



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4468

by Rep. Joe Sosnowski

SYNOPSIS AS INTRODUCED:

5 ILCS 315/2	from Ch. 48, par. 1602
5 ILCS 315/3	from Ch. 48, par. 1603
5 ILCS 315/4	from Ch. 48, par. 1604
5 ILCS 315/6	from Ch. 48, par. 1606
5 ILCS 315/7	from Ch. 48, par. 1607
5 ILCS 315/9	from Ch. 48, par. 1609
5 ILCS 315/15	from Ch. 48, par. 1615
5 ILCS 315/21.5	
105 ILCS 5/34-3.5	
115 ILCS 5/1	from Ch. 48, par. 1701
115 ILCS 5/2	from Ch. 48, par. 1702
115 ILCS 5/3	from Ch. 48, par. 1703
115 ILCS 5/4	from Ch. 48, par. 1704
115 ILCS 5/7	from Ch. 48, par. 1707
115 ILCS 5/10	from Ch. 48, par. 1710
115 ILCS 5/12	from Ch. 48, par. 1712
115 ILCS 5/4.5 rep.	

Amends the Illinois Public Labor Relations Act and the Illinois Educational Labor Relations Act to limit the required subjects of collective bargaining under those respective Acts to employee wages. Exempts specified security employees, peace officer units, and units of fire fighters or paramedics from provisions limiting the subjects of collective bargaining to employee wages. Defines "wages". Makes conforming changes. Effective immediately.

LRB100 16692 RJF 31830 b

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 Public Labor Relations Act is
5 amended by changing Sections 2, 3, 4, 6, 7, 9, 15, and 21.5 as
6 follows:

7 (5 ILCS 315/2) (from Ch. 48, par. 1602)

8 Sec. 2. Policy. It is the public policy of the State of
9 Illinois to grant public employees full freedom of association,
10 self-organization, and designation of representatives of their
11 own choosing for the purpose of negotiating wages, ~~hours and~~
12 ~~other conditions of employment or other mutual aid or~~
13 ~~protection.~~

14 It is the purpose of this Act to regulate labor relations
15 between public employers and employees, including the
16 designation of employee representatives, negotiation of wages,
17 ~~hours and other conditions of employment,~~ and resolution of
18 disputes arising under collective bargaining agreements.

19 It is the purpose of this Act to prescribe the legitimate
20 rights of both public employees and public employers, to
21 protect the public health and safety of the citizens of
22 Illinois, and to provide peaceful and orderly procedures for
23 protection of the rights of all. To prevent labor strife and to

1 protect the public health and safety of the citizens of
2 Illinois, all collective bargaining disputes involving persons
3 designated by the Board as performing essential services and
4 those persons defined herein as security employees shall be
5 submitted to impartial arbitrators, who shall be authorized to
6 issue awards in order to resolve such disputes. It is the
7 public policy of the State of Illinois that where the right of
8 employees to strike is prohibited by law, it is necessary to
9 afford an alternate, expeditious, equitable and effective
10 procedure for the resolution of labor disputes subject to
11 approval procedures mandated by this Act. To that end, the
12 provisions for such awards shall be liberally construed.

13 (Source: P.A. 83-1012.)

14 (5 ILCS 315/3) (from Ch. 48, par. 1603)

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

17 (a) "Board" means the Illinois Labor Relations Board or,
18 with respect to a matter over which the jurisdiction of the
19 Board is assigned to the State Panel or the Local Panel under
20 Section 5, the panel having jurisdiction over the matter.

21 (b) "Collective bargaining" means bargaining over ~~terms~~
22 ~~and conditions of employment, including hours, wages, and other~~
23 ~~conditions of employment,~~ as detailed in Section 7 and which
24 are not excluded by Section 4.

25 (c) "Confidential employee" means an employee who, in the

1 regular course of his or her duties, assists and acts in a
2 confidential capacity to persons who formulate, determine, and
3 effectuate management policies with regard to labor relations
4 or who, in the regular course of his or her duties, has
5 authorized access to information relating to the effectuation
6 or review of the employer's collective bargaining policies.

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

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

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

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

17 With respect to non-State fire fighters and paramedics
18 employed by fire departments and fire protection districts,
19 non-State peace officers, and peace officers in the Department
20 of State Police, "exclusive representative" means the labor
21 organization that has been (i) designated by the Board as the
22 representative of a majority of peace officers or fire fighters
23 in an appropriate bargaining unit in accordance with the
24 procedures contained in this Act, (ii) historically recognized
25 by the State of Illinois or any political subdivision of the
26 State before January 1, 1986 (the effective date of this

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

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

20 (g) "Fair share agreement" means an agreement between the
21 employer and an employee organization under which all or any of
22 the employees in a collective bargaining unit are required to
23 pay their proportionate share of the costs of the collective
24 bargaining process, contract administration, and pursuing
25 matters affecting wages, ~~hours, and other conditions of~~
26 ~~employment,~~ but not to exceed the amount of dues uniformly

1 required of members. The amount certified by the exclusive
2 representative shall not include any fees for contributions
3 related to the election or support of any candidate for
4 political office. Nothing in this subsection (g) shall preclude
5 an employee from making voluntary political contributions in
6 conjunction with his or her fair share payment.

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

18 (g-2) "General Assembly of the State of Illinois" means the
19 legislative branch of the government of the State of Illinois,
20 as provided for under Article IV of the Constitution of the
21 State of Illinois, and includes but is not limited to the House
22 of Representatives, the Senate, the Speaker of the House of
23 Representatives, the Minority Leader of the House of
24 Representatives, the President of the Senate, the Minority
25 Leader of the Senate, the Joint Committee on Legislative
26 Support Services and any legislative support services agency

1 listed in the Legislative Commission Reorganization Act of
2 1984.

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

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

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

23 (j) "Managerial employee" means an individual who is
24 engaged predominantly in executive and management functions
25 and is charged with the responsibility of directing the
26 effectuation of management policies and practices. With

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

17 (k) "Peace officer" means, for the purposes of this Act
18 only, any persons who have been or are hereafter appointed to a
19 police force, department, or agency and sworn or commissioned
20 to perform police duties, except that the following persons are
21 not included: part-time police officers, special police
22 officers, auxiliary police as defined by Section 3.1-30-20 of
23 the Illinois Municipal Code, night watchmen, "merchant
24 police", court security officers as defined by Section 3-6012.1
25 of the Counties Code, temporary employees, traffic guards or
26 wardens, civilian parking meter and parking facilities

1 personnel or other individuals specially appointed to aid or
2 direct traffic at or near schools or public functions or to aid
3 in civil defense or disaster, parking enforcement employees who
4 are not commissioned as peace officers and who are not armed
5 and who are not routinely expected to effect arrests, parking
6 lot attendants, clerks and dispatchers or other civilian
7 employees of a police department who are not routinely expected
8 to effect arrests, or elected officials.

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

17 (m) "Professional employee" means any employee engaged in
18 work predominantly intellectual and varied in character rather
19 than routine mental, manual, mechanical or physical work;
20 involving the consistent exercise of discretion and adjustment
21 in its performance; of such a character that the output
22 produced or the result accomplished cannot be standardized in
23 relation to a given period of time; and requiring advanced
24 knowledge in a field of science or learning customarily
25 acquired by a prolonged course of specialized intellectual
26 instruction and study in an institution of higher learning or a

1 hospital, as distinguished from a general academic education or
2 from apprenticeship or from training in the performance of
3 routine mental, manual, or physical processes; or any employee
4 who has completed the courses of specialized intellectual
5 instruction and study prescribed in this subsection (m) and is
6 performing related work under the supervision of a professional
7 person to qualify to become a professional employee as defined
8 in this subsection (m).

9 (n) "Public employee" or "employee", for the purposes of
10 this Act, means any individual employed by a public employer,
11 including (i) interns and residents at public hospitals, (ii)
12 as of the effective date of this amendatory Act of the 93rd
13 General Assembly, but not before, personal assistants working
14 under the Home Services Program under Section 3 of the
15 Rehabilitation of Persons with Disabilities Act, subject to the
16 limitations set forth in this Act and in the Rehabilitation of
17 Persons with Disabilities Act, (iii) as of the effective date
18 of this amendatory Act of the 94th General Assembly, but not
19 before, child and day care home providers participating in the
20 child care assistance program under Section 9A-11 of the
21 Illinois Public Aid Code, subject to the limitations set forth
22 in this Act and in Section 9A-11 of the Illinois Public Aid
23 Code, (iv) as of January 29, 2013 (the effective date of Public
24 Act 97-1158), but not before except as otherwise provided in
25 this subsection (n), home care and home health workers who
26 function as personal assistants and individual maintenance

1 home health workers and who also work under the Home Services
2 Program under Section 3 of the Rehabilitation of Persons with
3 Disabilities Act, no matter whether the State provides those
4 services through direct fee-for-service arrangements, with the
5 assistance of a managed care organization or other
6 intermediary, or otherwise, (v) beginning on the effective date
7 of this amendatory Act of the 98th General Assembly and
8 notwithstanding any other provision of this Act, any person
9 employed by a public employer and who is classified as or who
10 holds the employment title of Chief Stationary Engineer,
11 Assistant Chief Stationary Engineer, Sewage Plant Operator,
12 Water Plant Operator, Stationary Engineer, Plant Operating
13 Engineer, and any other employee who holds the position of:
14 Civil Engineer V, Civil Engineer VI, Civil Engineer VII,
15 Technical Manager I, Technical Manager II, Technical Manager
16 III, Technical Manager IV, Technical Manager V, Technical
17 Manager VI, Realty Specialist III, Realty Specialist IV, Realty
18 Specialist V, Technical Advisor I, Technical Advisor II,
19 Technical Advisor III, Technical Advisor IV, or Technical
20 Advisor V employed by the Department of Transportation who is
21 in a position which is certified in a bargaining unit on or
22 before the effective date of this amendatory Act of the 98th
23 General Assembly, and (vi) beginning on the effective date of
24 this amendatory Act of the 98th General Assembly and
25 notwithstanding any other provision of this Act, any mental
26 health administrator in the Department of Corrections who is

