

HB0349



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0349

by Rep. David McSweeney

SYNOPSIS AS INTRODUCED:

115 ILCS 5/10

from Ch. 48, par. 1710

Amends the Illinois Educational Labor Relations Act. Provides that no collective bargaining agreement shall be reduced to writing by the parties until the provisions of the agreement are substantially complete. Provides that once the agreement is reduced to writing and signed by the parties, it is eligible for ratification by both parties. Provides that upon ratification, changes to the agreement may be made through a technical corrections process. Defines "substantially complete". Effective immediately.

LRB100 04338 RJF 14344 b

A BILL FOR

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Educational Labor Relations Act is
5 amended by changing Section 10 as follows:

6 (115 ILCS 5/10) (from Ch. 48, par. 1710)

7 Sec. 10. Duty to bargain.

8 (a) An educational employer and the exclusive
9 representative have the authority and the duty to bargain
10 collectively as set forth in this Section. Collective
11 bargaining is the performance of the mutual obligations of the
12 educational employer and the representative of the educational
13 employees to meet at reasonable times and confer in good faith
14 with respect to wages, hours and other terms and conditions of
15 employment, and to execute a written contract incorporating any
16 agreement reached by such obligation, provided such obligation
17 does not compel either party to agree to a proposal or require
18 the making of a concession.

19 (b) The parties to the collective bargaining process shall
20 not effect or implement a provision in a collective bargaining
21 agreement if the implementation of that provision would be in
22 violation of, or inconsistent with, or in conflict with any
23 statute or statutes enacted by the General Assembly of

1 Illinois. The parties to the collective bargaining process may
2 effect or implement a provision in a collective bargaining
3 agreement if the implementation of that provision has the
4 effect of supplementing any provision in any statute or
5 statutes enacted by the General Assembly of Illinois pertaining
6 to wages, hours or other conditions of employment; provided
7 however, no provision in a collective bargaining agreement may
8 be effected or implemented if such provision has the effect of
9 negating, abrogating, replacing, reducing, diminishing, or
10 limiting in any way any employee rights, guarantees or
11 privileges pertaining to wages, hours or other conditions of
12 employment provided in such statutes. Any provision in a
13 collective bargaining agreement which has the effect of
14 negating, abrogating, replacing, reducing, diminishing or
15 limiting in any way any employee rights, guarantees or
16 privileges provided in an Illinois statute or statutes shall be
17 void and unenforceable, but shall not affect the validity,
18 enforceability and implementation of other permissible
19 provisions of the collective bargaining agreement.

20 (c) The collective bargaining agreement negotiated between
21 representatives of the educational employees and the
22 educational employer shall contain a grievance resolution
23 procedure which shall apply to all employees in the unit and
24 shall provide for binding arbitration of disputes concerning
25 the administration or interpretation of the agreement. The
26 agreement shall also contain appropriate language prohibiting

1 strikes for the duration of the agreement. The costs of such
2 arbitration shall be borne equally by the educational employer
3 and the employee organization.

4 (d) Once an agreement is reached between representatives of
5 the educational employees and the educational employer ~~and is~~
6 ~~ratified by both parties~~, the agreement shall be reduced to
7 writing and signed by the parties. No collective bargaining
8 agreement shall be reduced to writing by the parties until the
9 provisions of the agreement are substantially complete. Once
10 the agreement is reduced to writing and signed by the parties,
11 it is eligible for ratification by both parties. Upon
12 ratification of the agreement, changes to the agreement may be
13 made through a technical corrections process as described in
14 subsection (e) of this Section. For purposes of this Section,
15 "substantially complete" means the provisions of the contract
16 exist in a form that is more than a mere framework for a
17 contract or a draft proposal exchanged during the negotiation
18 process between the parties prior to ratification of the
19 agreement.

20 (e) A party to a collective bargaining agreement seeking to
21 make technical corrections to that agreement may negotiate the
22 technical corrections under this subsection (e) to correct: (1)
23 non-substantive errors such as typographical, clerical,
24 grammatical, printing, copying, or other inadvertent errors;
25 and (2) any omissions or errors that create unintentional
26 discrepancies between the intent of the parties and the text of

1 the agreement.

2 In making technical corrections, the requesting party
3 shall specify which of the above reasons for correction of the
4 ratified text is applicable and shall specify the change or
5 changes to be made to the ratified text, including an
6 explanation of the reasoning for that change. The text of the
7 agreement with technical corrections must be re-ratified by
8 both parties.

9 (Source: P.A. 84-832.)

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