the  
5 communications, and a memorandum prepared by the ethics officer  
6 stating the nature and substance of all oral communications,  
7 the identity and job title of the person to whom each  
8 communication was made, all responses made, the identity and  
9 job title of the person making each response, the identity of  
10 each person from whom the written or oral ex parte  
11 communication was received, the individual or entity  
12 represented by that person, any action the person requested or  
13 recommended, and any other pertinent information. The  
14 disclosure shall also contain the date of any ex parte  
15 communication.

16 (d) "Interested party" means a person or entity whose  
17 rights, privileges, or interests are the subject of or are  
18 directly affected by a regulatory, quasi-adjudicatory,  
19 investment, or licensing matter.

20 (e) This Section applies to the following agencies:

21 Executive Ethics Commission

22 Illinois Commerce Commission

23 Department of Labor ~~Educational Labor Relations Board~~

24 State Board of Elections

25 Illinois Gaming Board

26 Health Facilities and Services Review Board

1 Illinois Workers' Compensation Commission  
2 ~~Illinois Labor Relations Board~~  
3 Illinois Liquor Control Commission  
4 Pollution Control Board  
5 Property Tax Appeal Board  
6 Illinois Racing Board  
7 Illinois Purchased Care Review Board  
8 Department of State Police Merit Board  
9 Motor Vehicle Review Board  
10 Prisoner Review Board  
11 Civil Service Commission  
12 Personnel Review Board for the Treasurer  
13 Merit Commission for the Secretary of State  
14 Merit Commission for the Office of the Comptroller  
15 Court of Claims  
16 Board of Review of the Department of Employment Security  
17 Department of Insurance  
18 Department of Professional Regulation and licensing boards  
19 under the Department  
20 Department of Public Health and licensing boards under the  
21 Department  
22 Office of Banks and Real Estate and licensing boards under  
23 the Office  
24 State Employees Retirement System Board of Trustees  
25 Judges Retirement System Board of Trustees  
26 General Assembly Retirement System Board of Trustees

1 Illinois Board of Investment  
2 State Universities Retirement System Board of Trustees  
3 Teachers Retirement System Officers Board of Trustees

4 (f) Any person who fails to (i) report an ex parte  
5 communication to an ethics officer, (ii) make information part  
6 of the record, or (iii) make a filing with the Executive Ethics  
7 Commission as required by this Section or as required by  
8 Section 5-165 of the Illinois Administrative Procedure Act  
9 violates this Act.

10 (Source: P.A. 95-331, eff. 8-21-07; 96-31, eff. 6-30-09.)

11 Section 20. The State Revenue Sharing Act is amended by  
12 changing Section 12 as follows:

13 (30 ILCS 115/12) (from Ch. 85, par. 616)

14 Sec. 12. Personal Property Tax Replacement Fund. There is  
15 hereby created the Personal Property Tax Replacement Fund, a  
16 special fund in the State Treasury into which shall be paid all  
17 revenue realized:

18 (a) all amounts realized from the additional personal  
19 property tax replacement income tax imposed by subsections  
20 (c) and (d) of Section 201 of the Illinois Income Tax Act,  
21 except for those amounts deposited into the Income Tax  
22 Refund Fund pursuant to subsection (c) of Section 901 of  
23 the Illinois Income Tax Act; and

24 (b) all amounts realized from the additional personal

1 property replacement invested capital taxes imposed by  
2 Section 2a.1 of the Messages Tax Act, Section 2a.1 of the  
3 Gas Revenue Tax Act, Section 2a.1 of the Public Utilities  
4 Revenue Act, and Section 3 of the Water Company Invested  
5 Capital Tax Act, and amounts payable to the Department of  
6 Revenue under the Telecommunications Infrastructure  
7 Maintenance Fee Act.

8 As soon as may be after the end of each month, the  
9 Department of Revenue shall certify to the Treasurer and the  
10 Comptroller the amount of all refunds paid out of the General  
11 Revenue Fund through the preceding month on account of  
12 overpayment of liability on taxes paid into the Personal  
13 Property Tax Replacement Fund. Upon receipt of such  
14 certification, the Treasurer and the Comptroller shall  
15 transfer the amount so certified from the Personal Property Tax  
16 Replacement Fund into the General Revenue Fund.

17 The payments of revenue into the Personal Property Tax  
18 Replacement Fund shall be used exclusively for distribution to  
19 taxing districts, regional offices and officials, and local  
20 officials as provided in this Section and in the School Code,  
21 payment of the ordinary and contingent expenses of the Property  
22 Tax Appeal Board, payment of the expenses of the Department of  
23 Revenue incurred in administering the collection and  
24 distribution of monies paid into the Personal Property Tax  
25 Replacement Fund and transfers due to refunds to taxpayers for  
26 overpayment of liability for taxes paid into the Personal

1 Property Tax Replacement Fund.

2 In addition, moneys in the Personal Property Tax  
3 Replacement Fund may be used to pay any of the following: (i)  
4 salary, stipends, and additional compensation as provided by  
5 law for chief election clerks, county clerks, and county  
6 recorders; (ii) costs associated with regional offices of  
7 education and educational service centers; (iii)  
8 reimbursements payable by the State Board of Elections under  
9 Section 4-25, 5-35, 6-71, 13-10, 13-10a, or 13-11 of the  
10 Election Code; (iv) expenses of the Illinois Educational Labor  
11 Relations Board, or the Department of Labor as its successor;  
12 and (v) salary, personal services, and additional compensation  
13 as provided by law for court reporters under the Court  
14 Reporters Act.

15 As soon as may be after the effective date of this  
16 amendatory Act of 1980, the Department of Revenue shall certify  
17 to the Treasurer the amount of net replacement revenue paid  
18 into the General Revenue Fund prior to that effective date from  
19 the additional tax imposed by Section 2a.1 of the Messages Tax  
20 Act; Section 2a.1 of the Gas Revenue Tax Act; Section 2a.1 of  
21 the Public Utilities Revenue Act; Section 3 of the Water  
22 Company Invested Capital Tax Act; amounts collected by the  
23 Department of Revenue under the Telecommunications  
24 Infrastructure Maintenance Fee Act; and the additional  
25 personal property tax replacement income tax imposed by the  
26 Illinois Income Tax Act, as amended by Public Act 81-1st



1 Special Session-1. Net replacement revenue shall be defined as  
2 the total amount paid into and remaining in the General Revenue  
3 Fund as a result of those Acts minus the amount outstanding and  
4 obligated from the General Revenue Fund in state vouchers or  
5 warrants prior to the effective date of this amendatory Act of  
6 1980 as refunds to taxpayers for overpayment of liability under  
7 those Acts.

8 All interest earned by monies accumulated in the Personal  
9 Property Tax Replacement Fund shall be deposited in such Fund.  
10 All amounts allocated pursuant to this Section are appropriated  
11 on a continuing basis.

12 Prior to December 31, 1980, as soon as may be after the end  
13 of each quarter beginning with the quarter ending December 31,  
14 1979, and on and after December 31, 1980, as soon as may be  
15 after January 1, March 1, April 1, May 1, July 1, August 1,  
16 October 1 and December 1 of each year, the Department of  
17 Revenue shall allocate to each taxing district as defined in  
18 Section 1-150 of the Property Tax Code, in accordance with the  
19 provisions of paragraph (2) of this Section the portion of the  
20 funds held in the Personal Property Tax Replacement Fund which  
21 is required to be distributed, as provided in paragraph (1),  
22 for each quarter. Provided, however, under no circumstances  
23 shall any taxing district during each of the first two years of  
24 distribution of the taxes imposed by this amendatory Act of  
25 1979 be entitled to an annual allocation which is less than the  
26 funds such taxing district collected from the 1978 personal

1 property tax. Provided further that under no circumstances  
2 shall any taxing district during the third year of distribution  
3 of the taxes imposed by this amendatory Act of 1979 receive  
4 less than 60% of the funds such taxing district collected from  
5 the 1978 personal property tax. In the event that the total of  
6 the allocations made as above provided for all taxing  
7 districts, during either of such 3 years, exceeds the amount  
8 available for distribution the allocation of each taxing  
9 district shall be proportionately reduced. Except as provided  
10 in Section 13 of this Act, the Department shall then certify,  
11 pursuant to appropriation, such allocations to the State  
12 Comptroller who shall pay over to the several taxing districts  
13 the respective amounts allocated to them.

14 Any township which receives an allocation based in whole or  
15 in part upon personal property taxes which it levied pursuant  
16 to Section 6-507 or 6-512 of the Illinois Highway Code and  
17 which was previously required to be paid over to a municipality  
18 shall immediately pay over to that municipality a proportionate  
19 share of the personal property replacement funds which such  
20 township receives.

21 Any municipality or township, other than a municipality  
22 with a population in excess of 500,000, which receives an  
23 allocation based in whole or in part on personal property taxes  
24 which it levied pursuant to Sections 3-1, 3-4 and 3-6 of the  
25 Illinois Local Library Act and which was previously required to  
26 be paid over to a public library shall immediately pay over to

1 that library a proportionate share of the personal property tax  
2 replacement funds which such municipality or township  
3 receives; provided that if such a public library has converted  
4 to a library organized under The Illinois Public Library  
5 District Act, regardless of whether such conversion has  
6 occurred on, after or before January 1, 1988, such  
7 proportionate share shall be immediately paid over to the  
8 library district which maintains and operates the library.  
9 However, any library that has converted prior to January 1,  
10 1988, and which hitherto has not received the personal property  
11 tax replacement funds, shall receive such funds commencing on  
12 January 1, 1988.

13 Any township which receives an allocation based in whole or  
14 in part on personal property taxes which it levied pursuant to  
15 Section 1c of the Public Graveyards Act and which taxes were  
16 previously required to be paid over to or used for such public  
17 cemetery or cemeteries shall immediately pay over to or use for  
18 such public cemetery or cemeteries a proportionate share of the  
19 personal property tax replacement funds which the township  
20 receives.

21 Any taxing district which receives an allocation based in  
22 whole or in part upon personal property taxes which it levied  
23 for another governmental body or school district in Cook County  
24 in 1976 or for another governmental body or school district in  
25 the remainder of the State in 1977 shall immediately pay over  
26 to that governmental body or school district the amount of

1 personal property replacement funds which such governmental  
2 body or school district would receive directly under the  
3 provisions of paragraph (2) of this Section, had it levied its  
4 own taxes.

5 (1) The portion of the Personal Property Tax  
6 Replacement Fund required to be distributed as of the time  
7 allocation is required to be made shall be the amount  
8 available in such Fund as of the time allocation is  
9 required to be made.

10 The amount available for distribution shall be the  
11 total amount in the fund at such time minus the necessary  
12 administrative and other authorized expenses as limited by  
13 the appropriation and the amount determined by: (a) \$2.8  
14 million for fiscal year 1981; (b) for fiscal year 1982,  
15 .54% of the funds distributed from the fund during the  
16 preceding fiscal year; (c) for fiscal year 1983 through  
17 fiscal year 1988, .54% of the funds distributed from the  
18 fund during the preceding fiscal year less .02% of such  
19 fund for fiscal year 1983 and less .02% of such funds for  
20 each fiscal year thereafter; (d) for fiscal year 1989  
21 through fiscal year 2011 no more than 105% of the actual  
22 administrative expenses of the prior fiscal year; (e) for  
23 fiscal year 2012 and beyond, a sufficient amount to pay (i)  
24 stipends, additional compensation, salary reimbursements,  
25 and other amounts directed to be paid out of this Fund for  
26 local officials as authorized or required by statute and

1 (ii) no more than 105% of the actual administrative  
2 expenses of the prior fiscal year, including payment of the  
3 ordinary and contingent expenses of the Property Tax Appeal  
4 Board and payment of the expenses of the Department of  
5 Revenue incurred in administering the collection and  
6 distribution of moneys paid into the Fund; (f) for fiscal  
7 years 2012 and 2013 only, a sufficient amount to pay  
8 stipends, additional compensation, salary reimbursements,  
9 and other amounts directed to be paid out of this Fund for  
10 regional offices and officials as authorized or required by  
11 statute; or (g) for fiscal years 2018 and 2019 only, a  
12 sufficient amount to pay amounts directed to be paid out of  
13 this Fund for public community college base operating  
14 grants and local health protection grants to certified  
15 local health departments as authorized or required by  
16 appropriation or statute. Such portion of the fund shall be  
17 determined after the transfer into the General Revenue Fund  
18 due to refunds, if any, paid from the General Revenue Fund  
19 during the preceding quarter. If at any time, for any  
20 reason, there is insufficient amount in the Personal  
21 Property Tax Replacement Fund for payments for regional  
22 offices and officials or local officials or payment of  
23 costs of administration or for transfers due to refunds at  
24 the end of any particular month, the amount of such  
25 insufficiency shall be carried over for the purposes of  
26 payments for regional offices and officials, local

1 officials, transfers into the General Revenue Fund, and  
2 costs of administration to the following month or months.  
3 Net replacement revenue held, and defined above, shall be  
4 transferred by the Treasurer and Comptroller to the  
5 Personal Property Tax Replacement Fund within 10 days of  
6 such certification.