1 classified as or who holds the position of Public Service
2 Administrator (Option 8K), any employee of the Office of the
3 Inspector General in the Department of Human Services who is
4 classified as or who holds the position of Public Service
5 Administrator (Option 7), any Deputy of Intelligence in the
6 Department of Corrections who is classified as or who holds the
7 position of Public Service Administrator (Option 7), and any
8 employee of the Department of State Police who handles issues
9 concerning the Illinois State Police Sex Offender Registry and
10 who is classified as or holds the position of Public Service
11 Administrator (Option 7), but excluding all of the following:
12 employees of the General Assembly of the State of Illinois;
13 elected officials; executive heads of a department; members of
14 boards or commissions; the Executive Inspectors General; any
15 special Executive Inspectors General; employees of each Office
16 of an Executive Inspector General; commissioners and employees
17 of the Executive Ethics Commission; the Auditor General's
18 Inspector General; employees of the Office of the Auditor
19 General's Inspector General; the Legislative Inspector
20 General; any special Legislative Inspectors General; employees
21 of the Office of the Legislative Inspector General;
22 commissioners and employees of the Legislative Ethics
23 Commission; employees of any agency, board or commission
24 created by this Act; employees appointed to State positions of
25 a temporary or emergency nature; all employees of school
26 districts and higher education institutions except

1 firefighters and peace officers employed by a state university
2 and except peace officers employed by a school district in its
3 own police department in existence on the effective date of
4 this amendatory Act of the 96th General Assembly; managerial
5 employees; short-term employees; legislative liaisons; a
6 person who is a State employee under the jurisdiction of the
7 Office of the Attorney General who is licensed to practice law
8 or whose position authorizes, either directly or indirectly,
9 meaningful input into government decision-making on issues
10 where there is room for principled disagreement on goals or
11 their implementation; a person who is a State employee under
12 the jurisdiction of the Office of the Comptroller who holds the
13 position of Public Service Administrator or whose position is
14 otherwise exempt under the Comptroller Merit Employment Code; a
15 person who is a State employee under the jurisdiction of the
16 Secretary of State who holds the position classification of
17 Executive I or higher, whose position authorizes, either
18 directly or indirectly, meaningful input into government
19 decision-making on issues where there is room for principled
20 disagreement on goals or their implementation, or who is
21 otherwise exempt under the Secretary of State Merit Employment
22 Code; employees in the Office of the Secretary of State who are
23 completely exempt from jurisdiction B of the Secretary of State
24 Merit Employment Code and who are in Rutan-exempt positions on
25 or after April 5, 2013 (the effective date of Public Act
26 97-1172); a person who is a State employee under the

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

23 Home care and home health workers who function as personal
24 assistants and individual maintenance home health workers and
25 who also work under the Home Services Program under Section 3
26 of the Rehabilitation of Persons with Disabilities Act shall

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

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

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

22 (o) Except as otherwise in subsection (o-5), "public
23 employer" or "employer" means the State of Illinois; any
24 political subdivision of the State, unit of local government or
25 school district; authorities including departments, divisions,
26 bureaus, boards, commissions, or other agencies of the

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

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

24 "Public employer" or "employer" as used in this Act,
25 however, does not mean and shall not include the General
26 Assembly of the State of Illinois, the Executive Ethics

1 Commission, the Offices of the Executive Inspectors General,
2 the Legislative Ethics Commission, the Office of the
3 Legislative Inspector General, the Office of the Auditor
4 General's Inspector General, the Office of the Governor, the
5 Governor's Office of Management and Budget, the Illinois
6 Finance Authority, the Office of the Lieutenant Governor, the
7 State Board of Elections, and educational employers or
8 employers as defined in the Illinois Educational Labor
9 Relations Act, except with respect to a state university in its
10 employment of firefighters and peace officers and except with
11 respect to a school district in the employment of peace
12 officers in its own police department in existence on the
13 effective date of this amendatory Act of the 96th General
14 Assembly. County boards and county sheriffs shall be designated
15 as joint or co-employers of county peace officers appointed
16 under the authority of a county sheriff. Nothing in this
17 subsection (o) shall be construed to prevent the State Panel or
18 the Local Panel from determining that employers are joint or
19 co-employers.

20 (o-5) With respect to wages, ~~fringe benefits, hours,~~
21 ~~holidays, vacations, proficiency examinations, sick leave, and~~
22 ~~other conditions of employment,~~ the public employer of public
23 employees who are court reporters, as defined in the Court
24 Reporters Act, shall be determined as follows:

25 (1) For court reporters employed by the Cook County
26 Judicial Circuit, the chief judge of the Cook County

1 Circuit Court is the public employer and employer
2 representative.

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

8 (3) For court reporters employed by all other judicial
9 circuits, a group consisting of the chief judges of those
10 circuits, acting jointly by majority vote, is the public
11 employer and employer representative.

12 (p) "Security employee" means an employee who is
13 responsible for the supervision and control of inmates at
14 correctional facilities. The term also includes other
15 non-security employees in bargaining units having the majority
16 of employees being responsible for the supervision and control
17 of inmates at correctional facilities.

18 (q) "Short-term employee" means an employee who is employed
19 for less than 2 consecutive calendar quarters during a calendar
20 year and who does not have a reasonable assurance that he or
21 she will be rehired by the same employer for the same service
22 in a subsequent calendar year.

23 (q-5) "State agency" means an agency directly responsible
24 to the Governor, as defined in Section 3.1 of the Executive
25 Reorganization Implementation Act, and the Illinois Commerce
26 Commission, the Illinois Workers' Compensation Commission, the

1 Civil Service Commission, the Pollution Control Board, the
2 Illinois Racing Board, and the Department of State Police Merit
3 Board.

4 (r) "Supervisor" is:

5 (1) An employee whose principal work is substantially
6 different from that of his or her subordinates and who has
7 authority, in the interest of the employer, to hire,
8 transfer, suspend, lay off, recall, promote, discharge,
9 direct, reward, or discipline employees, to adjust their
10 grievances, or to effectively recommend any of those
11 actions, if the exercise of that authority is not of a
12 merely routine or clerical nature, but requires the
13 consistent use of independent judgment. Except with
14 respect to police employment, the term "supervisor"
15 includes only those individuals who devote a preponderance
16 of their employment time to exercising that authority,
17 State supervisors notwithstanding. Nothing in this
18 definition prohibits an individual from also meeting the
19 definition of "managerial employee" under subsection (j)
20 of this Section. In addition, in determining supervisory
21 status in police employment, rank shall not be
22 determinative. The Board shall consider, as evidence of
23 bargaining unit inclusion or exclusion, the common law
24 enforcement policies and relationships between police
25 officer ranks and certification under applicable civil
26 service law, ordinances, personnel codes, or Division 2.1

1 of Article 10 of the Illinois Municipal Code, but these
2 factors shall not be the sole or predominant factors
3 considered by the Board in determining police supervisory
4 status.

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

20 (2) With respect only to State employees in positions
21 under the jurisdiction of the Attorney General, Secretary
22 of State, Comptroller, or Treasurer (i) that were certified
23 in a bargaining unit on or after December 2, 2008, (ii) for
24 which a petition is filed with the Illinois Public Labor
25 Relations Board on or after April 5, 2013 (the effective
26 date of Public Act 97-1172), or (iii) for which a petition

1 is pending before the Illinois Public Labor Relations Board
2 on that date, an employee who qualifies as a supervisor
3 under (A) Section 152 of the National Labor Relations Act
4 and (B) orders of the National Labor Relations Board
5 interpreting that provision or decisions of courts
6 reviewing decisions of the National Labor Relations Board.

7 (s) (1) "Unit" means a class of jobs or positions that are
8 held by employees whose collective interests may suitably be
9 represented by a labor organization for collective bargaining.
10 Except with respect to non-State fire fighters and paramedics
11 employed by fire departments and fire protection districts,
12 non-State peace officers, and peace officers in the Department
13 of State Police, a bargaining unit determined by the Board
14 shall not include both employees and supervisors, or
15 supervisors only, except as provided in paragraph (2) of this
16 subsection (s) and except for bargaining units in existence on
17 July 1, 1984 (the effective date of this Act). 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 a bargaining unit determined by the Board shall not include
22 both supervisors and nonsupervisors, or supervisors only,
23 except as provided in paragraph (2) of this subsection (s) and
24 except for bargaining units in existence on January 1, 1986
25 (the effective date of this amendatory Act of 1985). A
26 bargaining unit determined by the Board to contain peace

1 officers shall contain no employees other than peace officers
2 unless otherwise agreed to by the employer and the labor
3 organization or labor organizations involved. Notwithstanding
4 any other provision of this Act, a bargaining unit, including a
5 historical bargaining unit, containing sworn peace officers of
6 the Department of Natural Resources (formerly designated the
7 Department of Conservation) shall contain no employees other
8 than such sworn peace officers upon the effective date of this
9 amendatory Act of 1990 or upon the expiration date of any
10 collective bargaining agreement in effect upon the effective
11 date of this amendatory Act of 1990 covering both such sworn
12 peace officers and other employees.

13 (2) Notwithstanding the exclusion of supervisors from
14 bargaining units as provided in paragraph (1) of this
15 subsection (s), a public employer may agree to permit its
16 supervisory employees to form bargaining units and may bargain
17 with those units. This Act shall apply if the public employer
18 chooses to bargain under this subsection.

19 (3) Public employees who are court reporters, as defined in
20 the Court Reporters Act, shall be divided into 3 units for
21 collective bargaining purposes. One unit shall be court
22 reporters employed by the Cook County Judicial Circuit; one
23 unit shall be court reporters employed by the 12th, 18th, 19th,
24 and, on and after December 4, 2006, the 22nd judicial circuits;
25 and one unit shall be court reporters employed by all other
26 judicial circuits.

1 (s-5) "Wages" means only total base wages and excludes any
2 other compensation, which includes, but is not limited to,
3 overtime, premium pay, merit pay, performance pay,
4 supplemental compensation, pay schedules, and automatic pay
5 progressions.

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

23 (Source: P.A. 98-100, eff. 7-19-13; 98-1004, eff. 8-18-14;
24 99-143, eff. 7-27-15.)

