



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2636

by Rep. Allen Skillicorn

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Public Labor Relations Act. Removes language requiring employees who are not members of a representing labor organization to pay a proportionate share of the costs of the collective bargaining process, contract administration, and pursuing matters affecting wages, hours, and conditions of employment under a collective bargaining agreement. Provides that employees shall not be required to perform certain acts as a condition of obtaining or continuing public employment. Provides that public employees shall have the right to bargain independently in their relations with the public employer. Provides that an agreement, contract, understanding, or practice between or involving a public employer, labor organization, or exclusive representative that violates the provisions concerning independent bargaining or requires an employee to perform certain forbidden acts as a condition of obtaining or continuing public employment is unlawful and unenforceable. Removes language concerning fair share agreements in collective bargaining. Provides that public employees who are not members of a labor organization may represent themselves in grievance resolution procedures. Provides that public employees who have chosen to bargain independently may be party to mediation and fact-finding proceedings. Modifies the terms "collective bargaining", "exclusive representative", and "labor organization". Removes the term "fair share agreement". Defines "independent bargaining" or "to bargain independently". Makes conforming changes. Effective immediately.

LRB101 08089 RJF 53152 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State 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 3, 4, 6, 7, 8, 9, 10, 12, and 13 as
6 follows:

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

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

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

14 (b) "Collective bargaining" means bargaining over terms
15 and conditions of employment for members of a labor
16 organization, employee organization, bargaining agent, or
17 exclusive bargaining representative, including hours, wages,
18 and other conditions of employment, as detailed in Section 7
19 and which are not excluded by Section 4.

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

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

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

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

11 (f) "Exclusive representative", except with respect to
12 non-State fire fighters and paramedics employed by fire
13 departments and fire protection districts, non-State peace
14 officers, and peace officers in the Department of State Police,
15 means the labor organization, which is the sole representative
16 for all public employees in a collective bargaining unit who
17 are members of the organization and do not independently
18 bargain, that has been (i) designated by the Board as the
19 representative of a majority of public employees in an
20 appropriate bargaining unit in accordance with the procedures
21 contained in this Act, (ii) historically recognized by the
22 State of Illinois or any political subdivision of the State
23 before July 1, 1984 (the effective date of this Act) as the
24 exclusive representative of the employees in an appropriate
25 bargaining unit, (iii) after July 1, 1984 (the effective date
26 of this Act) recognized by an employer upon evidence,

1 acceptable to the Board, that the labor organization has been
2 designated as the exclusive representative by a majority of the
3 employees in an appropriate bargaining unit; (iv) recognized as
4 the exclusive representative of personal assistants under
5 Executive Order 2003-8 prior to the effective date of this
6 amendatory Act of the 93rd General Assembly, and the
7 organization shall be considered to be the exclusive
8 representative of the personal assistants as defined in this
9 Section; or (v) recognized as the exclusive representative of
10 child and day care home providers, including licensed and
11 license exempt providers, pursuant to an election held under
12 Executive Order 2005-1 prior to the effective date of this
13 amendatory Act of the 94th General Assembly, and the
14 organization shall be considered to be the exclusive
15 representative of the child and day care home providers as
16 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, which is the sole representative for all public
22 employees in a collective bargaining unit who are members of
23 the organization and do not independently bargain, that has
24 been (i) designated by the Board as the representative of a
25 majority of peace officers or fire fighters in an appropriate
26 bargaining unit in accordance with the procedures contained in

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

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

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

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

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

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

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

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

15 (h-5) "Independent bargaining" or "to bargain
16 independently" means to bargain between a public employer and a
17 public employee with respect to rates of pay, wages, hours of
18 employment, adjustment of grievances or other terms and
19 conditions of employment without the intervention of a labor
20 organization, employee organization, bargaining agent, or
21 exclusive representative.

22 (1) Independent bargaining does not grant any greater
23 or lesser rights or privileges to public employees who have
24 chosen to represent themselves in a unit with an exclusive
25 bargaining representative than those public employees in a
26 unit without an exclusive representative.

1 (2) Independent bargaining does not grant any greater
2 or lesser duties or obligations for a public employer to
3 public employees who have chosen to represent themselves in
4 a unit with an exclusive representative than those duties
5 or obligations the public employer owe to public employees
6 in a unit without an exclusive representative.

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

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

20 (j) "Managerial employee" means an individual who is
21 engaged predominantly in executive and management functions
22 and is charged with the responsibility of directing the
23 effectuation of management policies and practices. With
24 respect only to State employees in positions under the
25 jurisdiction of the Attorney General, Secretary of State,
26 Comptroller, or Treasurer (i) that were certified in a

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

14 (j-5) "Member" means an employee who has clearly and
15 affirmatively given consent to paid membership in a labor
16 organization.

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

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

19 (5 ILCS 315/4) (from Ch. 48, par. 1604)

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

22 Sec. 4. Management Rights. Employers shall not be required
23 to bargain over matters of inherent managerial policy, which
24 shall include such areas of discretion or policy as the
25 functions of the employer, standards of services, its overall

1 budget, the organizational structure and selection of new
2 employees, examination techniques and direction of employees.
3 Employers, however, shall be required to bargain collectively
4 with regard to policy matters directly affecting wages, hours
5 and terms and conditions of employment as well as the impact
6 thereon upon request by employee representatives, except as
7 provided in Section 7.5.