7 (2) Each quarterly allocation shall first be  
8 apportioned in the following manner: 51.65% for taxing  
9 districts in Cook County and 48.35% for taxing districts in  
10 the remainder of the State.

11 The Personal Property Replacement Ratio of each taxing  
12 district outside Cook County shall be the ratio which the Tax  
13 Base of that taxing district bears to the Downstate Tax Base.  
14 The Tax Base of each taxing district outside of Cook County is  
15 the personal property tax collections for that taxing district  
16 for the 1977 tax year. The Downstate Tax Base is the personal  
17 property tax collections for all taxing districts in the State  
18 outside of Cook County for the 1977 tax year. The Department of  
19 Revenue shall have authority to review for accuracy and  
20 completeness the personal property tax collections for each  
21 taxing district outside Cook County for the 1977 tax year.

22 The Personal Property Replacement Ratio of each Cook County  
23 taxing district shall be the ratio which the Tax Base of that  
24 taxing district bears to the Cook County Tax Base. The Tax Base  
25 of each Cook County taxing district is the personal property  
26 tax collections for that taxing district for the 1976 tax year.

1 The Cook County Tax Base is the personal property tax  
2 collections for all taxing districts in Cook County for the  
3 1976 tax year. The Department of Revenue shall have authority  
4 to review for accuracy and completeness the personal property  
5 tax collections for each taxing district within Cook County for  
6 the 1976 tax year.

7 For all purposes of this Section 12, amounts paid to a  
8 taxing district for such tax years as may be applicable by a  
9 foreign corporation under the provisions of Section 7-202 of  
10 the Public Utilities Act, as amended, shall be deemed to be  
11 personal property taxes collected by such taxing district for  
12 such tax years as may be applicable. The Director shall  
13 determine from the Illinois Commerce Commission, for any tax  
14 year as may be applicable, the amounts so paid by any such  
15 foreign corporation to any and all taxing districts. The  
16 Illinois Commerce Commission shall furnish such information to  
17 the Director. For all purposes of this Section 12, the Director  
18 shall deem such amounts to be collected personal property taxes  
19 of each such taxing district for the applicable tax year or  
20 years.

21 Taxing districts located both in Cook County and in one or  
22 more other counties shall receive both a Cook County allocation  
23 and a Downstate allocation determined in the same way as all  
24 other taxing districts.

25 If any taxing district in existence on July 1, 1979 ceases  
26 to exist, or discontinues its operations, its Tax Base shall

1 thereafter be deemed to be zero. If the powers, duties and  
2 obligations of the discontinued taxing district are assumed by  
3 another taxing district, the Tax Base of the discontinued  
4 taxing district shall be added to the Tax Base of the taxing  
5 district assuming such powers, duties and obligations.

6 If two or more taxing districts in existence on July 1,  
7 1979, or a successor or successors thereto shall consolidate  
8 into one taxing district, the Tax Base of such consolidated  
9 taxing district shall be the sum of the Tax Bases of each of  
10 the taxing districts which have consolidated.

11 If a single taxing district in existence on July 1, 1979,  
12 or a successor or successors thereto shall be divided into two  
13 or more separate taxing districts, the tax base of the taxing  
14 district so divided shall be allocated to each of the resulting  
15 taxing districts in proportion to the then current equalized  
16 assessed value of each resulting taxing district.

17 If a portion of the territory of a taxing district is  
18 disconnected and annexed to another taxing district of the same  
19 type, the Tax Base of the taxing district from which  
20 disconnection was made shall be reduced in proportion to the  
21 then current equalized assessed value of the disconnected  
22 territory as compared with the then current equalized assessed  
23 value within the entire territory of the taxing district prior  
24 to disconnection, and the amount of such reduction shall be  
25 added to the Tax Base of the taxing district to which  
26 annexation is made.



1           If a community college district is created after July 1,  
2 1979, beginning on the effective date of this amendatory Act of  
3 1995, its Tax Base shall be 3.5% of the sum of the personal  
4 property tax collected for the 1977 tax year within the  
5 territorial jurisdiction of the district.

6           The amounts allocated and paid to taxing districts pursuant  
7 to the provisions of this amendatory Act of 1979 shall be  
8 deemed to be substitute revenues for the revenues derived from  
9 taxes imposed on personal property pursuant to the provisions  
10 of the "Revenue Act of 1939" or "An Act for the assessment and  
11 taxation of private car line companies", approved July 22,  
12 1943, as amended, or Section 414 of the Illinois Insurance  
13 Code, prior to the abolition of such taxes and shall be used  
14 for the same purposes as the revenues derived from ad valorem  
15 taxes on real estate.

16           Monies received by any taxing districts from the Personal  
17 Property Tax Replacement Fund shall be first applied toward  
18 payment of the proportionate amount of debt service which was  
19 previously levied and collected from extensions against  
20 personal property on bonds outstanding as of December 31, 1978  
21 and next applied toward payment of the proportionate share of  
22 the pension or retirement obligations of the taxing district  
23 which were previously levied and collected from extensions  
24 against personal property. For each such outstanding bond  
25 issue, the County Clerk shall determine the percentage of the  
26 debt service which was collected from extensions against real

1 estate in the taxing district for 1978 taxes payable in 1979,  
2 as related to the total amount of such levies and collections  
3 from extensions against both real and personal property. For  
4 1979 and subsequent years' taxes, the County Clerk shall levy  
5 and extend taxes against the real estate of each taxing  
6 district which will yield the said percentage or percentages of  
7 the debt service on such outstanding bonds. The balance of the  
8 amount necessary to fully pay such debt service shall  
9 constitute a first and prior lien upon the monies received by  
10 each such taxing district through the Personal Property Tax  
11 Replacement Fund and shall be first applied or set aside for  
12 such purpose. In counties having fewer than 3,000,000  
13 inhabitants, the amendments to this paragraph as made by this  
14 amendatory Act of 1980 shall be first applicable to 1980 taxes  
15 to be collected in 1981.

16 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18.)

17 Section 25. The Illinois Pension Code is amended by  
18 changing Section 14-104 as follows:

19 (40 ILCS 5/14-104) (from Ch. 108 1/2, par. 14-104)

20 Sec. 14-104. Service for which contributions permitted.  
21 Contributions provided for in this Section shall cover the  
22 period of service granted. Except as otherwise provided in this  
23 Section, the contributions shall be based upon the employee's  
24 compensation and contribution rate in effect on the date he

1 last became a member of the System; provided that for all  
2 employment prior to January 1, 1969 the contribution rate shall  
3 be that in effect for a noncovered employee on the date he last  
4 became a member of the System. Except as otherwise provided in  
5 this Section, contributions permitted under this Section shall  
6 include regular interest from the date an employee last became  
7 a member of the System to the date of payment.

8 These contributions must be paid in full before retirement  
9 either in a lump sum or in installment payments in accordance  
10 with such rules as may be adopted by the board.

11 (a) Any member may make contributions as required in this  
12 Section for any period of service, subsequent to the date of  
13 establishment, but prior to the date of membership.

14 (b) Any employee who had been previously excluded from  
15 membership because of age at entry and subsequently became  
16 eligible may elect to make contributions as required in this  
17 Section for the period of service during which he was  
18 ineligible.

19 (c) An employee of the Department of Insurance who, after  
20 January 1, 1944 but prior to becoming eligible for membership,  
21 received salary from funds of insurance companies in the  
22 process of rehabilitation, liquidation, conservation or  
23 dissolution, may elect to make contributions as required in  
24 this Section for such service.

25 (d) Any employee who rendered service in a State office to  
26 which he was elected, or rendered service in the elective

1 office of Clerk of the Appellate Court prior to the date he  
2 became a member, may make contributions for such service as  
3 required in this Section. Any member who served by appointment  
4 of the Governor under the Civil Administrative Code of Illinois  
5 and did not participate in this System may make contributions  
6 as required in this Section for such service.

7 (e) Any person employed by the United States government or  
8 any instrumentality or agency thereof from January 1, 1942  
9 through November 15, 1946 as the result of a transfer from  
10 State service by executive order of the President of the United  
11 States shall be entitled to prior service credit covering the  
12 period from January 1, 1942 through December 31, 1943 as  
13 provided for in this Article and to membership service credit  
14 for the period from January 1, 1944 through November 15, 1946  
15 by making the contributions required in this Section. A person  
16 so employed on January 1, 1944 but whose employment began after  
17 January 1, 1942 may qualify for prior service and membership  
18 service credit under the same conditions.

19 (f) An employee of the Department of Labor of the State of  
20 Illinois who performed services for and under the supervision  
21 of that Department prior to January 1, 1944 but who was  
22 compensated for those services directly by federal funds and  
23 not by a warrant of the Auditor of Public Accounts paid by the  
24 State Treasurer may establish credit for such employment by  
25 making the contributions required in this Section. An employee  
26 of the Department of Agriculture of the State of Illinois, who

1 performed services for and under the supervision of that  
2 Department prior to June 1, 1963, but was compensated for those  
3 services directly by federal funds and not paid by a warrant of  
4 the Auditor of Public Accounts paid by the State Treasurer, and  
5 who did not contribute to any other public employee retirement  
6 system for such service, may establish credit for such  
7 employment by making the contributions required in this  
8 Section.

9 (g) Any employee who executed a waiver of membership within  
10 60 days prior to January 1, 1944 may, at any time while in the  
11 service of a department, file with the board a rescission of  
12 such waiver. Upon making the contributions required by this  
13 Section, the member shall be granted the creditable service  
14 that would have been received if the waiver had not been  
15 executed.

16 (h) Until May 1, 1990, an employee who was employed on a  
17 full-time basis by a regional planning commission for at least  
18 5 continuous years may establish creditable service for such  
19 employment by making the contributions required under this  
20 Section, provided that any credits earned by the employee in  
21 the commission's retirement plan have been terminated.

22 (i) Any person who rendered full time contractual services  
23 to the General Assembly as a member of a legislative staff may  
24 establish service credit for up to 8 years of such services by  
25 making the contributions required under this Section, provided  
26 that application therefor is made not later than July 1, 1991.