25 (5 ILCS 315/4) (from Ch. 48, par. 1604)

1 (Text of Section WITH the changes made by P.A. 98-599,
2 which has been held unconstitutional)

3 Sec. 4. Management Rights. Employers shall not be required
4 to bargain over matters of inherent managerial policy, which
5 shall include such areas of discretion or policy as the
6 functions of the employer, standards of services, its overall
7 budget, the organizational structure and selection of new
8 employees, examination techniques and direction of employees.
9 Employers, however, shall be required to bargain collectively
10 with regard to policy matters directly affecting wages, hours
11 and terms and conditions of employment as well as the impact
12 thereon upon request by employee representatives, except as
13 provided in Section 7.5.

14 To preserve the rights of employers and exclusive
15 representatives which have established collective bargaining
16 relationships or negotiated collective bargaining agreements
17 prior to the effective date of this Act, employers shall be
18 required to bargain collectively with regard to any matter
19 concerning wages, hours or conditions of employment about which
20 they have bargained for and agreed to in a collective
21 bargaining agreement prior to the effective date of this Act,
22 except as provided in Section 7.5.

23 The chief judge of the judicial circuit that employs a
24 public employee who is a court reporter, as defined in the
25 Court Reporters Act, has the authority to hire, appoint,
26 promote, evaluate, discipline, and discharge court reporters

1 within that judicial circuit.

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

7 (Source: P.A. 98-599, eff. 6-1-14.)

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

10 Sec. 4. Management Rights. Employers shall not be required
11 to bargain over matters of inherent managerial policy, which
12 shall include such areas of discretion or policy as the
13 functions of the employer, standards of services, its overall
14 budget, the organizational structure and selection of new
15 employees, examination techniques and direction of employees.
16 Employers, however, shall be required to bargain collectively
17 with regard to policy matters directly affecting wages, ~~hours~~
18 ~~and terms and conditions of employment as well as the impact~~
19 ~~thereon upon request by employee representatives.~~ With respect
20 to bargaining units with at least 30% of members who are
21 security employees of a public employer, peace officer units,
22 or units of fire fighters or paramedics, employers shall be
23 required to bargain collectively with regard to policy matters
24 directly affecting wages, hours, and terms of conditions of
25 employment, as well as the impact thereon.

1 To preserve the rights of employers and exclusive
2 representatives which have established collective bargaining
3 relationships or negotiated collective bargaining agreements
4 prior to the effective date of this Act, employers shall be
5 required to bargain collectively with regard to any matter
6 concerning wages, ~~hours or conditions of employment~~ about which
7 they have bargained for and agreed to in a collective
8 bargaining agreement prior to the effective date of this Act.

9 The chief judge of the judicial circuit that employs a
10 public employee who is a court reporter, as defined in the
11 Court Reporters Act, has the authority to hire, appoint,
12 promote, evaluate, discipline, and discharge court reporters
13 within that judicial circuit.

14 Nothing in this amendatory Act of the 94th General Assembly
15 shall be construed to intrude upon the judicial functions of
16 any court. This amendatory Act of the 94th General Assembly
17 applies only to nonjudicial administrative matters relating to
18 the collective bargaining rights of court reporters.

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

20 (5 ILCS 315/6) (from Ch. 48, par. 1606)

21 Sec. 6. Right to organize and bargain collectively;
22 exclusive representation; and fair share arrangements.

23 (a) Employees of the State and any political subdivision of
24 the State, excluding employees of the General Assembly of the
25 State of Illinois and employees excluded from the definition of

1 "public employee" under subsection (n) of Section 3 of this
2 Act, have, and are protected in the exercise of, the right of
3 self-organization, and may form, join or assist any labor
4 organization, to bargain collectively through representatives
5 of their own choosing on questions of wages, ~~hours and other~~
6 ~~conditions of employment, not excluded by Section 4 of this~~
7 ~~Act,~~ and to engage in other concerted activities not otherwise
8 prohibited by law for the purposes of collective bargaining or
9 other mutual aid or protection, free from interference,
10 restraint or coercion. Employees also have, and are protected
11 in the exercise of, the right to refrain from participating in
12 any such concerted activities. Employees may be required,
13 pursuant to the terms of a lawful fair share agreement, to pay
14 a fee which shall be their proportionate share of the costs of
15 the collective bargaining process, contract administration and
16 pursuing matters affecting wages, ~~hours and other conditions of~~
17 ~~employment~~ as defined in Section 3(g). Nothing in this
18 subsection (a) shall prevent a bargaining unit with at least
19 30% of members who are security employees of a public employer,
20 peace officer units, or units of fire fighters or paramedics
21 from collectively bargaining on questions of wages, hours, and
22 other conditions of employment not excluded by Section 4 of
23 this Act.

24 (b) Nothing in this Act prevents an employee from
25 presenting a grievance to the employer and having the grievance
26 heard and settled without the intervention of an employee

1 organization; provided that the exclusive bargaining
2 representative is afforded the opportunity to be present at
3 such conference and that any settlement made shall not be
4 inconsistent with the terms of any agreement in effect between
5 the employer and the exclusive bargaining representative.

6 (c) A labor organization designated by the Board as the
7 representative of the majority of public employees in an
8 appropriate unit in accordance with the procedures herein or
9 recognized by a public employer as the representative of the
10 majority of public employees in an appropriate unit is the
11 exclusive representative for the employees of such unit for the
12 purpose of collective bargaining with respect to ~~rates of pay,~~
13 ~~wages, hours and other conditions of employment not excluded by~~
14 ~~Section 4 of this Act.~~ A public employer is required upon
15 request to furnish the exclusive bargaining representative
16 with a complete list of the names and addresses of the public
17 employees in the bargaining unit, provided that a public
18 employer shall not be required to furnish such a list more than
19 once per payroll period. The exclusive bargaining
20 representative shall use the list exclusively for bargaining
21 representation purposes and shall not disclose any information
22 contained in the list for any other purpose. Nothing in this
23 Section, however, shall prohibit a bargaining representative
24 from disseminating a list of its union members.

25 (d) Labor organizations recognized by a public employer as
26 the exclusive representative or so designated in accordance

1 with the provisions of this Act are responsible for
2 representing the interests of all public employees in the unit.
3 Nothing herein shall be construed to limit an exclusive
4 representative's right to exercise its discretion to refuse to
5 process grievances of employees that are unmeritorious.

6 (e) When a collective bargaining agreement is entered into
7 with an exclusive representative, it may include in the
8 agreement a provision requiring employees covered by the
9 agreement who are not members of the organization to pay their
10 proportionate share of the costs of the collective bargaining
11 process, contract administration and pursuing matters
12 affecting wages, ~~hours and conditions of employment,~~ as defined
13 in Section 3 (g), but not to exceed the amount of dues
14 uniformly required of members. The organization shall certify
15 to the employer the amount constituting each nonmember
16 employee's proportionate share which shall not exceed dues
17 uniformly required of members. In such case, the proportionate
18 share payment in this Section shall be deducted by the employer
19 from the earnings of the nonmember employees and paid to the
20 employee organization.

21 (f) Only the exclusive representative may negotiate
22 provisions in a collective bargaining agreement providing for
23 the payroll deduction of labor organization dues, fair share
24 payment, initiation fees and assessments. Except as provided in
25 subsection (e) of this Section, any such deductions shall only
26 be made upon an employee's written authorization, and continued

1 until revoked in writing in the same manner or until the
2 termination date of an applicable collective bargaining
3 agreement. Such payments shall be paid to the exclusive
4 representative.

5 Where a collective bargaining agreement is terminated, or
6 continues in effect beyond its scheduled expiration date
7 pending the negotiation of a successor agreement or the
8 resolution of an impasse under Section 14, the employer shall
9 continue to honor and abide by any dues deduction or fair share
10 clause contained therein until a new agreement is reached
11 including dues deduction or a fair share clause. For the
12 benefit of any successor exclusive representative certified
13 under this Act, this provision shall be applicable, provided
14 the successor exclusive representative:

15 (i) certifies to the employer the amount constituting
16 each non-member's proportionate share under subsection
17 (e); or

18 (ii) presents the employer with employee written
19 authorizations for the deduction of dues, assessments, and
20 fees under this subsection.

21 Failure to so honor and abide by dues deduction or fair
22 share clauses for the benefit of any exclusive representative,
23 including a successor, shall be a violation of the duty to
24 bargain and an unfair labor practice.

25 (g) Agreements containing a fair share agreement must
26 safeguard the right of nonassociation of employees based upon

1 bona fide religious tenets or teachings of a church or
2 religious body of which such employees are members. Such
3 employees may be required to pay an amount equal to their fair
4 share, determined under a lawful fair share agreement, to a
5 nonreligious charitable organization mutually agreed upon by
6 the employees affected and the exclusive bargaining
7 representative to which such employees would otherwise pay such
8 service fee. If the affected employees and the bargaining
9 representative are unable to reach an agreement on the matter,
10 the Board may establish an approved list of charitable
11 organizations to which such payments may be made.

12 (Source: P.A. 97-1172, eff. 4-5-13.)

13 (5 ILCS 315/7) (from Ch. 48, par. 1607)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 bargaining agreement.

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

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

22 Notwithstanding any provision of this Act to the contrary,
23 for negotiations regarding a bargaining unit with at least 30%
24 of members who are security employees of a public employer,
25 peace officer units, or units of fire fighters or paramedics,
26 the duty "to bargain collectively" shall include an obligation

1 to negotiate in good faith over any matter with respect to
2 wages, hours, and other conditions of employment, not excluded
3 by Section 4 of this Act, including, but not limited to, policy
4 matters and terms of agreement directly affecting wages, hours,
5 and terms and conditions of employment as well as the impact
6 thereon.

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

8 (5 ILCS 315/9) (from Ch. 48, par. 1609)

9 Sec. 9. Elections; recognition.

10 (a) Whenever in accordance with such regulations as may be
11 prescribed by the Board a petition has been filed:

12 (1) by a public employee or group of public employees
13 or any labor organization acting in their behalf
14 demonstrating that 30% of the public employees in an
15 appropriate unit (A) wish to be represented for the
16 purposes of collective bargaining by a labor organization
17 as exclusive representative, or (B) asserting that the
18 labor organization which has been certified or is currently
19 recognized by the public employer as bargaining
20 representative is no longer the representative of the
21 majority of public employees in the unit; or

22 (2) by a public employer alleging that one or more
23 labor organizations have presented to it a claim that they
24 be recognized as the representative of a majority of the
25 public employees in an appropriate unit,

1 the Board shall investigate such petition, and if it has
2 reasonable cause to believe that a question of representation
3 exists, shall provide for an appropriate hearing upon due
4 notice. Such hearing shall be held at the offices of the Board
5 or such other location as the Board deems appropriate. If it
6 finds upon the record of the hearing that a question of
7 representation exists, it shall direct an election in
8 accordance with subsection (d) of this Section, which election
9 shall be held not later than 120 days after the date the
10 petition was filed regardless of whether that petition was
11 filed before or after the effective date of this amendatory Act
12 of 1987; provided, however, the Board may extend the time for
13 holding an election by an additional 60 days if, upon motion by
14 a person who has filed a petition under this Section or is the
15 subject of a petition filed under this Section and is a party
16 to such hearing, or upon the Board's own motion, the Board
17 finds that good cause has been shown for extending the election
18 date; provided further, that nothing in this Section shall
19 prohibit the Board, in its discretion, from extending the time
20 for holding an election for so long as may be necessary under
21 the circumstances, where the purpose for such extension is to
22 permit resolution by the Board of an unfair labor practice
23 charge filed by one of the parties to a representational
24 proceeding against the other based upon conduct which may
25 either affect the existence of a question concerning
26 representation or have a tendency to interfere with a fair and

1 free election, where the party filing the charge has not filed
2 a request to proceed with the election; and provided further
3 that prior to the expiration of the total time allotted for
4 holding an election, a person who has filed a petition under
5 this Section or is the subject of a petition filed under this
6 Section and is a party to such hearing or the Board, may move
7 for and obtain the entry of an order in the circuit court of
8 the county in which the majority of the public employees sought
9 to be represented by such person reside, such order extending
10 the date upon which the election shall be held. Such order
11 shall be issued by the circuit court only upon a judicial
12 finding that there has been a sufficient showing that there is
13 good cause to extend the election date beyond such period and
14 shall require the Board to hold the election as soon as is
15 feasible given the totality of the circumstances. Such 120 day
16 period may be extended one or more times by the agreement of
17 all parties to the hearing to a date certain without the
18 necessity of obtaining a court order. Nothing in this Section
19 prohibits the waiving of hearings by stipulation for the
20 purpose of a consent election in conformity with the rules and
21 regulations of the Board or an election in a unit agreed upon
22 by the parties. Other interested employee organizations may
23 intervene in the proceedings in the manner and within the time
24 period specified by rules and regulations of the Board.
25 Interested parties who are necessary to the proceedings may
26 also intervene in the proceedings in the manner and within the

1 time period specified by the rules and regulations of the
2 Board.

3 (a-5) The Board shall designate an exclusive
4 representative for purposes of collective bargaining when the
5 representative demonstrates a showing of majority interest by
6 employees in the unit. If the parties to a dispute are without
7 agreement on the means to ascertain the choice, if any, of
8 employee organization as their representative, the Board shall
9 ascertain the employees' choice of employee organization, on
10 the basis of dues deduction authorization or other evidence,
11 or, if necessary, by conducting an election. All evidence
12 submitted by an employee organization to the Board to ascertain
13 an employee's choice of an employee organization is
14 confidential and shall not be submitted to the employer for
15 review. The Board shall ascertain the employee's choice of
16 employee organization within 120 days after the filing of the
17 majority interest petition; however, the Board may extend time
18 by an additional 60 days, upon its own motion or upon the
19 motion of a party to the proceeding. If either party provides
20 to the Board, before the designation of a representative, clear
21 and convincing evidence that the dues deduction
22 authorizations, and other evidence upon which the Board would
23 otherwise rely to ascertain the employees' choice of
24 representative, are fraudulent or were obtained through
25 coercion, the Board shall promptly thereafter conduct an
26 election. The Board shall also investigate and consider a

1 party's allegations that the dues deduction authorizations and
2 other evidence submitted in support of a designation of
3 representative without an election were subsequently changed,
4 altered, withdrawn, or withheld as a result of employer fraud,
5 coercion, or any other unfair labor practice by the employer.
6 If the Board determines that a labor organization would have
7 had a majority interest but for an employer's fraud, coercion,
8 or unfair labor practice, it shall designate the labor
9 organization as an exclusive representative without conducting
10 an election. If a hearing is necessary to resolve any issues of
11 representation under this Section, the Board shall conclude its
12 hearing process and issue a certification of the entire
13 appropriate unit not later than 120 days after the date the
14 petition was filed. The 120-day period may be extended one or
15 more times by the agreement of all parties to a hearing to a
16 date certain.

17 (a-6) A labor organization or an employer may file a unit
18 clarification petition seeking to clarify an existing
19 bargaining unit. The Board shall conclude its investigation,
20 including any hearing process deemed necessary, and issue a
21 certification of clarified unit or dismiss the petition not
22 later than 120 days after the date the petition was filed. The
23 120-day period may be extended one or more times by the
24 agreement of all parties to a hearing to a date certain.

25 (b) The Board shall decide in each case, in order to assure
26 public employees the fullest freedom in exercising the rights

1 guaranteed by this Act, a unit appropriate for the purpose of
2 collective bargaining, based upon but not limited to such
3 factors as: historical pattern of recognition; community of
4 interest including employee skills and functions; degree of
5 functional integration; interchangeability and contact among
6 employees; fragmentation of employee groups; common
7 supervision, wages, hours and other working conditions of the
8 employees involved; and the desires of the employees. For
9 purposes of this subsection, fragmentation shall not be the
10 sole or predominant factor used by the Board in determining an
11 appropriate bargaining unit. Except with respect to non-State
12 fire fighters and paramedics employed by fire departments and
13 fire protection districts, non-State peace officers and peace
14 officers in the State Department of State Police, a single
15 bargaining unit determined by the Board may not include both
16 supervisors and nonsupervisors, except for bargaining units in
17 existence on the effective date of this Act. 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 State Department of State
21 Police, a single bargaining unit determined by the Board may
22 not include both supervisors and nonsupervisors, except for
23 bargaining units in existence on the effective date of this
24 amendatory Act of 1985.

25 In cases involving an historical pattern of recognition,
26 and in cases where the employer has recognized the union as the

1 sole and exclusive bargaining agent for a specified existing
2 unit, the Board shall find the employees in the unit then
3 represented by the union pursuant to the recognition to be the
4 appropriate unit.

5 Notwithstanding the above factors, where the majority of
6 public employees of a craft so decide, the Board shall
7 designate such craft as a unit appropriate for the purposes of
8 collective bargaining.

9 The Board shall not decide that any unit is appropriate if
10 such unit includes both professional and nonprofessional
11 employees, unless a majority of each group votes for inclusion
12 in such unit.

13 (c) Nothing in this Act shall interfere with or negate the
14 current representation rights or patterns and practices of
15 labor organizations which have historically represented public
16 employees for the purpose of collective bargaining, including
17 but not limited to the negotiations of wages, ~~hours and working~~
18 ~~conditions~~, discussions of employees' grievances, resolution
19 of jurisdictional disputes, or the establishment and
20 maintenance of prevailing wage rates, unless a majority of
21 employees so represented express a contrary desire pursuant to
22 the procedures set forth in this Act.

23 (d) In instances where the employer does not voluntarily
24 recognize a labor organization as the exclusive bargaining
25 representative for a unit of employees, the Board shall
26 determine the majority representative of the public employees

1 in an appropriate collective bargaining unit by conducting a
2 secret ballot election, except as otherwise provided in
3 subsection (a-5). Within 7 days after the Board issues its
4 bargaining unit determination and direction of election or the
5 execution of a stipulation for the purpose of a consent
6 election, the public employer shall submit to the labor
7 organization the complete names and addresses of those
8 employees who are determined by the Board to be eligible to
9 participate in the election. When the Board has determined that
10 a labor organization has been fairly and freely chosen by a
11 majority of employees in an appropriate unit, it shall certify
12 such organization as the exclusive representative. If the Board
13 determines that a majority of employees in an appropriate unit
14 has fairly and freely chosen not to be represented by a labor
15 organization, it shall so certify. The Board may also revoke
16 the certification of the public employee organizations as
17 exclusive bargaining representatives which have been found by a
18 secret ballot election to be no longer the majority
19 representative.

20 (e) The Board shall not conduct an election in any
21 bargaining unit or any subdivision thereof within which a valid
22 election has been held in the preceding 12-month period. The
23 Board shall determine who is eligible to vote in an election
24 and shall establish rules governing the conduct of the election
25 or conduct affecting the results of the election. The Board
26 shall include on a ballot in a representation election a choice

1 of "no representation". A labor organization currently
2 representing the bargaining unit of employees shall be placed
3 on the ballot in any representation election. In any election
4 where none of the choices on the ballot receives a majority, a
5 runoff election shall be conducted between the 2 choices
6 receiving the largest number of valid votes cast in the
7 election. A labor organization which receives a majority of the
8 votes cast in an election shall be certified by the Board as
9 exclusive representative of all public employees in the unit.

10 (f) A labor organization shall be designated as the
11 exclusive representative by a public employer, provided that
12 the labor organization represents a majority of the public
13 employees in an appropriate unit. Any employee organization
14 which is designated or selected by the majority of public
15 employees, in a unit of the public employer having no other
16 recognized or certified representative, as their
17 representative for purposes of collective bargaining may
18 request recognition by the public employer in writing. The
19 public employer shall post such request for a period of at
20 least 20 days following its receipt thereof on bulletin boards
21 or other places used or reserved for employee notices.

22 (g) Within the 20-day period any other interested employee
23 organization may petition the Board in the manner specified by
24 rules and regulations of the Board, provided that such
25 interested employee organization has been designated by at
26 least 10% of the employees in an appropriate bargaining unit

1 which includes all or some of the employees in the unit
2 recognized by the employer. In such event, the Board shall
3 proceed with the petition in the same manner as provided by
4 paragraph (1) of subsection (a) of this Section.