1           (j) By paying the contributions otherwise required under  
2 this Section, plus an amount determined by the Board to be  
3 equal to the employer's normal cost of the benefit plus  
4 interest, but with all of the interest calculated from the date  
5 the employee last became a member of the System or November 19,  
6 1991, whichever is later, to the date of payment, an employee  
7 may establish service credit for a period of up to 4 years  
8 spent in active military service for which he does not qualify  
9 for credit under Section 14-105, provided that (1) he was not  
10 dishonorably discharged from such military service, and (2) the  
11 amount of service credit established by a member under this  
12 subsection (j), when added to the amount of military service  
13 credit granted to the member under subsection (b) of Section  
14 14-105, shall not exceed 5 years. The change in the manner of  
15 calculating interest under this subsection (j) made by this  
16 amendatory Act of the 92nd General Assembly applies to credit  
17 purchased by an employee on or after its effective date and  
18 does not entitle any person to a refund of contributions or  
19 interest already paid. In compliance with Section 14-152.1 of  
20 this Act concerning new benefit increases, any new benefit  
21 increase as a result of the changes to this subsection (j) made  
22 by Public Act 95-483 is funded through the employee  
23 contributions provided for in this subsection (j). Any new  
24 benefit increase as a result of the changes made to this  
25 subsection (j) by Public Act 95-483 is exempt from the  
26 provisions of subsection (d) of Section 14-152.1.

1           (k) An employee who was employed on a full-time basis by  
2 the Illinois State's Attorneys Association Statewide Appellate  
3 Assistance Service LEAA-ILEC grant project prior to the time  
4 that project became the State's Attorneys Appellate Service  
5 Commission, now the Office of the State's Attorneys Appellate  
6 Prosecutor, an agency of State government, may establish  
7 creditable service for not more than 60 months service for such  
8 employment by making contributions required under this  
9 Section.

10           (1) By paying the contributions otherwise required under  
11 this Section, plus an amount determined by the Board to be  
12 equal to the employer's normal cost of the benefit plus  
13 interest, a member may establish service credit for periods of  
14 less than one year spent on authorized leave of absence from  
15 service, provided that (1) the period of leave began on or  
16 after January 1, 1982 and (2) any credit established by the  
17 member for the period of leave in any other public employee  
18 retirement system has been terminated. A member may establish  
19 service credit under this subsection for more than one period  
20 of authorized leave, and in that case the total period of  
21 service credit established by the member under this subsection  
22 may exceed one year. In determining the contributions required  
23 for establishing service credit under this subsection, the  
24 interest shall be calculated from the beginning of the leave of  
25 absence to the date of payment.

26           (1-5) By paying the contributions otherwise required under

1 this Section, plus an amount determined by the Board to be  
2 equal to the employer's normal cost of the benefit plus  
3 interest, a member may establish service credit for periods of  
4 up to 2 years spent on authorized leave of absence from  
5 service, provided that during that leave the member represented  
6 or was employed as an officer or employee of a statewide labor  
7 organization that represents members of this System. In  
8 determining the contributions required for establishing  
9 service credit under this subsection, the interest shall be  
10 calculated from the beginning of the leave of absence to the  
11 date of payment.

12 (m) Any person who rendered contractual services to a  
13 member of the General Assembly as a worker in the member's  
14 district office may establish creditable service for up to 3  
15 years of those contractual services by making the contributions  
16 required under this Section. The System shall determine a  
17 full-time salary equivalent for the purpose of calculating the  
18 required contribution. To establish credit under this  
19 subsection, the applicant must apply to the System by March 1,  
20 1998.

21 (n) Any person who rendered contractual services to a  
22 member of the General Assembly as a worker providing  
23 constituent services to persons in the member's district may  
24 establish creditable service for up to 8 years of those  
25 contractual services by making the contributions required  
26 under this Section. The System shall determine a full-time



1 salary equivalent for the purpose of calculating the required  
2 contribution. To establish credit under this subsection, the  
3 applicant must apply to the System by March 1, 1998.

4 (o) A member who participated in the Illinois Legislative  
5 Staff Internship Program may establish creditable service for  
6 up to one year of that participation by making the contribution  
7 required under this Section. The System shall determine a  
8 full-time salary equivalent for the purpose of calculating the  
9 required contribution. Credit may not be established under this  
10 subsection for any period for which service credit is  
11 established under any other provision of this Code.

12 (p) By paying the contributions otherwise required under  
13 this Section, plus an amount determined by the Board to be  
14 equal to the employer's normal cost of the benefit plus  
15 interest, a member may establish service credit for a period of  
16 up to 8 years during which he or she was employed by the  
17 Visually Handicapped Managers of Illinois in a vending program  
18 operated under a contractual agreement with the Department of  
19 Rehabilitation Services or its successor agency.

20 This subsection (p) applies without regard to whether the  
21 person was in service on or after the effective date of this  
22 amendatory Act of the 94th General Assembly. In the case of a  
23 person who is receiving a retirement annuity on that effective  
24 date, the increase, if any, shall begin to accrue on the first  
25 annuity payment date following receipt by the System of the  
26 contributions required under this subsection (p).

1           (q) By paying the required contributions under this  
2 Section, plus an amount determined by the Board to be equal to  
3 the employer's normal cost of the benefit plus interest, an  
4 employee who was laid off but returned to any State employment  
5 may establish creditable service for the period of the layoff,  
6 provided that (1) the applicant applies for the creditable  
7 service under this subsection (q) within 6 months after July  
8 27, 2010 (the effective date of Public Act 96-1320), (2) the  
9 applicant does not receive credit for that period under any  
10 other provision of this Code, (3) at the time of the layoff,  
11 the applicant is not in an initial probationary status  
12 consistent with the rules of the Department of Central  
13 Management Services, and (4) the total amount of creditable  
14 service established by the applicant under this subsection (q)  
15 does not exceed 3 years. For service established under this  
16 subsection (q), the required employee contribution shall be  
17 based on the rate of compensation earned by the employee on the  
18 date of returning to employment after the layoff and the  
19 contribution rate then in effect, and the required interest  
20 shall be calculated at the actuarially assumed rate from the  
21 date of returning to employment after the layoff to the date of  
22 payment. Funding for any new benefit increase, as defined in  
23 Section 14-152.1 of this Act, that is created under this  
24 subsection (q) will be provided by the employee contributions  
25 required under this subsection (q).

26           (r) A member who participated in the University of Illinois

1 Government Public Service Internship Program (GPSI) may  
2 establish creditable service for up to 2 years of that  
3 participation by making the contribution required under this  
4 Section, plus an amount determined by the Board to be equal to  
5 the employer's normal cost of the benefit plus interest. The  
6 System shall determine a full-time salary equivalent for the  
7 purpose of calculating the required contribution. Credit may  
8 not be established under this subsection for any period for  
9 which service credit is established under any other provision  
10 of this Code.

11 (s) A member who worked as a nurse under a contractual  
12 agreement for the Department of Public Aid, or its successor  
13 agency, the Department of Human Services, in the Client  
14 Assessment Unit and was subsequently determined to be a State  
15 employee by the United States Internal Revenue Service and the  
16 Illinois Labor Relations Board, or the Department of Labor as  
17 its successor, may establish creditable service for those  
18 contractual services by making the contributions required  
19 under this Section. To establish credit under this subsection,  
20 the applicant must apply to the System by July 1, 2008.

21 The Department of Human Services shall pay an employer  
22 contribution based upon an amount determined by the Board to be  
23 equal to the employer's normal cost of the benefit, plus  
24 interest.

25 In compliance with Section 14-152.1 added by Public Act  
26 94-4, the cost of the benefits provided by Public Act 95-583

1 are offset by the required employee and employer contributions.

2 (t) Any person who rendered contractual services on a  
3 full-time basis to the Illinois Institute of Natural Resources  
4 and the Illinois Department of Energy and Natural Resources may  
5 establish creditable service for up to 4 years of those  
6 contractual services by making the contributions required  
7 under this Section, plus an amount determined by the Board to  
8 be equal to the employer's normal cost of the benefit plus  
9 interest at the actuarially assumed rate from the first day of  
10 the service for which credit is being established to the date  
11 of payment. To establish credit under this subsection (t), the  
12 applicant must apply to the System within 6 months after July  
13 27, 2010 (the effective date of Public Act 96-1320).

14 (u) By paying the required contributions under this  
15 Section, plus an amount determined by the Board to be equal to  
16 the employer's normal cost of the benefit, plus interest, a  
17 member may establish creditable service and earnings credit for  
18 periods of furlough beginning on or after July 1, 2008. To  
19 receive this credit, the participant must (i) apply in writing  
20 to the System before December 31, 2011 and (ii) not receive  
21 compensation for the furlough period. For service established  
22 under this subsection, the required employee contribution  
23 shall be based on the rate of compensation earned by the  
24 employee immediately following the date of the first furlough  
25 day in the time period specified in this subsection (u), and  
26 the required interest shall be calculated at the actuarially

1 assumed rate from the date of the furlough to the date of  
2 payment.

3 (v) Any member who rendered full-time contractual services  
4 to an Illinois Veterans Home operated by the Department of  
5 Veterans' Affairs may establish service credit for up to 8  
6 years of such services by making the contributions required  
7 under this Section, plus an amount determined by the Board to  
8 be equal to the employer's normal cost of the benefit, plus  
9 interest at the actuarially assumed rate. To establish credit  
10 under this subsection, the applicant must apply to the System  
11 no later than 6 months after July 27, 2010 (the effective date  
12 of Public Act 96-1320).

13 (Source: P.A. 96-97, eff. 7-27-09; 96-718, eff. 8-25-09;  
14 96-775, eff. 8-28-09; 96-961, eff. 7-2-10; 96-1000, eff.  
15 7-2-10; 96-1320, eff. 7-27-10; 96-1535, eff. 3-4-11; 97-333,  
16 8-12-11.)

17 Section 30. The Illinois Police Training Act is amended by  
18 changing Section 6.1 as follows:

19 (50 ILCS 705/6.1)

20 Sec. 6.1. Decertification of full-time and part-time  
21 police officers.

22 (a) The Board must review police officer conduct and  
23 records to ensure that no police officer is certified or  
24 provided a valid waiver if that police officer has been

1 convicted of a felony offense under the laws of this State or  
2 any other state which if committed in this State would be  
3 punishable as a felony. The Board must also ensure that no  
4 police officer is certified or provided a valid waiver if that  
5 police officer has been convicted on or after the effective  
6 date of this amendatory Act of 1999 of any misdemeanor  
7 specified in this Section or if committed in any other state  
8 would be an offense similar to Section 11-1.50, 11-6, 11-9.1,  
9 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2, 28-3, 29-1,  
10 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of 1961  
11 or the Criminal Code of 2012, to subdivision (a)(1) or  
12 (a)(2)(C) of Section 11-14.3 of the Criminal Code of 1961 or  
13 the Criminal Code of 2012, or subsection (a) of Section 17-32  
14 of the Criminal Code of 1961 or the Criminal Code of 2012, or  
15 to Section 5 or 5.2 of the Cannabis Control Act. The Board must  
16 appoint investigators to enforce the duties conferred upon the  
17 Board by this Act.

18 (b) It is the responsibility of the sheriff or the chief  
19 executive officer of every local law enforcement agency or  
20 department within this State to report to the Board any arrest  
21 or conviction of any officer for an offense identified in this  
22 Section.

23 (c) It is the duty and responsibility of every full-time  
24 and part-time police officer in this State to report to the  
25 Board within 30 days, and the officer's sheriff or chief  
26 executive officer, of his or her arrest or conviction for an

1 offense identified in this Section. Any full-time or part-time  
2 police officer who knowingly makes, submits, causes to be  
3 submitted, or files a false or untruthful report to the Board  
4 must have his or her certificate or waiver immediately  
5 decertified or revoked.

6 (d) Any person, or a local or State agency, or the Board is  
7 immune from liability for submitting, disclosing, or releasing  
8 information of arrests or convictions in this Section as long  
9 as the information is submitted, disclosed, or released in good  
10 faith and without malice. The Board has qualified immunity for  
11 the release of the information.

12 (e) Any full-time or part-time police officer with a  
13 certificate or waiver issued by the Board who is convicted of  
14 any offense described in this Section immediately becomes  
15 decertified or no longer has a valid waiver. The  
16 decertification and invalidity of waivers occurs as a matter of  
17 law. Failure of a convicted person to report to the Board his  
18 or her conviction as described in this Section or any continued  
19 law enforcement practice after receiving a conviction is a  
20 Class 4 felony.