5 (h) No election shall be directed by the Board in any
6 bargaining unit where there is in force a valid collective
7 bargaining agreement. The Board, however, may process an
8 election petition filed between 90 and 60 days prior to the
9 expiration of the date of an agreement, and may further refine,
10 by rule or decision, the implementation of this provision.
11 Where more than 4 years have elapsed since the effective date
12 of the agreement, the agreement shall continue to bar an
13 election, except that the Board may process an election
14 petition filed between 90 and 60 days prior to the end of the
15 fifth year of such an agreement, and between 90 and 60 days
16 prior to the end of each successive year of such agreement.

17 (i) An order of the Board dismissing a representation
18 petition, determining and certifying that a labor organization
19 has been fairly and freely chosen by a majority of employees in
20 an appropriate bargaining unit, determining and certifying
21 that a labor organization has not been fairly and freely chosen
22 by a majority of employees in the bargaining unit or certifying
23 a labor organization as the exclusive representative of
24 employees in an appropriate bargaining unit because of a
25 determination by the Board that the labor organization is the
26 historical bargaining representative of employees in the

1 bargaining unit, is a final order. Any person aggrieved by any
2 such order issued on or after the effective date of this
3 amendatory Act of 1987 may apply for and obtain judicial review
4 in accordance with provisions of the Administrative Review Law,
5 as now or hereafter amended, except that such review shall be
6 afforded directly in the Appellate Court for the district in
7 which the aggrieved party resides or transacts business. Any
8 direct appeal to the Appellate Court shall be filed within 35
9 days from the date that a copy of the decision sought to be
10 reviewed was served upon the party affected by the decision.
11 (Source: P.A. 95-331, eff. 8-21-07; 96-813, eff. 10-30-09.)

12 (5 ILCS 315/15) (from Ch. 48, par. 1615)

13 (Text of Section WITH the changes made by P.A. 98-599,
14 which has been held unconstitutional)

15 Sec. 15. Act Takes Precedence.

16 (a) In case of any conflict between the provisions of this
17 Act and any other law (other than Section 5 of the State
18 Employees Group Insurance Act of 1971 and other than the
19 changes made to the Illinois Pension Code by Public Act 96-889
20 and other than as provided in Section 7.5), executive order or
21 administrative regulation relating to wages, hours and
22 conditions of employment and employment relations, the
23 provisions of this Act or any collective bargaining agreement
24 negotiated thereunder shall prevail and control. Nothing in
25 this Act shall be construed to replace or diminish the rights

1 of employees established by Sections 28 and 28a of the
2 Metropolitan Transit Authority Act, Sections 2.15 through 2.19
3 of the Regional Transportation Authority Act. The provisions of
4 this Act are subject to Section 7.5 of this Act and Section 5
5 of the State Employees Group Insurance Act of 1971. Nothing in
6 this Act shall be construed to replace the necessity of
7 complaints against a sworn peace officer, as defined in Section
8 2(a) of the Uniform Peace Officer Disciplinary Act, from having
9 a complaint supported by a sworn affidavit.

10 (b) Except as provided in subsection (a) above, any
11 collective bargaining contract between a public employer and a
12 labor organization executed pursuant to this Act shall
13 supersede any contrary statutes, charters, ordinances, rules
14 or regulations relating to wages, hours and conditions of
15 employment and employment relations adopted by the public
16 employer or its agents. Any collective bargaining agreement
17 entered into prior to the effective date of this Act shall
18 remain in full force during its duration.

19 (c) It is the public policy of this State, pursuant to
20 paragraphs (h) and (i) of Section 6 of Article VII of the
21 Illinois Constitution, that the provisions of this Act are the
22 exclusive exercise by the State of powers and functions which
23 might otherwise be exercised by home rule units. Such powers
24 and functions may not be exercised concurrently, either
25 directly or indirectly, by any unit of local government,
26 including any home rule unit, except as otherwise authorized by

1 this Act.

2 (Source: P.A. 98-599, eff. 6-1-14.)

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

5 Sec. 15. Act Takes Precedence.

6 (a) In case of any conflict between the provisions of this
7 Act and any other law (other than Section 5 of the State
8 Employees Group Insurance Act of 1971 and other than the
9 changes made to the Illinois Pension Code by this amendatory
10 Act of the 96th General Assembly), executive order or
11 administrative regulation relating to wages, ~~hours and~~
12 ~~conditions of employment and employment relations,~~ the
13 provisions of this Act or any collective bargaining agreement
14 negotiated thereunder shall prevail and control. Nothing in
15 this Act shall be construed to replace or diminish the rights
16 of employees established by Sections 28 and 28a of the
17 Metropolitan Transit Authority Act, Sections 2.15 through 2.19
18 of the Regional Transportation Authority Act. The provisions of
19 this Act are subject to Section 5 of the State Employees Group
20 Insurance Act of 1971. Nothing in this Act shall be construed
21 to replace the necessity of complaints against a sworn peace
22 officer, as defined in Section 2(a) of the Uniform Peace
23 Officer Disciplinary Act, from having a complaint supported by
24 a sworn affidavit.

25 (b) Except as provided in subsection (a) above, any

1 collective bargaining contract between a public employer and a
2 labor organization executed pursuant to this Act shall
3 supersede any contrary statutes, charters, ordinances, rules
4 or regulations relating to wages, ~~hours and conditions of~~
5 ~~employment~~ and employment relations adopted by the public
6 employer or its agents. Any collective bargaining agreement
7 entered into prior to the effective date of this Act shall
8 remain in full force during its duration.

9 (c) It is the public policy of this State, pursuant to
10 paragraphs (h) and (i) of Section 6 of Article VII of the
11 Illinois Constitution, that the provisions of this Act are the
12 exclusive exercise by the State of powers and functions which
13 might otherwise be exercised by home rule units. Such powers
14 and functions may not be exercised concurrently, either
15 directly or indirectly, by any unit of local government,
16 including any home rule unit, except as otherwise authorized by
17 this Act.

18 (Source: P.A. 95-331, eff. 8-21-07; 96-889, eff. 1-1-11.)

19 (5 ILCS 315/21.5)

20 Sec. 21.5. Termination of certain agreements after
21 constitutional officers take office.

22 (a) No collective bargaining agreement entered into, on or
23 after the effective date of this amendatory Act of the 96th
24 General Assembly between an executive branch constitutional
25 officer or any agency or department of an executive branch

1 constitutional officer and a labor organization may extend
2 beyond June 30th of the year in which the terms of office of
3 executive branch constitutional officers begin.

4 (b) No collective bargaining agreement entered into, on or
5 after the effective date of this amendatory Act of the 96th
6 General Assembly between an executive branch constitutional
7 officer or any agency or department of an executive branch
8 constitutional officer and a labor organization may provide for
9 an increase in ~~salary, wages, or benefits~~ starting on or after
10 the first day of the terms of office of executive branch
11 constitutional officers and ending June 30th of that same year.

12 (c) Any collective bargaining agreement in violation of
13 this Section is terminated and rendered null and void by
14 operation of law.

15 (d) For purposes of this Section, "executive branch
16 constitutional officer" has the same meaning as that term is
17 defined in the State Officials and Employees Ethics Act.

18 (Source: P.A. 96-1529, eff. 2-16-11.)

19 Section 10. The School Code is amended by changing Section
20 34-3.5 as follows:

21 (105 ILCS 5/34-3.5)

22 Sec. 34-3.5. Partnership agreement on advancing student
23 achievement; No Child Left Behind Act of 2001.

24 (a) The General Assembly finds that the Chicago Teachers

1 Union, the Chicago Board of Education, and the district's chief
2 executive officer have a common responsibility beyond their
3 statutory collective bargaining relationship to institute
4 purposeful education reforms in the Chicago Public Schools that
5 maximize the number of students in the Chicago Public Schools
6 who reach or exceed proficiency with regard to State academic
7 standards and assessments. The General Assembly further finds
8 that education reform in the Chicago Public Schools must be
9 premised on a commitment by all stakeholders to redefine
10 relationships, develop, implement, and evaluate programs, seek
11 new and additional resources, improve the value of educational
12 programs to students, accelerate the quality of teacher
13 training, improve instructional excellence, and develop and
14 implement strategies to comply with the federal No Child Left
15 Behind Act of 2001 (Public Law 107-110).

16 The Chicago Board of Education and the district's chief
17 executive officer shall enter into a partnership agreement with
18 the Chicago Teachers Union to allow the parties to work
19 together to advance the Chicago Public Schools to the next
20 level of education reform. This agreement must be entered into
21 and take effect within 90 days after the effective date of this
22 amendatory Act of the 93rd General Assembly. As part of this
23 agreement, the Chicago Teachers Union, the Chicago Board of
24 Education, and the district's chief executive officer shall
25 jointly file a report with the General Assembly at the end of
26 each school year with respect to the nature of the reforms that

1 the parties have instituted, the effect of these reforms on
2 student achievement, and any other matters that the parties
3 deem relevant to evaluating the effectiveness of the agreement.

4 (b) Decisions concerning matters of inherent managerial
5 policy necessary to comply with the federal No Child Left
6 Behind Act of 2001 (Public Law 107-110), including such areas
7 of discretion or policy as the functions of the employer, the
8 standards and delivery of educational services and programs,
9 the district's overall budget, the district's organizational
10 structure, student assignment, school choice, and the
11 selection of new employees and direction of employees, and the
12 impact of these decisions on individual employees or the
13 bargaining unit shall be permissive subjects of bargaining
14 between the educational employer and the exclusive bargaining
15 representative and are within the sole discretion of the
16 educational employer to decide to bargain. ~~This subsection (b)
17 is exclusive of the parties' obligations and responsibilities
18 under Section 4.5 of the Illinois Educational Labor Relations
19 Act (provided that any dispute or impasse that may arise under
20 this subsection (b) shall be resolved exclusively as set forth
21 in subsection (b) of Section 12 of the Illinois Educational
22 Labor Relations Act in lieu of a strike under Section 13 of the
23 Illinois Educational Labor Relations Act).~~

24 (Source: P.A. 93-3, eff. 4-16-03.)