21 (f) The Board's investigators are peace officers and have  
22 all the powers possessed by policemen in cities and by  
23 sheriff's, provided that the investigators may exercise those  
24 powers anywhere in the State, only after contact and  
25 cooperation with the appropriate local law enforcement  
26 authorities.

1           (g) The Board must request and receive information and  
2 assistance from any federal, state, or local governmental  
3 agency as part of the authorized criminal background  
4 investigation. The Department of State Police must process,  
5 retain, and additionally provide and disseminate information  
6 to the Board concerning criminal charges, arrests,  
7 convictions, and their disposition, that have been filed  
8 before, on, or after the effective date of this amendatory Act  
9 of the 91st General Assembly against a basic academy applicant,  
10 law enforcement applicant, or law enforcement officer whose  
11 fingerprint identification cards are on file or maintained by  
12 the Department of State Police. The Federal Bureau of  
13 Investigation must provide the Board any criminal history  
14 record information contained in its files pertaining to law  
15 enforcement officers or any applicant to a Board certified  
16 basic law enforcement academy as described in this Act based on  
17 fingerprint identification. The Board must make payment of fees  
18 to the Department of State Police for each fingerprint card  
19 submission in conformance with the requirements of paragraph 22  
20 of Section 55a of the Civil Administrative Code of Illinois.

21           (h) A police officer who has been certified or granted a  
22 valid waiver shall also be decertified or have his or her  
23 waiver revoked upon a determination by the Department of Labor  
24 ~~Illinois Labor Relations Board State Panel~~ that he or she,  
25 while under oath, has knowingly and willfully made false  
26 statements as to a material fact going to an element of the



1 offense of murder. If an appeal is filed, the determination  
2 shall be stayed.

3 (1) In the case of an acquittal on a charge of murder,  
4 a verified complaint may be filed:

5 (A) by the defendant; or

6 (B) by a police officer with personal knowledge of  
7 perjured testimony.

8 The complaint must allege that a police officer, while  
9 under oath, knowingly and willfully made false statements  
10 as to a material fact going to an element of the offense of  
11 murder. The verified complaint must be filed with the  
12 Executive Director of the Illinois Law Enforcement  
13 Training Standards Board within 2 years of the judgment of  
14 acquittal.

15 (2) Within 30 days, the Executive Director of the  
16 Illinois Law Enforcement Training Standards Board shall  
17 review the verified complaint and determine whether the  
18 verified complaint is frivolous and without merit, or  
19 whether further investigation is warranted. The Illinois  
20 Law Enforcement Training Standards Board shall notify the  
21 officer and the Director of Labor ~~Executive Director of the~~  
22 ~~Illinois Labor Relations Board State Panel~~ of the filing of  
23 the complaint and any action taken thereon. If the  
24 Executive Director of the Illinois Law Enforcement  
25 Training Standards Board determines that the verified  
26 complaint is frivolous and without merit, it shall be

1 dismissed. The Executive Director of the Illinois Law  
2 Enforcement Training Standards Board has sole discretion  
3 to make this determination and this decision is not subject  
4 to appeal.

5 (i) If the Executive Director of the Illinois Law  
6 Enforcement Training Standards Board determines that the  
7 verified complaint warrants further investigation, he or she  
8 shall refer the matter to a task force of investigators created  
9 for this purpose. This task force shall consist of 8 sworn  
10 police officers: 2 from the Illinois State Police, 2 from the  
11 City of Chicago Police Department, 2 from county police  
12 departments, and 2 from municipal police departments. These  
13 investigators shall have a minimum of 5 years of experience in  
14 conducting criminal investigations. The investigators shall be  
15 appointed by the Executive Director of the Illinois Law  
16 Enforcement Training Standards Board. Any officer or officers  
17 acting in this capacity pursuant to this statutory provision  
18 will have statewide police authority while acting in this  
19 investigative capacity. Their salaries and expenses for the  
20 time spent conducting investigations under this paragraph  
21 shall be reimbursed by the Illinois Law Enforcement Training  
22 Standards Board.

23 (j) Once the Executive Director of the Illinois Law  
24 Enforcement Training Standards Board has determined that an  
25 investigation is warranted, the verified complaint shall be  
26 assigned to an investigator or investigators. The investigator

1 or investigators shall conduct an investigation of the verified  
2 complaint and shall write a report of his or her findings. This  
3 report shall be submitted to the Director of Labor ~~Executive~~  
4 ~~Director of the Illinois Labor Relations Board State Panel~~.

5 Within 30 days, the Director of Labor ~~Executive Director of~~  
6 ~~the Illinois Labor Relations Board State Panel~~ shall review the  
7 investigative report and determine whether sufficient evidence  
8 exists to conduct an evidentiary hearing on the verified  
9 complaint. If the Director of Labor ~~Executive Director of the~~  
10 ~~Illinois Labor Relations Board State Panel~~ determines upon his  
11 or her review of the investigatory report that a hearing should  
12 not be conducted, the complaint shall be dismissed. This  
13 decision is in the Executive Director's sole discretion, and  
14 this dismissal may not be appealed.

15 If the Director of Labor ~~Executive Director of the Illinois~~  
16 ~~Labor Relations Board State Panel~~ determines that there is  
17 sufficient evidence to warrant a hearing, a hearing shall be  
18 ordered on the verified complaint, to be conducted by an  
19 administrative law judge employed by the Department of Labor  
20 ~~Illinois Labor Relations Board State Panel~~. The Director of  
21 Labor ~~Executive Director of the Illinois Labor Relations Board~~  
22 ~~State Panel~~ shall inform the Executive Director of the Illinois  
23 Law Enforcement Training Standards Board and the person who  
24 filed the complaint of either the dismissal of the complaint or  
25 the issuance of the complaint for hearing. The Executive  
26 Director shall assign the complaint to the administrative law

1 judge within 30 days of the decision granting a hearing.

2 (k) In the case of a finding of guilt on the offense of  
3 murder, if a new trial is granted on direct appeal, or a state  
4 post-conviction evidentiary hearing is ordered, based on a  
5 claim that a police officer, under oath, knowingly and  
6 willfully made false statements as to a material fact going to  
7 an element of the offense of murder, the Department of Labor  
8 ~~Illinois Labor Relations Board State Panel~~ shall hold a hearing  
9 to determine whether the officer should be decertified if an  
10 interested party requests such a hearing within 2 years of the  
11 court's decision. The complaint shall be assigned to an  
12 administrative law judge within 30 days so that a hearing can  
13 be scheduled.

14 At the hearing, the accused officer shall be afforded the  
15 opportunity to:

16 (1) Be represented by counsel of his or her own  
17 choosing;

18 (2) Be heard in his or her own defense;

19 (3) Produce evidence in his or her defense;

20 (4) Request that the Department of Labor ~~Illinois Labor~~  
21 ~~Relations Board State Panel~~ compel the attendance of  
22 witnesses and production of related documents including  
23 but not limited to court documents and records.

24 Once a case has been set for hearing, the verified  
25 complaint shall be referred to the Department of Professional  
26 Regulation. That office shall prosecute the verified complaint

1 at the hearing before the administrative law judge. The  
2 Department of Professional Regulation shall have the  
3 opportunity to produce evidence to support the verified  
4 complaint and to request the Department of Labor ~~Illinois Labor~~  
5 ~~Relations Board State Panel~~ to compel the attendance of  
6 witnesses and the production of related documents, including,  
7 but not limited to, court documents and records. The Department  
8 of Labor ~~Illinois Labor Relations Board State Panel~~ shall have  
9 the power to issue subpoenas requiring the attendance of and  
10 testimony of witnesses and the production of related documents  
11 including, but not limited to, court documents and records and  
12 shall have the power to administer oaths.

13 The administrative law judge shall have the responsibility  
14 of receiving into evidence relevant testimony and documents,  
15 including court records, to support or disprove the allegations  
16 made by the person filing the verified complaint and, at the  
17 close of the case, hear arguments. If the administrative law  
18 judge finds that there is not clear and convincing evidence to  
19 support the verified complaint that the police officer has,  
20 while under oath, knowingly and willfully made false statements  
21 as to a material fact going to an element of the offense of  
22 murder, the administrative law judge shall make a written  
23 recommendation of dismissal to the Department of Labor ~~Illinois~~  
24 ~~Labor Relations Board State Panel~~. If the administrative law  
25 judge finds that there is clear and convincing evidence that  
26 the police officer has, while under oath, knowingly and

1 willfully made false statements as to a material fact that goes  
2 to an element of the offense of murder, the administrative law  
3 judge shall make a written recommendation so concluding to the  
4 Department of Labor ~~Illinois Labor Relations Board State Panel~~.

5 The hearings shall be transcribed. The Executive Director of  
6 the Illinois Law Enforcement Training Standards Board shall be  
7 informed of the administrative law judge's recommended  
8 findings and decision and the Department of Labor's ~~Illinois~~  
9 ~~Labor Relations Board State Panel's~~ subsequent review of the  
10 recommendation.

11 (l) An officer named in any complaint filed pursuant to  
12 this Act shall be indemnified for his or her reasonable  
13 attorney's fees and costs by his or her employer. These fees  
14 shall be paid in a regular and timely manner. The State, upon  
15 application by the public employer, shall reimburse the public  
16 employer for the accused officer's reasonable attorney's fees  
17 and costs. At no time and under no circumstances will the  
18 accused officer be required to pay his or her own reasonable  
19 attorney's fees or costs.

20 (m) The accused officer shall not be placed on unpaid  
21 status because of the filing or processing of the verified  
22 complaint until there is a final non-appealable order  
23 sustaining his or her guilt and his or her certification is  
24 revoked. Nothing in this Act, however, restricts the public  
25 employer from pursuing discipline against the officer in the  
26 normal course and under procedures then in place.

1           (n) The Department of Labor ~~Illinois Labor Relations Board~~  
2 ~~State Panel~~ shall review the administrative law judge's  
3 recommended decision and order and determine by a majority vote  
4 whether or not there was clear and convincing evidence that the  
5 accused officer, while under oath, knowingly and willfully made  
6 false statements as to a material fact going to the offense of  
7 murder. Within 30 days of service of the administrative law  
8 judge's recommended decision and order, the parties may file  
9 exceptions to the recommended decision and order and briefs in  
10 support of their exceptions with the Department of Labor  
11 ~~Illinois Labor Relations Board State Panel~~. The parties may  
12 file responses to the exceptions and briefs in support of the  
13 responses no later than 15 days after the service of the  
14 exceptions. If exceptions are filed by any of the parties, the  
15 Department of Labor ~~Illinois Labor Relations Board State Panel~~  
16 shall review the matter and make a finding to uphold, vacate,  
17 or modify the recommended decision and order. If the Department  
18 of Labor ~~Illinois Labor Relations Board State Panel~~ concludes  
19 that there is clear and convincing evidence that the accused  
20 officer, while under oath, knowingly and willfully made false  
21 statements as to a material fact going to an element of the  
22 offense murder, the Department of Labor ~~Illinois Labor~~  
23 ~~Relations Board State Panel~~ shall inform the Illinois Law  
24 Enforcement Training Standards Board and the Illinois Law  
25 Enforcement Training Standards Board shall revoke the accused  
26 officer's certification. If the accused officer appeals that

1 determination to the Appellate Court, as provided by this Act,  
2 he or she may petition the Appellate Court to stay the  
3 revocation of his or her certification pending the court's  
4 review of the matter.

5 (o) None of the Department of Labor's ~~Illinois Labor~~  
6 ~~Relations Board State Panel's~~ findings or determinations shall  
7 set any precedent in any of its decisions decided pursuant to  
8 the Illinois Public Labor Relations Act by the Department of  
9 Labor ~~Illinois Labor Relations Board State Panel~~ or the courts.

10 (p) A party aggrieved by the final order of the Department  
11 of Labor ~~Illinois Labor Relations Board State Panel~~ may apply  
12 for and obtain judicial review of an order of the Department of  
13 Labor ~~Illinois Labor Relations Board State Panel~~, in accordance  
14 with the provisions of the Administrative Review Law, except  
15 that such judicial review shall be afforded directly in the  
16 Appellate Court for the district in which the accused officer  
17 resides. Any direct appeal to the Appellate Court shall be  
18 filed within 35 days from the date that a copy of the decision  
19 sought to be reviewed was served upon the party affected by the  
20 decision.

21 (q) Interested parties. Only interested parties to the  
22 criminal prosecution in which the police officer allegedly,  
23 while under oath, knowingly and willfully made false statements  
24 as to a material fact going to an element of the offense of  
25 murder may file a verified complaint pursuant to this Section.  
26 For purposes of this Section, "interested parties" shall be



1 limited to the defendant and any police officer who has  
2 personal knowledge that the police officer who is the subject  
3 of the complaint has, while under oath, knowingly and willfully  
4 made false statements as to a material fact going to an element  
5 of the offense of murder.

6 (r) Semi-annual reports. The Director of Labor ~~Executive~~  
7 ~~Director of the Illinois Labor Relations Board~~ shall submit  
8 semi-annual reports to the Governor, President, and Minority  
9 Leader of the Senate, and to the Speaker and Minority Leader of  
10 the House of Representatives beginning on June 30, 2004,  
11 indicating:

12 (1) the number of verified complaints received since  
13 the date of the last report;

14 (2) the number of investigations initiated since the  
15 date of the last report;

16 (3) the number of investigations concluded since the  
17 date of the last report;

18 (4) the number of investigations pending as of the  
19 reporting date;

20 (5) the number of hearings held since the date of the  
21 last report; and

22 (6) the number of officers decertified since the date  
23 of the last report.

24 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

25 Section 35. The Illinois Educational Labor Relations Act is

1 amended by changing Sections 2, 8, 11, 12, 13, and 17.1 and by  
2 adding Sections 5.1 and 5.2 as follows:

3 (115 ILCS 5/2) (from Ch. 48, par. 1702)

4 Sec. 2. Definitions. As used in this Act:

5 (a) "Educational employer" or "employer" means the  
6 governing body of a public school district, including the  
7 governing body of a charter school established under Article  
8 27A of the School Code or of a contract school or contract  
9 turnaround school established under paragraph 30 of Section  
10 34-18 of the School Code, combination of public school  
11 districts, including the governing body of joint agreements of  
12 any type formed by 2 or more school districts, public community  
13 college district or State college or university, a  
14 subcontractor of instructional services of a school district  
15 (other than a school district organized under Article 34 of the  
16 School Code), combination of school districts, charter school  
17 established under Article 27A of the School Code, or contract  
18 school or contract turnaround school established under  
19 paragraph 30 of Section 34-18 of the School Code, an  
20 Independent Authority created under Section 2-3.25f-5 of the  
21 School Code, and any State agency whose major function is  
22 providing educational services. "Educational employer" or  
23 "employer" does not include (1) a Financial Oversight Panel  
24 created pursuant to Section 1A-8 of the School Code due to a  
25 district violating a financial plan or (2) an approved

1 nonpublic special education facility that contracts with a  
2 school district or combination of school districts to provide  
3 special education services pursuant to Section 14-7.02 of the  
4 School Code, but does include a School Finance Authority  
5 created under Article 1E or 1F of the School Code and a  
6 Financial Oversight Panel created under Article 1B or 1H of the  
7 School Code. The change made by this amendatory Act of the 96th  
8 General Assembly to this paragraph (a) to make clear that the  
9 governing body of a charter school is an "educational employer"  
10 is declaratory of existing law.

11 (b) "Educational employee" or "employee" means any  
12 individual, excluding supervisors, managerial, confidential,  
13 short term employees, student, and part-time academic  
14 employees of community colleges employed full or part time by  
15 an educational employer, but shall not include elected  
16 officials and appointees of the Governor with the advice and  
17 consent of the Senate, firefighters as defined by subsection  
18 (g-1) of Section 3 of the Illinois Public Labor Relations Act,  
19 and peace officers employed by a State university. For the  
20 purposes of this Act, part-time academic employees of community  
21 colleges shall be defined as those employees who provide less  
22 than 3 credit hours of instruction per academic semester. In  
23 this subsection (b), the term "student" includes graduate  
24 students who are research assistants primarily performing  
25 duties that involve research or graduate assistants primarily  
26 performing duties that are pre-professional, but excludes

1 graduate students who are teaching assistants primarily  
2 performing duties that involve the delivery and support of  
3 instruction and all other graduate assistants.

4 (c) "Employee organization" or "labor organization" means  
5 an organization of any kind in which membership includes  
6 educational employees, and which exists for the purpose, in  
7 whole or in part, of dealing with employers concerning  
8 grievances, employee-employer disputes, wages, rates of pay,  
9 hours of employment, or conditions of work, but shall not  
10 include any organization which practices discrimination in  
11 membership because of race, color, creed, age, gender, national  
12 origin or political affiliation.

13 (d) "Exclusive representative" means the labor  
14 organization which has been designated by the ~~Illinois~~  
15 ~~Educational Labor Relations~~ Board as the representative of the  
16 majority of educational employees in an appropriate unit, or  
17 recognized by an educational employer prior to January 1, 1984  
18 as the exclusive representative of the employees in an  
19 appropriate unit or, after January 1, 1984, recognized by an  
20 employer upon evidence that the employee organization has been  
21 designated as the exclusive representative by a majority of the  
22 employees in an appropriate unit.

23 (e) "Board" means the Department of Labor as successor to  
24 the Illinois Educational Labor Relations Board.

25 (f) "Regional Superintendent" means the regional  
26 superintendent of schools provided for in Articles 3 and 3A of

1 The School Code.

2 (g) "Supervisor" means any individual having authority in  
3 the interests of the employer to hire, transfer, suspend, lay  
4 off, recall, promote, discharge, reward or discipline other  
5 employees within the appropriate bargaining unit and adjust  
6 their grievances, or to effectively recommend such action if  
7 the exercise of such authority is not of a merely routine or  
8 clerical nature but requires the use of independent judgment.  
9 The term "supervisor" includes only those individuals who  
10 devote a preponderance of their employment time to such  
11 exercising authority.

12 (h) "Unfair labor practice" or "unfair practice" means any  
13 practice prohibited by Section 14 of this Act.

14 (i) "Person" includes an individual, educational employee,  
15 educational employer, legal representative, or employee  
16 organization.

17 (j) "Wages" means salaries or other forms of compensation  
18 for services rendered.

19 (k) "Professional employee" means, in the case of a public  
20 community college, State college or university, State agency  
21 whose major function is providing educational services, the  
22 Illinois School for the Deaf, and the Illinois School for the  
23 Visually Impaired, (1) any employee engaged in work (i)  
24 predominantly intellectual and varied in character as opposed  
25 to routine mental, manual, mechanical, or physical work; (ii)  
26 involving the consistent exercise of discretion and judgment in

1 its performance; (iii) of such character that the output  
2 produced or the result accomplished cannot be standardized in  
3 relation to a given period of time; and (iv) requiring  
4 knowledge of an advanced type in a field of science or learning  
5 customarily acquired by a prolonged course of specialized  
6 intellectual instruction and study in an institution of higher  
7 learning or a hospital, as distinguished from a general  
8 academic education or from an apprenticeship or from training  
9 in the performance of routine mental, manual, or physical  
10 processes; or (2) any employee, who (i) has completed the  
11 courses of specialized intellectual instruction and study  
12 described in clause (iv) of paragraph (1) of this subsection,  
13 and (ii) is performing related work under the supervision of a  
14 professional person to qualify himself or herself to become a  
15 professional as defined in paragraph (1).

16 (l) "Professional employee" means, in the case of any  
17 public school district, or combination of school districts  
18 pursuant to joint agreement, any employee who has a certificate  
19 issued under Article 21 or Section 34-83 of the School Code, as  
20 now or hereafter amended.

21 (m) "Unit" or "bargaining unit" means any group of  
22 employees for which an exclusive representative is selected.

23 (n) "Confidential employee" means an employee, who (i) in  
24 the regular course of his or her duties, assists and acts in a  
25 confidential capacity to persons who formulate, determine and  
26 effectuate management policies with regard to labor relations

1 or who (ii) in the regular course of his or her duties has  
2 access to information relating to the effectuation or review of  
3 the employer's collective bargaining policies.

4 (o) "Managerial employee" means an individual who is  
5 engaged predominantly in executive and management functions  
6 and is charged with the responsibility of directing the  
7 effectuation of such management policies and practices.

8 (p) "Craft employee" means a skilled journeyman, craft  
9 person, and his or her apprentice or helper.

10 (q) "Short-term employee" is an employee who is employed  
11 for less than 2 consecutive calendar quarters during a calendar  
12 year and who does not have a reasonable expectation that he or  
13 she will be rehired by the same employer for the same service  
14 in a subsequent calendar year. Nothing in this subsection shall  
15 affect the employee status of individuals who were covered by a  
16 collective bargaining agreement on the effective date of this  
17 amendatory Act of 1991.

18 (Source: P.A. 97-429, eff. 8-16-11; 98-1155, eff. 1-9-15.)

19 (115 ILCS 5/5.1 new)

20 Sec. 5.1. Dissolution of the Illinois Educational Labor  
21 Relations Board; transfer and savings provisions.

22 (a) The Illinois Educational Labor Relations Board is  
23 dissolved on July 1, 2020. Any reference in any law,  
24 appropriation, rule, form, or other document to the Illinois  
25 Educational Labor Relations Board means the Department of Labor

1 as successor to the Illinois Educational Labor Relations Board  
2 as provided under this Section. For the purposes of the  
3 Successor Agency Act, the Department of Labor is declared to be  
4 the successor agency of the Illinois Labor Relations Board.

5 (b) The Department of Labor shall succeed to all of the  
6 powers, duties, rights, and property, including contractual  
7 rights and obligations, of the Illinois Educational Labor  
8 Relations Board.

9 (c) The personnel of the Illinois Educational Labor  
10 Relations Board shall be transferred to the Department of  
11 Labor. The status and rights of such employees under the  
12 Personnel Code shall not be affected by the transfer. The  
13 rights of the employees and the State of Illinois and its  
14 agencies under the Personnel Code and applicable collective  
15 bargaining agreements or under any pension, retirement, or  
16 annuity plan shall not be affected by this Section.

17 (d) All books, records, papers, documents, property (real  
18 and personal), contracts, causes of action, and pending  
19 business pertaining to the powers, duties, rights, and  
20 responsibilities transferred by this Section from the Illinois  
21 Educational Labor Relations Board to the Department of Labor,  
22 including, but not limited to, material in electronic or  
23 magnetic format and necessary computer hardware and software,  
24 shall be transferred to the Department of Labor.

25 (e) All unexpended appropriations and balances and other  
26 funds available for use by the Illinois Educational Labor



1 Relations Board shall be transferred for use by the Department  
2 of Labor. Unexpended balances so transferred shall be expended  
3 only for the purpose for which the appropriations were  
4 originally made.

5 (f) Whenever reports or notices are now required to be made  
6 or given or papers or documents furnished or served by any  
7 person to or upon the Illinois Educational Labor Relations  
8 Board in connection with any of the powers, duties, rights, and  
9 responsibilities transferred by this Section, the same shall be  
10 made, given, furnished, or served in the same manner to or upon  
11 the Department of Labor.

12 (g) This Section does not affect any act done, ratified, or  
13 canceled or any right occurring or established or any action or  
14 proceeding had or commenced in an administrative, civil, or  
15 criminal cause by the Illinois Educational Labor Relations  
16 Board before the effective date of this amendatory Act of the  
17 101st General Assembly; such actions or proceedings may be  
18 prosecuted and continued by the Department of Labor.

19 (h) Any matters pending before the Illinois Educational  
20 Labor Relations Board at the time of its dissolution shall  
21 continue as matters before the Department of Labor.