25 Section 15. The Illinois Educational Labor Relations Act is

1 amended by changing Sections 1, 2, 3, 4, 7, 10, and 12 as
2 follows:

3 (115 ILCS 5/1) (from Ch. 48, par. 1701)

4 Sec. 1. Policy. It is the public policy of this State and
5 the purpose of this Act to promote orderly and constructive
6 relationships between all educational employees and their
7 employers. Unresolved disputes between the educational
8 employees and their employers are injurious to the public, and
9 the General Assembly is therefore aware that adequate means
10 must be established for minimizing them and providing for their
11 resolution. It is the purpose of this Act to regulate labor
12 relations between educational employers and educational
13 employees, including the designation of educational employee
14 representatives, negotiation of wages, ~~hours and other~~
15 ~~conditions of employment~~ and resolution of disputes arising
16 under collective bargaining agreements. The General Assembly
17 recognizes that substantial differences exist between
18 educational employees and other public employees as a result of
19 the uniqueness of the educational work calendar and educational
20 work duties and the traditional and historical patterns of
21 collective bargaining between educational employers and
22 educational employees and that such differences demand
23 statutory regulation of collective bargaining between
24 educational employers and educational employees in a manner
25 that recognizes these differences. Recognizing that harmonious

1 relationships are required between educational employees and
2 their employers, the General Assembly has determined that the
3 overall policy may best be accomplished by (a) granting to
4 educational employees the right to organize and choose freely
5 their representatives; (b) requiring educational employers to
6 negotiate and bargain with employee organizations representing
7 educational employees and to enter into written agreements
8 evidencing the result of such bargaining; and (c) establishing
9 procedures to provide for the protection of the rights of the
10 educational employee, the educational employer and the public.
11 (Source: P.A. 83-1014.)

12 (115 ILCS 5/2) (from Ch. 48, par. 1702)

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

14 (a) "Educational employer" or "employer" means the
15 governing body of a public school district, including the
16 governing body of a charter school established under Article
17 27A of the School Code or of a contract school or contract
18 turnaround school established under paragraph 30 of Section
19 34-18 of the School Code, combination of public school
20 districts, including the governing body of joint agreements of
21 any type formed by 2 or more school districts, public community
22 college district or State college or university, a
23 subcontractor of instructional services of a school district
24 (other than a school district organized under Article 34 of the
25 School Code), combination of school districts, charter school

1 established under Article 27A of the School Code, or contract
2 school or contract turnaround school established under
3 paragraph 30 of Section 34-18 of the School Code, an
4 Independent Authority created under Section 2-3.25f-5 of the
5 School Code, and any State agency whose major function is
6 providing educational services. "Educational employer" or
7 "employer" does not include (1) a Financial Oversight Panel
8 created pursuant to Section 1A-8 of the School Code due to a
9 district violating a financial plan or (2) an approved
10 nonpublic special education facility that contracts with a
11 school district or combination of school districts to provide
12 special education services pursuant to Section 14-7.02 of the
13 School Code, but does include a School Finance Authority
14 created under Article 1E or 1F of the School Code and a
15 Financial Oversight Panel created under Article 1B or 1H of the
16 School Code. The change made by this amendatory Act of the 96th
17 General Assembly to this paragraph (a) to make clear that the
18 governing body of a charter school is an "educational employer"
19 is declaratory of existing law.

20 (b) "Educational employee" or "employee" means any
21 individual, excluding supervisors, managerial, confidential,
22 short term employees, student, and part-time academic
23 employees of community colleges employed full or part time by
24 an educational employer, but shall not include elected
25 officials and appointees of the Governor with the advice and
26 consent of the Senate, firefighters as defined by subsection

1 (g-1) of Section 3 of the Illinois Public Labor Relations Act,
2 and peace officers employed by a State university. For the
3 purposes of this Act, part-time academic employees of community
4 colleges shall be defined as those employees who provide less
5 than 3 credit hours of instruction per academic semester. In
6 this subsection (b), the term "student" includes graduate
7 students who are research assistants primarily performing
8 duties that involve research or graduate assistants primarily
9 performing duties that are pre-professional, but excludes
10 graduate students who are teaching assistants primarily
11 performing duties that involve the delivery and support of
12 instruction and all other graduate assistants.

13 (c) "Employee organization" or "labor organization" means
14 an organization of any kind in which membership includes
15 educational employees, and which exists for the purpose, in
16 whole or in part, of dealing with employers concerning
17 grievances, employee-employer disputes, or wages, ~~rates of~~
18 ~~pay, hours of employment, or conditions of work~~, but shall not
19 include any organization which practices discrimination in
20 membership because of race, color, creed, age, gender, national
21 origin or political affiliation.

22 (d) "Exclusive representative" means the labor
23 organization which has been designated by the Illinois
24 Educational Labor Relations Board as the representative of the
25 majority of educational employees in an appropriate unit, or
26 recognized by an educational employer prior to January 1, 1984

1 as the exclusive representative of the employees in an
2 appropriate unit or, after January 1, 1984, recognized by an
3 employer upon evidence that the employee organization has been
4 designated as the exclusive representative by a majority of the
5 employees in an appropriate unit.

6 (e) "Board" means the Illinois Educational Labor Relations
7 Board.

8 (f) "Regional Superintendent" means the regional
9 superintendent of schools provided for in Articles 3 and 3A of
10 The School Code.

11 (g) "Supervisor" means any individual having authority in
12 the interests of the employer to hire, transfer, suspend, lay
13 off, recall, promote, discharge, reward or discipline other
14 employees within the appropriate bargaining unit and adjust
15 their grievances, or to effectively recommend such action if
16 the exercise of such authority is not of a merely routine or
17 clerical nature but requires the use of independent judgment.
18 The term "supervisor" includes only those individuals who
19 devote a preponderance of their employment time to such
20 exercising authority.

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

23 (i) "Person" includes an individual, educational employee,
24 educational employer, legal representative, or employee
25 organization.

26 (j) "Wages" means only total base wages and excludes any

1 other compensation, which includes but is not limited to
2 overtime, premium pay, merit pay, performance pay,
3 supplemental compensation, pay schedules, and automatic pay
4 progressions. salaries or other forms of compensation for
5 services rendered.

6 (k) "Professional employee" means, in the case of a public
7 community college, State college or university, State agency
8 whose major function is providing educational services, the
9 Illinois School for the Deaf, and the Illinois School for the
10 Visually Impaired, (1) any employee engaged in work (i)
11 predominantly intellectual and varied in character as opposed
12 to routine mental, manual, mechanical, or physical work; (ii)
13 involving the consistent exercise of discretion and judgment in
14 its performance; (iii) of such character that the output
15 produced or the result accomplished cannot be standardized in
16 relation to a given period of time; and (iv) requiring
17 knowledge of an advanced type in a field of science or learning
18 customarily acquired by a prolonged course of specialized
19 intellectual instruction and study in an institution of higher
20 learning or a hospital, as distinguished from a general
21 academic education or from an apprenticeship or from training
22 in the performance of routine mental, manual, or physical
23 processes; or (2) any employee, who (i) has completed the
24 courses of specialized intellectual instruction and study
25 described in clause (iv) of paragraph (1) of this subsection,
26 and (ii) is performing related work under the supervision of a

1 professional person to qualify himself or herself to become a
2 professional as defined in paragraph (l).

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

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

10 (n) "Confidential employee" means an employee, who (i) in
11 the regular course of his or her duties, assists and acts in a
12 confidential capacity to persons who formulate, determine and
13 effectuate management policies with regard to labor relations
14 or who (ii) in the regular course of his or her duties has
15 access to information relating to the effectuation or review of
16 the employer's collective bargaining policies.

17 (o) "Managerial employee" means an individual who is
18 engaged predominantly in executive and management functions
19 and is charged with the responsibility of directing the
20 effectuation of such management policies and practices.

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

23 (q) "Short-term employee" is 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 expectation that he or
26 she will be rehired by the same employer for the same service

1 in a subsequent calendar year. Nothing in this subsection shall
2 affect the employee status of individuals who were covered by a
3 collective bargaining agreement on the effective date of this
4 amendatory Act of 1991.

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

6 (115 ILCS 5/3) (from Ch. 48, par. 1703)

7 Sec. 3. Employee rights.

8 (a) It shall be lawful for educational employees to
9 organize, form, join, or assist in employee organizations or
10 engage in lawful concerted activities for the purpose of
11 collective bargaining or other mutual aid and protection or
12 bargain collectively through representatives of their own free
13 choice and, except as provided in Section 11, such employees
14 shall also have the right to refrain from any or all such
15 activities.

16 (b) Representatives selected by educational employees in a
17 unit appropriate for collective bargaining purposes shall be
18 the exclusive representative of all the employees in such unit
19 to bargain on wages, ~~hours, terms and conditions of employment.~~
20 However, any individual employee or a group of employees may at
21 any time present grievances to their employer and have them
22 adjusted without the intervention of the bargaining
23 representative as long as the adjustment is not inconsistent
24 with the terms of a collective bargaining agreement then in
25 effect, provided that the bargaining representative has been

1 given an opportunity to be present at such adjustment.

2 (Source: P.A. 83-1014.)

3 (115 ILCS 5/4) (from Ch. 48, par. 1704)

4 (Text of Section WITH the changes made by P.A. 98-599,
5 which has been held unconstitutional)

6 Sec. 4. Employer rights. Employers shall not be required to
7 bargain over matters of inherent managerial policy, which shall
8 include such areas of discretion or policy as the functions of
9 the employer, standards of services, its overall budget, the
10 organizational structure and selection of new employees and
11 direction of employees. Employers, however, shall be required
12 to bargain collectively with regard to policy matters directly
13 affecting wages, hours and terms and conditions of employment
14 as well as the impact thereon upon request by employee
15 representatives, except as provided in Section 10.5. To
16 preserve the rights of employers and exclusive representatives
17 which have established collective bargaining relationships or
18 negotiated collective bargaining agreements prior to the
19 effective date of this Act, employers shall be required to
20 bargain collectively with regard to any matter concerning
21 wages, hours or conditions of employment about which they have
22 bargained for and agreed to in a collective bargaining
23 agreement prior to the effective date of this Act, except as
24 provided in Section 10.5.

25 (Source: P.A. 98-599, eff. 6-1-14.)