22 (i) Any rules of the Illinois Educational Labor Relations  
23 Board that relate to its powers, duties, rights, and  
24 responsibilities and are in full force on the effective date of  
25 this amendatory Act of the 101st General Assembly shall become  
26 the rules of the Department of Labor. This Section does not

1 affect the legality of any such rules in the Illinois  
2 Administrative Code.

3 Any proposed rules filed with the Secretary of State by the  
4 Illinois Educational Labor Relations Board that are pending in  
5 the rulemaking process on the effective date of this amendatory  
6 Act of the 101st General Assembly and pertain to the powers,  
7 duties, rights, and responsibilities transferred, shall be  
8 deemed to have been filed by the Department of Labor. As soon  
9 as practicable hereafter, the Department of Labor shall revise  
10 and clarify the rules transferred to it under this Section to  
11 reflect the reorganization of powers, duties, rights, and  
12 responsibilities affected by this amendatory Act of the 101st  
13 General Assembly, using the procedures for recodification of  
14 rules available under the Illinois Administrative Procedure  
15 Act, except that existing title, part, and Section numbering  
16 for the affected rules may be retained. The Department of Labor  
17 may propose and adopt under the Illinois Administrative  
18 Procedure Act such other rules of the Illinois Educational  
19 Labor Relations Board that will now be administered by the  
20 Department of Labor.

21 (115 ILCS 5/5.2 new)

22 Sec. 5.2. Department of Labor powers and duties.

23 (a) The Department of Labor may appoint or employ an  
24 assistant director, attorneys, hearing officers, and such  
25 other employees as it deems necessary to perform its functions

1 under this Act. The Department shall prescribe the duties and  
2 qualifications of such persons appointed and, subject to the  
3 annual appropriation, fix their compensation and provide for  
4 reimbursement of actual and necessary expenses incurred in the  
5 performance of their duties.

6 (b) The Department of Labor may adopt rules which allow  
7 parties in proceedings before the Department to be represented  
8 by counsel or any other person knowledgeable in the matters  
9 under consideration.

10 (c) To accomplish the objectives and to carry out the  
11 duties prescribed by this Act, the Department may: subpoena  
12 witnesses; subpoena the production of books, papers, records,  
13 and documents which may be needed as evidence on any matter  
14 under inquiry; and administer oaths and affirmations.

15 In cases of neglect or refusal to obey a subpoena issued to  
16 any person, the circuit court in the county in which the  
17 investigation or the public hearing is taking place, upon  
18 application by the Department, may issue an order requiring  
19 such person to appear before the Department or any member or  
20 agent of the Department to produce evidence or give testimony.  
21 A failure to obey such order may be punished by the court as in  
22 civil contempt.

23 Any subpoena, notice of hearing, or other process or notice  
24 of the Department issued under the provisions of this Act may  
25 be served personally, by registered mail, or by leaving a copy  
26 at the principal office of the respondent required to be

1 served. A return, made and verified by the individual making  
2 such service and setting forth the manner of such service, is  
3 proof of service. A post office receipt, when registered mail  
4 is used, is proof of service. All process of any court to which  
5 application may be made under the provisions of this Act may be  
6 served in the county where the persons required to be served  
7 reside or may be found.

8 (d) The Department of Labor shall adopt, amend, or rescind  
9 rules in accordance with the Illinois Administrative Procedure  
10 Act as it deems necessary and feasible to carry out this Act.

11 (e) The Department of Labor at the end of every State  
12 fiscal year shall make a report to the Governor and the General  
13 Assembly stating in detail the work it has done in hearing and  
14 deciding cases and otherwise.

15 (115 ILCS 5/8) (from Ch. 48, par. 1708)

16 Sec. 8. Election - certification. Elections shall be by  
17 secret ballot, and conducted in accordance with rules and  
18 regulations established by the ~~Illinois Educational Labor~~  
19 ~~Relations~~ Board. An incumbent exclusive bargaining  
20 representative shall automatically be placed on any ballot with  
21 the petitioner's labor organization. An intervening labor  
22 organization may be placed on the ballot when supported by 15%  
23 or more of the employees in the bargaining unit. The Board  
24 shall give at least 30 days notice of the time and place of the  
25 election to the parties and, upon request, shall provide the

1 parties with a list of names and addresses of persons eligible  
2 to vote in the election at least 15 days before the election.  
3 The ballot must include, as one of the alternatives, the choice  
4 of "no representative". No mail ballots are permitted except  
5 where a specific individual would otherwise be unable to cast a  
6 ballot.

7 The labor organization receiving a majority of the ballots  
8 cast shall be certified by the Board as the exclusive  
9 bargaining representative. If the choice of "no  
10 representative" receives a majority, the employer shall not  
11 recognize any exclusive bargaining representative for at least  
12 12 months. If none of the choices on the ballot receives a  
13 majority, a run-off shall be conducted between the 2 choices  
14 receiving the largest number of valid votes cast in the  
15 election. The Board shall certify the results of the election  
16 within 6 working days after the final tally of votes unless a  
17 charge is filed by a party alleging that improper conduct  
18 occurred which affected the outcome of the election. The Board  
19 shall promptly investigate the allegations, and if it finds  
20 probable cause that improper conduct occurred and could have  
21 affected the outcome of the election, it shall set a hearing on  
22 the matter on a date falling within 2 weeks of when it received  
23 the charge. If it determines, after hearing, that the outcome  
24 of the election was affected by improper conduct, it shall  
25 order a new election and shall order corrective action which it  
26 considers necessary to insure the fairness of the new election.

1 If it determines upon investigation or after hearing that the  
2 alleged improper conduct did not take place or that it did not  
3 affect the results of the election, it shall immediately  
4 certify the election results.

5 Any labor organization that is the exclusive bargaining  
6 representative in an appropriate unit on the effective date of  
7 this Act shall continue as such until a new one is selected  
8 under this Act.

9 (Source: P.A. 92-206, eff. 1-1-02.)

10 (115 ILCS 5/11) (from Ch. 48, par. 1711)

11 Sec. 11. Non-member fair share payments. When a collective  
12 bargaining agreement is entered into with an exclusive  
13 representative, it may include a provision requiring employees  
14 covered by the agreement who are not members of the  
15 organization to pay to the organization a fair share fee for  
16 services rendered. The exclusive representative shall certify  
17 to the employer an amount not to exceed the dues uniformly  
18 required of members which shall constitute each non member  
19 employee's fair share fee. The fair share fee payment shall be  
20 deducted by the employer from the earnings of the non member  
21 employees and paid to the exclusive representative.

22 The amount certified by the exclusive representative shall  
23 not include any fees for contributions related to the election  
24 or support of any candidate for political office. Nothing in  
25 this Section shall preclude the non member employee from making

1 voluntary political contributions in conjunction with his or  
2 her fair share payment.

3 If a collective bargaining agreement that includes a fair  
4 share clause expires or continues in effect beyond its  
5 scheduled expiration date pending the negotiation of a  
6 successor agreement, then the employer shall continue to honor  
7 and abide by the fair share clause until a new agreement that  
8 includes a fair share clause is reached. Failure to honor and  
9 abide by the fair share clause for the benefit of any exclusive  
10 representative as set forth in this paragraph shall be a  
11 violation of the duty to bargain and an unfair labor practice.

12 Agreements containing a fair share agreement must  
13 safeguard the right of non-association of employees based upon  
14 bonafide religious tenets or teaching of a church or religious  
15 body of which such employees are members. Such employees may be  
16 required to pay an amount equal to their proportionate share,  
17 determined under a proportionate share agreement, to a  
18 non-religious charitable organization mutually agreed upon by  
19 the employees affected and the exclusive representative to  
20 which such employees would otherwise pay such fee. If the  
21 affected employees and the exclusive representative are unable  
22 to reach an agreement on the matter, the ~~Illinois Educational~~  
23 ~~Labor Relations~~ Board may establish an approved list of  
24 charitable organizations to which such payments may be made.

25 The Board shall by rule require that in cases where an  
26 employee files an objection to the amount of the fair share

1 fee, the employer shall continue to deduct the employee's fair  
2 share fee from the employee's pay, but shall transmit the fee,  
3 or some portion thereof, to the Board for deposit in an escrow  
4 account maintained by the Board; provided, however, that if the  
5 exclusive representative maintains an escrow account for the  
6 purpose of holding fair share fees to which an employee has  
7 objected, the employer shall transmit the entire fair share fee  
8 to the exclusive representative, and the exclusive  
9 representative shall hold in escrow that portion of the fee  
10 that the employer would otherwise have been required to  
11 transmit to the Board for escrow, provided that the escrow  
12 account maintained by the exclusive representative complies  
13 with rules to be promulgated by the Board within 30 days of the  
14 effective date of this amendatory Act of 1989 or that the  
15 collective bargaining agreement requiring the payment of the  
16 fair share fee contains an indemnification provision for the  
17 purpose of indemnifying the employer with respect to the  
18 employer's transmission of fair share fees to the exclusive  
19 representative.

20 (Source: P.A. 94-210, eff. 7-14-05.)

21 (115 ILCS 5/12) (from Ch. 48, par. 1712)

22 Sec. 12. Impasse procedures.

23 (a) This subsection (a) applies only to collective  
24 bargaining between an educational employer that is not a public  
25 school district organized under Article 34 of the School Code



1 and an exclusive representative of its employees. If the  
2 parties engaged in collective bargaining have not reached an  
3 agreement by 90 days before the scheduled start of the  
4 forthcoming school year, the parties shall notify the ~~Illinois~~  
5 ~~Educational Labor Relations~~ Board concerning the status of  
6 negotiations. This notice shall include a statement on whether  
7 mediation has been used.

8       Upon demand of either party, collective bargaining between  
9 the employer and an exclusive bargaining representative must  
10 begin within 60 days of the date of certification of the  
11 representative by the Board, or in the case of an existing  
12 exclusive bargaining representative, within 60 days of the  
13 receipt by a party of a demand to bargain issued by the other  
14 party. Once commenced, collective bargaining must continue for  
15 at least a 60 day period, unless a contract is entered into.

16       Except as otherwise provided in subsection (b) of this  
17 Section, if after a reasonable period of negotiation and within  
18 90 days of the scheduled start of the forth-coming school year,  
19 the parties engaged in collective bargaining have reached an  
20 impasse, either party may petition the Board to initiate  
21 mediation. Alternatively, the Board on its own motion may  
22 initiate mediation during this period. However, mediation  
23 shall be initiated by the Board at any time when jointly  
24 requested by the parties and the services of the mediators  
25 shall continuously be made available to the employer and to the  
26 exclusive bargaining representative for purposes of

1 arbitration of grievances and mediation or arbitration of  
2 contract disputes. If requested by the parties, the mediator  
3 may perform fact-finding and in so doing conduct hearings and  
4 make written findings and recommendations for resolution of the  
5 dispute. Such mediation shall be provided by the Board and  
6 shall be held before qualified impartial individuals. Nothing  
7 prohibits the use of other individuals or organizations such as  
8 the Federal Mediation and Conciliation Service or the American  
9 Arbitration Association selected by both the exclusive  
10 bargaining representative and the employer.

11 If the parties engaged in collective bargaining fail to  
12 reach an agreement within 45 days of the scheduled start of the  
13 forthcoming school year and have not requested mediation, the  
14 ~~Illinois Educational Labor Relations~~ Board shall invoke  
15 mediation.

16 Whenever mediation is initiated or invoked under this  
17 subsection (a), the parties may stipulate to defer selection of  
18 a mediator in accordance with rules adopted by the Board.

19 (a-5) This subsection (a-5) applies only to collective  
20 bargaining between a public school district or a combination of  
21 public school districts, including, but not limited to, joint  
22 cooperatives, that is not organized under Article 34 of the  
23 School Code and an exclusive representative of its employees.