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

3 Sec. 4. Employer rights. Employers shall not be required to
4 bargain over matters of inherent managerial policy, which shall
5 include such areas of discretion or policy as the functions of
6 the employer, standards of services, its overall budget, the
7 organizational structure and selection of new employees and
8 direction of employees. Employers, however, shall be required
9 to bargain collectively with regard to policy matters directly
10 affecting wages, ~~hours and terms and conditions of employment~~
11 as well as the impact thereon upon request by employee
12 representatives. To preserve the rights of employers and
13 exclusive representatives which have established collective
14 bargaining relationships or negotiated collective bargaining
15 agreements prior to the effective date of this Act, employers
16 shall be required to bargain collectively with regard to any
17 matter concerning wages, ~~hours or conditions of employment~~
18 about which they have bargained for and agreed to in a
19 collective bargaining agreement prior to the effective date of
20 this Act.

21 (Source: P.A. 83-1014.)

22 (115 ILCS 5/7) (from Ch. 48, par. 1707)

23 Sec. 7. Recognition of exclusive bargaining
24 representatives - unit determination. The Board is empowered

1 to administer the recognition of bargaining representatives of
2 employees of public school districts, including employees of
3 districts which have entered into joint agreements, or
4 employees of public community college districts, or any State
5 college or university, and any State agency whose major
6 function is providing educational services, making certain
7 that each bargaining unit contains employees with an
8 identifiable community of interest and that no unit includes
9 both professional employees and nonprofessional employees
10 unless a majority of employees in each group vote for inclusion
11 in the unit.

12 (a) In determining the appropriateness of a unit, the Board
13 shall decide in each case, in order to ensure employees the
14 fullest freedom in exercising the rights guaranteed by this
15 Act, the unit appropriate for the purpose of collective
16 bargaining, based upon but not limited to such factors as
17 historical pattern of recognition, community of interest,
18 including employee skills and functions, degree of functional
19 integration, interchangeability and contact among employees,
20 common supervision, wages, hours and other working conditions
21 of the employees involved, and the desires of the employees.
22 Nothing in this Act, except as herein provided, shall interfere
23 with or negate the current representation rights or patterns
24 and practices of employee organizations which have
25 historically represented employees for the purposes of
26 collective bargaining, including but not limited to the

1 negotiations of wages, ~~hours and working conditions,~~
2 resolutions of employees' grievances, or resolution of
3 jurisdictional disputes, or the establishment and maintenance
4 of prevailing wage rates, unless a majority of the employees so
5 represented expresses a contrary desire under the procedures
6 set forth in this Act. This Section, however, does not prohibit
7 multi-unit bargaining. Notwithstanding the above factors,
8 where the majority of public employees of a craft so decide,
9 the Board shall designate such craft as a unit appropriate for
10 the purposes of collective bargaining.

11 The sole appropriate bargaining unit for tenured and
12 tenure-track academic faculty at each campus of the University
13 of Illinois shall be a unit that is comprised of
14 non-supervisory academic faculty employed more than half-time
15 and that includes all tenured and tenure-track faculty of that
16 University campus employed by the board of trustees in all of
17 the campus's undergraduate, graduate, and professional schools
18 and degree and non-degree programs (with the exception of the
19 college of medicine, the college of pharmacy, the college of
20 dentistry, the college of law, and the college of veterinary
21 medicine, each of which shall have its own separate unit),
22 regardless of current or historical representation rights or
23 patterns or the application of any other factors. Any decision,
24 rule, or regulation promulgated by the Board to the contrary
25 shall be null and void.

26 (b) An educational employer shall voluntarily recognize a

1 labor organization for collective bargaining purposes if that
2 organization appears to represent a majority of employees in
3 the unit. The employer shall post notice of its intent to so
4 recognize for a period of at least 20 school days on bulletin
5 boards or other places used or reserved for employee notices.
6 Thereafter, the employer, if satisfied as to the majority
7 status of the employee organization, shall send written
8 notification of such recognition to the Board for
9 certification. Any dispute regarding the majority status of a
10 labor organization shall be resolved by the Board which shall
11 make the determination of majority status.

12 Within the 20 day notice period, however, any other
13 interested employee organization may petition the Board to seek
14 recognition as the exclusive representative of the unit in the
15 manner specified by rules and regulations prescribed by the
16 Board, if such interested employee organization has been
17 designated by at least 15% of the employees in an appropriate
18 bargaining unit which includes all or some of the employees in
19 the unit intended to be recognized by the employer. In such
20 event, the Board shall proceed with the petition in the same
21 manner as provided in paragraph (c) of this Section.

22 (c) A labor organization may also gain recognition as the
23 exclusive representative by an election of the employees in the
24 unit. Petitions requesting an election may be filed with the
25 Board:

26 (1) by an employee or group of employees or any labor

1 organizations acting on their behalf alleging and
2 presenting evidence that 30% or more of the employees in a
3 bargaining unit wish to be represented for collective
4 bargaining or that the labor organization which has been
5 acting as the exclusive bargaining representative is no
6 longer representative of a majority of the employees in the
7 unit; or

8 (2) by an employer alleging that one or more labor
9 organizations have presented a claim to be recognized as an
10 exclusive bargaining representative of a majority of the
11 employees in an appropriate unit and that it doubts the
12 majority status of any of the organizations or that it
13 doubts the majority status of an exclusive bargaining
14 representative.

15 The Board shall investigate the petition and if it has
16 reasonable cause to suspect that a question of representation
17 exists, it shall give notice and conduct a hearing. If it finds
18 upon the record of the hearing that a question of
19 representation exists, it shall direct an election, which shall
20 be held no later than 90 days after the date the petition was
21 filed. Nothing prohibits the waiving of hearings by the parties
22 and the conduct of consent elections.

23 (c-5) The Board shall designate an exclusive
24 representative for purposes of collective bargaining when the
25 representative demonstrates a showing of majority interest by
26 employees in the unit. If the parties to a dispute are without

1 agreement on the means to ascertain the choice, if any, of
2 employee organization as their representative, the Board shall
3 ascertain the employees' choice of employee organization, on
4 the basis of dues deduction authorization or other evidence,
5 or, if necessary, by conducting an election. All evidence
6 submitted by an employee organization to the Board to ascertain
7 an employee's choice of an employee organization is
8 confidential and shall not be submitted to the employer for
9 review. The Board shall ascertain the employee's choice of
10 employee organization within 120 days after the filing of the
11 majority interest petition; however, the Board may extend time
12 by an additional 60 days, upon its own motion or upon the
13 motion of a party to the proceeding. If either party provides
14 to the Board, before the designation of a representative, clear
15 and convincing evidence that the dues deduction
16 authorizations, and other evidence upon which the Board would
17 otherwise rely to ascertain the employees' choice of
18 representative, are fraudulent or were obtained through
19 coercion, the Board shall promptly thereafter conduct an
20 election. The Board shall also investigate and consider a
21 party's allegations that the dues deduction authorizations and
22 other evidence submitted in support of a designation of
23 representative without an election were subsequently changed,
24 altered, withdrawn, or withheld as a result of employer fraud,
25 coercion, or any other unfair labor practice by the employer.
26 If the Board determines that a labor organization would have

1 had a majority interest but for an employer's fraud, coercion,
2 or unfair labor practice, it shall designate the labor
3 organization as an exclusive representative without conducting
4 an election. If a hearing is necessary to resolve any issues of
5 representation under this Section, the Board shall conclude its
6 hearing process and issue a certification of the entire
7 appropriate unit not later than 120 days after the date the
8 petition was filed. The 120-day period may be extended one or
9 more times by the agreement of all parties to a hearing to a
10 date certain.

11 (c-6) A labor organization or an employer may file a unit
12 clarification petition seeking to clarify an existing
13 bargaining unit. The Board shall conclude its investigation,
14 including any hearing process deemed necessary, and issue a
15 certification of clarified unit or dismiss the petition not
16 later than 120 days after the date the petition was filed. The
17 120-day period may be extended one or more times by the
18 agreement of all parties to a hearing to a date certain.

19 (d) An order of the Board dismissing a representation
20 petition, determining and certifying that a labor organization
21 has been fairly and freely chosen by a majority of employees in
22 an appropriate bargaining unit, determining and certifying
23 that a labor organization has not been fairly and freely chosen
24 by a majority of employees in the bargaining unit or certifying
25 a labor organization as the exclusive representative of
26 employees in an appropriate bargaining unit because of a

1 determination by the Board that the labor organization is the
2 historical bargaining representative of employees in the
3 bargaining unit, is a final order. Any person aggrieved by any
4 such order issued on or after the effective date of this
5 amendatory Act of 1987 may apply for and obtain judicial review
6 in accordance with provisions of the Administrative Review Law,
7 as now or hereafter amended, except that such review shall be
8 afforded directly in the Appellate Court of a judicial district
9 in which the Board maintains an office. Any direct appeal to
10 the Appellate Court shall be filed within 35 days from the date
11 that a copy of the decision sought to be reviewed was served
12 upon the party affected by the decision.

13 No election may be conducted in any bargaining unit during
14 the term of a collective bargaining agreement covering such
15 unit or subdivision thereof, except the Board may direct an
16 election after the filing of a petition between January 15 and
17 March 1 of the final year of a collective bargaining agreement.
18 Nothing in this Section prohibits the negotiation of a
19 collective bargaining agreement covering a period not
20 exceeding 3 years. A collective bargaining agreement of less
21 than 3 years may be extended up to 3 years by the parties if the
22 extension is agreed to in writing before the filing of a
23 petition under this Section. In such case, the final year of
24 the extension is the final year of the collective bargaining
25 agreement. No election may be conducted in a bargaining unit,
26 or subdivision thereof, in which a valid election has been held

1 within the preceding 12 month period.

2 (Source: P.A. 95-331, eff. 8-21-07; 96-813, eff. 10-30-09.)