24 (1) Any time 15 days after mediation has commenced,  
25 either party may initiate the public posting process. The  
26 mediator may initiate the public posting process at any

1 time 15 days after mediation has commenced during the  
2 mediation process. Initiation of the public posting  
3 process must be filed in writing with the Board, and copies  
4 must be submitted to the parties on the same day the  
5 initiation is filed with the Board.

6 (2) Within 7 days after the initiation of the public  
7 posting process, each party shall submit to the mediator,  
8 the Board, and the other party in writing the most recent  
9 offer of the party, including a cost summary of the offer.  
10 Seven days after receipt of the parties' offers, the Board  
11 shall make public the offers and each party's cost summary  
12 dealing with those issues on which the parties have failed  
13 to reach agreement by immediately posting the offers on its  
14 Internet website, unless otherwise notified by the  
15 mediator or jointly by the parties that agreement has been  
16 reached. On the same day of publication by the Board, at a  
17 minimum, the school district shall distribute notice of the  
18 availability of the offers on the Board's Internet website  
19 to all news media that have filed an annual request for  
20 notices from the school district pursuant to Section 2.02  
21 of the Open Meetings Act. The parties' offers shall remain  
22 on the Board's Internet website until the parties have  
23 reached and ratified an agreement.

24 (a-10) This subsection (a-10) applies only to collective  
25 bargaining between a public school district organized under  
26 Article 34 of the School Code and an exclusive representative

1 of its employees.

2 (1) For collective bargaining agreements between an  
3 educational employer to which this subsection (a-10)  
4 applies and an exclusive representative of its employees,  
5 if the parties fail to reach an agreement after a  
6 reasonable period of mediation, the dispute shall be  
7 submitted to fact-finding in accordance with this  
8 subsection (a-10). Either the educational employer or the  
9 exclusive representative may initiate fact-finding by  
10 submitting a written demand to the other party with a copy  
11 of the demand submitted simultaneously to the Board.

12 (2) Within 3 days following a party's demand for  
13 fact-finding, each party shall appoint one member of the  
14 fact-finding panel, unless the parties agree to proceed  
15 without a tri-partite panel. Following these appointments,  
16 if any, the parties shall select a qualified impartial  
17 individual to serve as the fact-finder and chairperson of  
18 the fact-finding panel, if applicable. An individual shall  
19 be considered qualified to serve as the fact-finder and  
20 chairperson of the fact-finding panel, if applicable, if he  
21 or she was not the same individual who was appointed as the  
22 mediator and if he or she satisfies the following  
23 requirements: membership in good standing with the  
24 National Academy of Arbitrators, Federal Mediation and  
25 Conciliation Service, or American Arbitration Association  
26 for a minimum of 10 years; membership on the mediation

1 roster for the Illinois Labor Relations Board, or the  
2 Department of Labor as its successor, or Illinois  
3 Educational Labor Relations Board, or the Department of  
4 Labor as its successor; issuance of at least 5 interest  
5 arbitration awards arising under the Illinois Public Labor  
6 Relations Act; and participation in impasse resolution  
7 processes arising under private or public sector  
8 collective bargaining statutes in other states. If the  
9 parties are unable to agree on a fact-finder, the parties  
10 shall request a panel of fact-finders who satisfy the  
11 requirements set forth in this paragraph (2) from either  
12 the Federal Mediation and Conciliation Service or the  
13 American Arbitration Association and shall select a  
14 fact-finder from such panel in accordance with the  
15 procedures established by the organization providing the  
16 panel.

17 (3) The fact-finder shall have the following duties and  
18 powers:

19 (A) to require the parties to submit a statement of  
20 disputed issues and their positions regarding each  
21 issue either jointly or separately;

22 (B) to identify disputed issues that are economic  
23 in nature;

24 (C) to meet with the parties either separately or  
25 in executive sessions;

26 (D) to conduct hearings and regulate the time,

1 place, course, and manner of the hearings;

2 (E) to request the Board to issue subpoenas  
3 requiring the attendance and testimony of witnesses or  
4 the production of evidence;

5 (F) to administer oaths and affirmations;

6 (G) to examine witnesses and documents;

7 (H) to create a full and complete written record of  
8 the hearings;

9 (I) to attempt mediation or remand a disputed issue  
10 to the parties for further collective bargaining;

11 (J) to require the parties to submit final offers  
12 for each disputed issue either individually or as a  
13 package or as a combination of both; and

14 (K) to employ any other measures deemed  
15 appropriate to resolve the impasse.

16 (4) If the dispute is not settled within 75 days after  
17 the appointment of the fact-finding panel, the  
18 fact-finding panel shall issue a private report to the  
19 parties that contains advisory findings of fact and  
20 recommended terms of settlement for all disputed issues and  
21 that sets forth a rationale for each recommendation. The  
22 fact-finding panel, acting by a majority of its members,  
23 shall base its findings and recommendations upon the  
24 following criteria as applicable:

25 (A) the lawful authority of the employer;

26 (B) the federal and State statutes or local

1           ordinances and resolutions applicable to the employer;

2           (C) prior collective bargaining agreements and the  
3 bargaining history between the parties;

4           (D) stipulations of the parties;

5           (E) the interests and welfare of the public and the  
6 students and families served by the employer;

7           (F) the employer's financial ability to fund the  
8 proposals based on existing available resources,  
9 provided that such ability is not predicated on an  
10 assumption that lines of credit or reserve funds are  
11 available or that the employer may or will receive or  
12 develop new sources of revenue or increase existing  
13 sources of revenue;

14           (G) the impact of any economic adjustments on the  
15 employer's ability to pursue its educational mission;

16           (H) the present and future general economic  
17 conditions in the locality and State;

18           (I) a comparison of the wages, hours, and  
19 conditions of employment of the employees involved in  
20 the dispute with the wages, hours, and conditions of  
21 employment of employees performing similar services in  
22 public education in the 10 largest U.S. cities;

23           (J) the average consumer prices in urban areas for  
24 goods and services, which is commonly known as the cost  
25 of living;

26           (K) the overall compensation presently received by

1 the employees involved in the dispute, including  
2 direct wage compensation; vacations, holidays, and  
3 other excused time; insurance and pensions; medical  
4 and hospitalization benefits; the continuity and  
5 stability of employment and all other benefits  
6 received; and how each party's proposed compensation  
7 structure supports the educational goals of the  
8 district;

9 (L) changes in any of the circumstances listed in  
10 items (A) through (K) of this paragraph (4) during the  
11 fact-finding proceedings;

12 (M) the effect that any term the parties are at  
13 impasse on has or may have on the overall educational  
14 environment, learning conditions, and working  
15 conditions with the school district; and

16 (N) the effect that any term the parties are at  
17 impasse on has or may have in promoting the public  
18 policy of this State.

19 (5) The fact-finding panel's recommended terms of  
20 settlement shall be deemed agreed upon by the parties as  
21 the final resolution of the disputed issues and  
22 incorporated into the collective bargaining agreement  
23 executed by the parties, unless either party tenders to the  
24 other party and the chairperson of the fact-finding panel a  
25 notice of rejection of the recommended terms of settlement  
26 with a rationale for the rejection, within 15 days after



1 the date of issuance of the fact-finding panel's report. If  
2 either party submits a notice of rejection, the chairperson  
3 of the fact-finding panel shall publish the fact-finding  
4 panel's report and the notice of rejection for public  
5 information by delivering a copy to all newspapers of  
6 general circulation in the community with simultaneous  
7 written notice to the parties.

8 (b) If, after a period of bargaining of at least 60 days, a  
9 dispute or impasse exists between an educational employer whose  
10 territorial boundaries are coterminous with those of a city  
11 having a population in excess of 500,000 and the exclusive  
12 bargaining representative over a subject or matter set forth in  
13 Section 4.5 of this Act, the parties shall submit the dispute  
14 or impasse to the dispute resolution procedure agreed to  
15 between the parties. The procedure shall provide for mediation  
16 of disputes by a rotating mediation panel and may, at the  
17 request of either party, include the issuance of advisory  
18 findings of fact and recommendations.

19 (c) The costs of fact finding and mediation shall be shared  
20 equally between the employer and the exclusive bargaining  
21 agent, provided that, for purposes of mediation under this Act,  
22 if either party requests the use of mediation services from the  
23 Federal Mediation and Conciliation Service, the other party  
24 shall either join in such request or bear the additional cost  
25 of mediation services from another source. All other costs and  
26 expenses of complying with this Section must be borne by the

1 party incurring them.

2 (c-5) If an educational employer or exclusive bargaining  
3 representative refuses to participate in mediation or fact  
4 finding when required by this Section, the refusal shall be  
5 deemed a refusal to bargain in good faith.

6 (d) Nothing in this Act prevents an employer and an  
7 exclusive bargaining representative from mutually submitting  
8 to final and binding impartial arbitration unresolved issues  
9 concerning the terms of a new collective bargaining agreement.

10 (Source: P.A. 97-7, eff. 6-13-11; 97-8, eff. 6-13-11; 98-513,  
11 eff. 1-1-14.)

12 (115 ILCS 5/13) (from Ch. 48, par. 1713)

13 Sec. 13. Strikes.

14 (a) Notwithstanding the existence of any other provision in  
15 this Act or other law, educational employees employed in school  
16 districts organized under Article 34 of the School Code shall  
17 not engage in a strike at any time during the 18 month period  
18 that commences on the effective date of this amendatory Act of  
19 1995. An educational employee employed in a school district  
20 organized under Article 34 of the School Code who participates  
21 in a strike in violation of this Section is subject to  
22 discipline by the employer. In addition, no educational  
23 employer organized under Article 34 of the School Code may pay  
24 or cause to be paid to an educational employee who participates  
25 in a strike in violation of this subsection any wages or other

1 compensation for any period during which an educational  
2 employee participates in the strike, except for wages or  
3 compensation earned before participation in the strike.  
4 Notwithstanding the existence of any other provision in this  
5 Act or other law, during the 18-month period that strikes are  
6 prohibited under this subsection nothing in this subsection  
7 shall be construed to require an educational employer to submit  
8 to a binding dispute resolution process.

9 (b) Notwithstanding the existence of any other provision in  
10 this Act or any other law, educational employees other than  
11 those employed in a school district organized under Article 34  
12 of the School Code and, after the expiration of the 18 month  
13 period that commences on the effective date of this amendatory  
14 Act of 1995, educational employees in a school district  
15 organized under Article 34 of the School Code shall not engage  
16 in a strike except under the following conditions:

17 (1) they are represented by an exclusive bargaining  
18 representative;

19 (2) mediation has been used without success and, for  
20 educational employers and exclusive bargaining  
21 representatives to which subsection (a-5) of Section 12 of  
22 this Act applies, at least 14 days have elapsed after the  
23 Board has made public the parties' offers;

24 (2.5) if fact-finding was invoked pursuant to  
25 subsection (a-10) of Section 12 of this Act, at least 30  
26 days have elapsed after a fact-finding report has been

1 released for public information;

2 (2.10) for educational employees employed in a school  
3 district organized under Article 34 of the School Code, at  
4 least three-fourths of all bargaining unit employees who  
5 are members of the exclusive bargaining representative  
6 have affirmatively voted to authorize the strike;  
7 provided, however, that all members of the exclusive  
8 bargaining representative at the time of a strike  
9 authorization vote shall be eligible to vote;

10 (3) at least 10 days have elapsed after a notice of  
11 intent to strike has been given by the exclusive bargaining  
12 representative to the educational employer, the regional  
13 superintendent and the ~~Illinois Educational Labor~~  
14 ~~Relations~~ Board;

15 (4) the collective bargaining agreement between the  
16 educational employer and educational employees, if any,  
17 has expired or been terminated; and

18 (5) the employer and the exclusive bargaining  
19 representative have not mutually submitted the unresolved  
20 issues to arbitration.

21 If, however, in the opinion of an employer the strike is or  
22 has become a clear and present danger to the health or safety  
23 of the public, the employer may initiate in the circuit court  
24 of the county in which such danger exists an action for relief  
25 which may include, but is not limited to, injunction. The court  
26 may grant appropriate relief upon the finding that such clear

1 and present danger exists. An unfair practice or other evidence  
2 of lack of clean hands by the educational employer is a defense  
3 to such action. Except as provided for in this paragraph, the  
4 jurisdiction of the court under this Section is limited by the  
5 Labor Dispute Act.

6 (Source: P.A. 97-7, eff. 6-13-11; 97-8, eff. 6-13-11; 98-513,  
7 eff. 1-1-14.)

8 (115 ILCS 5/17.1) (from Ch. 48, par. 1717.1)

9 Sec. 17.1. Precedents established by other labor boards.  
10 Unless contradicted by administrative precedent previously  
11 established by the Board, all final decisions in representation  
12 and unfair labor practice cases decided by the Department of  
13 Labor, the State or Local Panel of the Illinois Labor Relations  
14 Board or their predecessors, the Illinois State Labor Relations  
15 Board and the Illinois Local Labor Relations Board previously  
16 created under the Illinois Public Labor Relations Act, which  
17 have not been reversed by subsequent court rulings shall be  
18 considered, but need not be followed, by the Board.

19 (Source: P.A. 91-798, eff. 7-9-00.)

20 (115 ILCS 5/5 rep.)

21 Section 40. The Illinois Educational Labor Relations Act is  
22 amended by repealing Section 5.

23 Section 45. The Attorney Act is amended by changing Section

1 1 as follows:

2 (705 ILCS 205/1) (from Ch. 13, par. 1)

3 Sec. 1. No person shall be permitted to practice as an  
4 attorney or counselor at law within this State without having  
5 previously obtained a license for that purpose from the Supreme  
6 Court of this State.

7 No person shall receive any compensation directly or  
8 indirectly for any legal services other than a regularly  
9 licensed attorney, nor may an unlicensed person advertise or  
10 hold himself or herself out to provide legal services.

11 A license, as provided for herein, constitutes the person  
12 receiving the same an attorney and counselor at law, according  
13 to the law and customs thereof, for and during his good  
14 behavior in the practice and authorizes him to demand and  
15 receive fees for any services which he may render as an  
16 attorney and counselor at law in this State. No person shall be  
17 granted a license or renewal authorized by this Act who is more  
18 than 30 days delinquent in complying with a child support  
19 order; a license or renewal may be issued, however, if the  
20 person has established a satisfactory repayment record as  
21 determined (i) by the Department of Healthcare and Family  
22 Services (formerly Illinois Department of Public Aid) for cases  
23 being enforced under Article X of the Illinois Public Aid Code  
24 or (ii) in all other cases by order of court or by written  
25 agreement between the custodial parent and non-custodial

1 parent. No person shall be refused a license under this Act on  
2 account of sex.

3 Any person practicing, charging or receiving fees for legal  
4 services or advertising or holding himself or herself out to  
5 provide legal services within this State, either directly or  
6 indirectly, without being licensed to practice as herein  
7 required, is guilty of contempt of court and shall be punished  
8 accordingly, upon complaint being filed in any Circuit Court of  
9 this State. The remedies available include, but are not limited  
10 to: (i) appropriate equitable relief; (ii) a civil penalty not  
11 to exceed \$5,000, which shall be paid to the Illinois Equal  
12 Justice Foundation; and (iii) actual damages. Such proceedings  
13 shall be conducted in the Courts of the respective counties  
14 where the alleged contempt has been committed in the same  
15 manner as in cases of indirect contempt and with the right of  
16 review by the parties thereto.

17 The provisions of this Act shall be in addition to other  
18 remedies permitted by law and shall not be construed to deprive  
19 courts of this State of their inherent right to punish for  
20 contempt or to restrain the unauthorized practice of law.

21 Nothing in this Act shall be construed to conflict with,  
22 amend, or modify Section 5 of the Corporation Practice of Law  
23 Prohibition Act or prohibit representation of a party by a  
24 person who is not an attorney in a proceeding before ~~either~~  
25 ~~panel of the Department of Labor Illinois Labor Relations Board~~  
26 under the Illinois Public Labor Relations Act or ~~, as now or~~

1 ~~hereafter amended, the Illinois Educational Labor Relations~~  
2 ~~Board under~~ the Illinois Educational Labor Relations Act, as  
3 now or hereafter amended, the State Civil Service Commission,  
4 the local Civil Service Commissions, or the University Civil  
5 Service Merit Board, to the extent allowed pursuant to rules  
6 and regulations promulgated by those Boards and Commissions or  
7 the giving of information, training, or advocacy or assistance  
8 in any meetings or administrative proceedings held pursuant to  
9 the federal Individuals with Disabilities Education Act, the  
10 federal Rehabilitation Act of 1973, the federal Americans with  
11 Disabilities Act of 1990, or the federal Social Security Act,  
12 to the extent allowed by those laws or the federal regulations  
13 or State statutes implementing those laws.

14 (Source: P.A. 100-872, eff. 8-14-18.)

15 Section 50. The Code of Civil Procedure is amended by  
16 changing Sections 2-417 and 3-104 as follows:

17 (735 ILCS 5/2-417) (from Ch. 110, par. 2-417)

18 Sec. 2-417. Actions under Illinois Educational Labor  
19 Relations Act. Whenever the Department of Labor ~~Illinois~~  
20 ~~Educational Labor Relations Board~~ commences an action under  
21 subsection (b) of Section 16 of the Illinois Educational Labor  
22 Relations Act seeking to enforce a final order ~~of the Board~~ or  
23 alleging a violation of a final order, such action shall be  
24 commenced by petition filed in the name of the people of the



1 State of Illinois as Petitioner and any persons charged with  
2 alleged violation of such final order shall be designated  
3 Respondents. Persons charged with alleged violation of such  
4 final order may not raise as defenses in such action any  
5 matters that such persons could have raised by initiating  
6 judicial review of such final order in accordance with  
7 subsection (a) of Section 16 of the Illinois Educational Labor  
8 Relations Act and Section 3-104 of the Administrative Review  
9 Law.

10 (Source: P.A. 84-123.)

11 (735 ILCS 5/3-104) (from Ch. 110, par. 3-104)

12 Sec. 3-104. Jurisdiction and venue. Jurisdiction to review  
13 final administrative decisions is vested in the Circuit Courts,  
14 except as to a final order of the Illinois Educational Labor  
15 Relations Board, or its successor, in which case jurisdiction  
16 to review a final order is vested in the Appellate Court of a  
17 judicial district in which the Board maintains an office. If  
18 the venue of the action to review a final administrative  
19 decision is expressly prescribed in the particular statute  
20 under authority of which the decision was made, such venue  
21 shall control, but if the venue is not so prescribed, an action  
22 to review a final administrative decision may be commenced in  
23 the Circuit Court of any county in which (1) any part of the  
24 hearing or proceeding culminating in the decision of the  
25 administrative agency was held, or (2) any part of the subject

1 matter involved is situated, or (3) any part of the transaction  
2 which gave rise to the proceedings before the agency occurred.  
3 The court first acquiring jurisdiction of any action to review  
4 a final administrative decision shall have and retain  
5 jurisdiction of the action until final disposition of the  
6 action.

7 (Source: P.A. 88-1.)

8 Section 55. The Minimum Wage Law is amended by changing  
9 Section 4a as follows:

10 (820 ILCS 105/4a) (from Ch. 48, par. 1004a)

11 Sec. 4a. (1) Except as otherwise provided in this Section,  
12 no employer shall employ any of his employees for a workweek of  
13 more than 40 hours unless such employee receives compensation  
14 for his employment in excess of the hours above specified at a  
15 rate not less than 1 1/2 times the regular rate at which he is  
16 employed.

17 (2) The provisions of subsection (1) of this Section are  
18 not applicable to:

19 A. Any salesman or mechanic primarily engaged in  
20 selling or servicing automobiles, trucks or farm  
21 implements, if he is employed by a nonmanufacturing  
22 establishment primarily engaged in the business of selling  
23 such vehicles or implements to ultimate purchasers.

24 B. Any salesman primarily engaged in selling trailers,

1 boats, or aircraft, if he is employed by a nonmanufacturing  
2 establishment primarily engaged in the business of selling  
3 trailers, boats, or aircraft to ultimate purchasers.

4 C. Any employer of agricultural labor, with respect to  
5 such agricultural employment.

6 D. Any employee of a governmental body excluded from  
7 the definition of "employee" under paragraph (e)(2)(C) of  
8 Section 3 of the Federal Fair Labor Standards Act of 1938.

9 E. Any employee employed in a bona fide executive,  
10 administrative or professional capacity, including any  
11 radio or television announcer, news editor, or chief  
12 engineer, as defined by or covered by the Federal Fair  
13 Labor Standards Act of 1938 and the rules adopted under  
14 that Act, as both exist on March 30, 2003, but compensated  
15 at the amount of salary specified in subsections (a) and  
16 (b) of Section 541.600 of Title 29 of the Code of Federal  
17 Regulations as proposed in the Federal Register on March  
18 31, 2003 or a greater amount of salary as may be adopted by  
19 the United States Department of Labor. For bona fide  
20 executive, administrative, and professional employees of  
21 not-for-profit corporations, the Director may, by  
22 regulation, adopt a weekly wage rate standard lower than  
23 that provided for executive, administrative, and  
24 professional employees covered under the Fair Labor  
25 Standards Act of 1938, as now or hereafter amended.

26 F. Any commissioned employee as described in paragraph

1 (i) of Section 7 of the Federal Fair Labor Standards Act of  
2 1938 and rules and regulations promulgated thereunder, as  
3 now or hereafter amended.

4 G. Any employment of an employee in the stead of  
5 another employee of the same employer pursuant to a  
6 worktime exchange agreement between employees.

7 H. Any employee of a not-for-profit educational or  
8 residential child care institution who (a) on a daily basis  
9 is directly involved in educating or caring for children  
10 who (1) are orphans, foster children, abused, neglected or  
11 abandoned children, or are otherwise homeless children and  
12 (2) reside in residential facilities of the institution and  
13 (b) is compensated at an annual rate of not less than  
14 \$13,000 or, if the employee resides in such facilities and  
15 receives without cost board and lodging from such  
16 institution, not less than \$10,000.

17 I. Any employee employed as a crew member of any  
18 uninspected towing vessel, as defined by Section 2101(40)  
19 of Title 46 of the United States Code, operating in any  
20 navigable waters in or along the boundaries of the State of  
21 Illinois.

22 J. Any employee who is a member of a bargaining unit  
23 recognized by the Department of Labor under the Illinois  
24 Public Labor Relations Act ~~Illinois Labor Relations Board~~  
25 and whose union has contractually agreed to an alternate  
26 shift schedule as allowed by subsection (b) of Section 7 of

1 the Fair Labor Standards Act of 1938.

2 (3) Any employer may employ any employee for a period or  
3 periods of not more than 10 hours in the aggregate in any  
4 workweek in excess of the maximum hours specified in subsection  
5 (1) of this Section without paying the compensation for  
6 overtime employment prescribed in subsection (1) if during that  
7 period or periods the employee is receiving remedial education  
8 that:

9 (a) is provided to employees who lack a high school  
10 diploma or educational attainment at the eighth grade  
11 level;

12 (b) is designed to provide reading and other basic  
13 skills at an eighth grade level or below; and

14 (c) does not include job specific training.

15 (4) A governmental body is not in violation of subsection  
16 (1) if the governmental body provides compensatory time  
17 pursuant to paragraph (o) of Section 7 of the Federal Fair  
18 Labor Standards Act of 1938, as now or hereafter amended, or is  
19 engaged in fire protection or law enforcement activities and  
20 meets the requirements of paragraph (k) of Section 7 or  
21 paragraph (b)(20) of Section 13 of the Federal Fair Labor  
22 Standards Act of 1938, as now or hereafter amended.

23 (Source: P.A. 99-17, eff. 1-1-16.)

24 Section 99. Effective date. This Act takes effect July 1,  
25 2020."