3 (115 ILCS 5/10) (from Ch. 48, par. 1710)

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

15 (b) The parties to the collective bargaining process shall
16 not effect or implement a provision in a collective bargaining
17 agreement if the implementation of that provision would be in
18 violation of, or inconsistent with, or in conflict with any
19 statute or statutes enacted by the General Assembly of
20 Illinois. The parties to the collective bargaining process may
21 effect or implement a provision in a collective bargaining
22 agreement if the implementation of that provision has the
23 effect of supplementing any provision in any statute or
24 statutes enacted by the General Assembly of Illinois pertaining
25 to wages, ~~hours or other conditions of employment;~~ provided

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

14 (c) The collective bargaining agreement negotiated between
15 representatives of the educational employees and the
16 educational employer shall contain a grievance resolution
17 procedure which shall apply to all employees in the unit and
18 shall provide for binding arbitration of disputes concerning
19 the administration or interpretation of the agreement. The
20 agreement shall also contain appropriate language prohibiting
21 strikes for the duration of the agreement. The costs of such
22 arbitration shall be borne equally by the educational employer
23 and the employee organization.

24 (d) Once an agreement is reached between representatives of
25 the educational employees and the educational employer and is
26 ratified by both parties, the agreement shall be reduced to

1 writing and signed by the parties.

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

3 (115 ILCS 5/12) (from Ch. 48, par. 1712)

4 Sec. 12. Impasse procedures.

5 (a) This subsection (a) applies only to collective
6 bargaining between an educational employer that is not a public
7 school district organized under Article 34 of the School Code
8 and an exclusive representative of its employees. If the
9 parties engaged in collective bargaining have not reached an
10 agreement by 90 days before the scheduled start of the
11 forthcoming school year, the parties shall notify the Illinois
12 Educational Labor Relations Board concerning the status of
13 negotiations. This notice shall include a statement on whether
14 mediation has been used.

15 Upon demand of either party, collective bargaining between
16 the employer and an exclusive bargaining representative must
17 begin within 60 days of the date of certification of the
18 representative by the Board, or in the case of an existing
19 exclusive bargaining representative, within 60 days of the
20 receipt by a party of a demand to bargain issued by the other
21 party. Once commenced, collective bargaining must continue for
22 at least a 60 day period, unless a contract is entered into.

23 ~~If Except as otherwise provided in subsection (b) of this~~
24 ~~Section, if~~ after a reasonable period of negotiation and within
25 90 days of the scheduled start of the forth-coming school year,

1 the parties engaged in collective bargaining have reached an
2 impasse, either party may petition the Board to initiate
3 mediation. Alternatively, the Board on its own motion may
4 initiate mediation during this period. However, mediation
5 shall be initiated by the Board at any time when jointly
6 requested by the parties and the services of the mediators
7 shall continuously be made available to the employer and to the
8 exclusive bargaining representative for purposes of
9 arbitration of grievances and mediation or arbitration of
10 contract disputes. If requested by the parties, the mediator
11 may perform fact-finding and in so doing conduct hearings and
12 make written findings and recommendations for resolution of the
13 dispute. Such mediation shall be provided by the Board and
14 shall be held before qualified impartial individuals. Nothing
15 prohibits the use of other individuals or organizations such as
16 the Federal Mediation and Conciliation Service or the American
17 Arbitration Association selected by both the exclusive
18 bargaining representative and the employer.

19 If the parties engaged in collective bargaining fail to
20 reach an agreement within 45 days of the scheduled start of the
21 forthcoming school year and have not requested mediation, the
22 Illinois Educational Labor Relations Board shall invoke
23 mediation.

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

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

6 (1) Any time 15 days after mediation has commenced,
7 either party may initiate the public posting process. The
8 mediator may initiate the public posting process at any
9 time 15 days after mediation has commenced during the
10 mediation process. Initiation of the public posting
11 process must be filed in writing with the Board, and copies
12 must be submitted to the parties on the same day the
13 initiation is filed with the Board.

14 (2) Within 7 days after the initiation of the public
15 posting process, each party shall submit to the mediator,
16 the Board, and the other party in writing the most recent
17 offer of the party, including a cost summary of the offer.
18 Seven days after receipt of the parties' offers, the Board
19 shall make public the offers and each party's cost summary
20 dealing with those issues on which the parties have failed
21 to reach agreement by immediately posting the offers on its
22 Internet website, unless otherwise notified by the
23 mediator or jointly by the parties that agreement has been
24 reached. On the same day of publication by the Board, at a
25 minimum, the school district shall distribute notice of the
26 availability of the offers on the Board's Internet website

1 to all news media that have filed an annual request for
2 notices from the school district pursuant to Section 2.02
3 of the Open Meetings Act. The parties' offers shall remain
4 on the Board's Internet website until the parties have
5 reached and ratified an agreement.

6 (a-10) This subsection (a-10) applies only to collective
7 bargaining between a public school district organized under
8 Article 34 of the School Code and an exclusive representative
9 of its employees.

10 (1) For collective bargaining agreements between an
11 educational employer to which this subsection (a-10)
12 applies and an exclusive representative of its employees,
13 if the parties fail to reach an agreement after a
14 reasonable period of mediation, the dispute shall be
15 submitted to fact-finding in accordance with this
16 subsection (a-10). Either the educational employer or the
17 exclusive representative may initiate fact-finding by
18 submitting a written demand to the other party with a copy
19 of the demand submitted simultaneously to the Board.

20 (2) Within 3 days following a party's demand for
21 fact-finding, each party shall appoint one member of the
22 fact-finding panel, unless the parties agree to proceed
23 without a tri-partite panel. Following these appointments,
24 if any, the parties shall select a qualified impartial
25 individual to serve as the fact-finder and chairperson of
26 the fact-finding panel, if applicable. An individual shall

1 be considered qualified to serve as the fact-finder and
2 chairperson of the fact-finding panel, if applicable, if he
3 or she was not the same individual who was appointed as the
4 mediator and if he or she satisfies the following
5 requirements: membership in good standing with the
6 National Academy of Arbitrators, Federal Mediation and
7 Conciliation Service, or American Arbitration Association
8 for a minimum of 10 years; membership on the mediation
9 roster for the Illinois Labor Relations Board or Illinois
10 Educational Labor Relations Board; issuance of at least 5
11 interest arbitration awards arising under the Illinois
12 Public Labor Relations Act; and participation in impasse
13 resolution processes arising under private or public
14 sector collective bargaining statutes in other states. If
15 the parties are unable to agree on a fact-finder, the
16 parties shall request a panel of fact-finders who satisfy
17 the requirements set forth in this paragraph (2) from
18 either the Federal Mediation and Conciliation Service or
19 the American Arbitration Association and shall select a
20 fact-finder from such panel in accordance with the
21 procedures established by the organization providing the
22 panel.

23 (3) The fact-finder shall have the following duties and
24 powers:

25 (A) to require the parties to submit a statement of
26 disputed issues and their positions regarding each

1 issue either jointly or separately;

2 (B) to identify disputed issues that are economic
3 in nature;

4 (C) to meet with the parties either separately or
5 in executive sessions;

6 (D) to conduct hearings and regulate the time,
7 place, course, and manner of the hearings;

8 (E) to request the Board to issue subpoenas
9 requiring the attendance and testimony of witnesses or
10 the production of evidence;

11 (F) to administer oaths and affirmations;

12 (G) to examine witnesses and documents;

13 (H) to create a full and complete written record of
14 the hearings;

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

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

20 (K) to employ any other measures deemed
21 appropriate to resolve the impasse.

22 (4) If the dispute is not settled within 75 days after
23 the appointment of the fact-finding panel, the
24 fact-finding panel shall issue a private report to the
25 parties that contains advisory findings of fact and
26 recommended terms of settlement for all disputed issues and

1 that sets forth a rationale for each recommendation. The
2 fact-finding panel, acting by a majority of its members,
3 shall base its findings and recommendations upon the
4 following criteria as applicable:

5 (A) the lawful authority of the employer;

6 (B) the federal and State statutes or local
7 ordinances and resolutions applicable to the employer;

8 (C) prior collective bargaining agreements and the
9 bargaining history between the parties;

10 (D) stipulations of the parties;

11 (E) the interests and welfare of the public and the
12 students and families served by the employer;

13 (F) the employer's financial ability to fund the
14 proposals based on existing available resources,
15 provided that such ability is not predicated on an
16 assumption that lines of credit or reserve funds are
17 available or that the employer may or will receive or
18 develop new sources of revenue or increase existing
19 sources of revenue;

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

22 (H) the present and future general economic
23 conditions in the locality and State;

24 (I) a comparison of the wages, hours, and
25 conditions of employment of the employees involved in
26 the dispute with the wages, hours, and conditions of

1 employment of employees performing similar services in
2 public education in the 10 largest U.S. cities;

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

6 (K) the overall compensation presently received by
7 the employees involved in the dispute, including
8 direct wage compensation; vacations, holidays, and
9 other excused time; insurance and pensions; medical
10 and hospitalization benefits; the continuity and
11 stability of employment and all other benefits
12 received; and how each party's proposed compensation
13 structure supports the educational goals of the
14 district;

15 (L) changes in any of the circumstances listed in
16 items (A) through (K) of this paragraph (4) during the
17 fact-finding proceedings;

18 (M) the effect that any term the parties are at
19 impasse on has or may have on the overall educational
20 environment, learning conditions, and working
21 conditions with the school district; and

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

25 (5) The fact-finding panel's recommended terms of
26 settlement shall be deemed agreed upon by the parties as

1 the final resolution of the disputed issues and
2 incorporated into the collective bargaining agreement
3 executed by the parties, unless either party tenders to the
4 other party and the chairperson of the fact-finding panel a
5 notice of rejection of the recommended terms of settlement
6 with a rationale for the rejection, within 15 days after
7 the date of issuance of the fact-finding panel's report. If
8 either party submits a notice of rejection, the chairperson
9 of the fact-finding panel shall publish the fact-finding
10 panel's report and the notice of rejection for public
11 information by delivering a copy to all newspapers of
12 general circulation in the community with simultaneous
13 written notice to the parties.

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

25 (c) The costs of fact finding and mediation shall be shared
26 equally between the employer and the exclusive bargaining

1 agent, provided that, for purposes of mediation under this Act,
2 if either party requests the use of mediation services from the
3 Federal Mediation and Conciliation Service, the other party
4 shall either join in such request or bear the additional cost
5 of mediation services from another source. All other costs and
6 expenses of complying with this Section must be borne by the
7 party incurring them.

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

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

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

18 (115 ILCS 5/4.5 rep.)

19 Section 20. The Illinois Educational Labor Relations Act is
20 amended by repealing Section 4.5.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.