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

17 The chief judge of the judicial circuit that employs a
18 public employee who is a court reporter, as defined in the
19 Court Reporters Act, has the authority to hire, appoint,
20 promote, evaluate, discipline, and discharge court reporters
21 within that judicial circuit.

22 Nothing in this amendatory Act of the 94th General Assembly
23 shall be construed to intrude upon the judicial functions of
24 any court. This amendatory Act of the 94th General Assembly
25 applies only to nonjudicial administrative matters relating to
26 the collective bargaining rights of court reporters.

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

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

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

15 To preserve the rights of employers and exclusive
16 representatives which have established collective bargaining
17 relationships or negotiated collective bargaining agreements
18 prior to the effective date of this Act, employers shall be
19 required to bargain collectively with regard to any matter
20 concerning wages, hours or conditions of employment about which
21 they have bargained for and agreed to in a collective
22 bargaining agreement prior to the effective date of this Act,
23 except as provided in subsections (e-1) and (e-3) of Section 6.

24 The chief judge of the judicial circuit that employs a
25 public employee who is a court reporter, as defined in the

1 Court Reporters Act, has the authority to hire, appoint,
2 promote, evaluate, discipline, and discharge court reporters
3 within that judicial circuit.

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

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

10 (5 ILCS 315/6) (from Ch. 48, par. 1606)

11 Sec. 6. Right to organize and bargain collectively or
12 independently; exclusive representation; and refrain from
13 representation ~~fair share arrangements~~.

14 (a) Employees of the State and any political subdivision of
15 the State, excluding employees of the General Assembly of the
16 State of Illinois and employees excluded from the definition of
17 "public employee" under subsection (n) of Section 3 of this
18 Act, have, and are protected in the exercise of, the right of
19 self-organization, and may form, join or assist any labor
20 organization, to bargain collectively through representatives
21 of their own choosing on questions of wages, hours and other
22 conditions of employment, not excluded by Section 4 of this
23 Act, and to engage in other concerted activities not otherwise
24 prohibited by law for the purposes of collective bargaining or
25 other mutual aid or protection, free from interference,

1 restraint or coercion. Employees also have, and are protected
2 in the exercise of, the right to refrain from participating in
3 any such concerted activities. ~~Employees may be required,~~
4 ~~pursuant to the terms of a lawful fair share agreement, to pay~~
5 ~~a fee which shall be their proportionate share of the costs of~~
6 ~~the collective bargaining process, contract administration and~~
7 ~~pursuing matters affecting wages, hours and other conditions of~~
8 ~~employment as defined in Section 3(g).~~

9 (b) Nothing in this Act prevents an employee from
10 presenting a grievance to the employer and having the grievance
11 heard and settled without the intervention of an employee
12 organization; provided that, for members of the exclusive
13 bargaining representative, the exclusive bargaining
14 representative is afforded the opportunity to be present at
15 such conference and that any settlement made shall not be
16 inconsistent with the terms of any agreement in effect between
17 the employer and the exclusive bargaining representative.

18 (c) A labor organization designated by the Board as the
19 representative of the majority of public employees in an
20 appropriate unit in accordance with the procedures herein or
21 recognized by a public employer as the representative of the
22 majority of public employees in an appropriate unit is the
23 exclusive representative for the members of the labor
24 organization ~~employees~~ of such unit for the purpose of
25 collective bargaining with respect to rates of pay, wages,
26 hours and other conditions of employment not excluded by

1 Section 4 of this Act. A public employer is required upon
2 request to furnish the exclusive bargaining representative
3 with a complete list of the names and addresses of the public
4 employees in the bargaining unit, provided that a public
5 employer shall not be required to furnish such a list more than
6 once per payroll period. The exclusive bargaining
7 representative shall use the list exclusively for bargaining
8 representation purposes and shall not disclose any information
9 contained in the list for any other purpose. Nothing in this
10 Section, however, shall prohibit a bargaining representative
11 from disseminating a list of its union members.

12 (d) Labor organizations recognized by a public employer as
13 the exclusive representative or so designated in accordance
14 with the provisions of this Act are responsible for
15 representing the interests of all labor organization member
16 public employees in the unit. Nothing herein shall be construed
17 to limit an exclusive representative's right to exercise its
18 discretion to refuse to process grievances of employees that
19 are unmeritorious.

20 (e) (Blank). ~~When a collective bargaining agreement is~~
21 ~~entered into with an exclusive representative, it may include~~
22 ~~in the agreement a provision requiring employees covered by the~~
23 ~~agreement who are not members of the organization to pay their~~
24 ~~proportionate share of the costs of the collective bargaining~~
25 ~~process, contract administration and pursuing matters~~
26 ~~affecting wages, hours and conditions of employment, as defined~~

1 ~~in Section 3 (g), but not to exceed the amount of dues~~
2 ~~uniformly required of members. The organization shall certify~~
3 ~~to the employer the amount constituting each nonmember~~
4 ~~employee's proportionate share which shall not exceed dues~~
5 ~~uniformly required of members. In such case, the proportionate~~
6 ~~share payment in this Section shall be deducted by the employer~~
7 ~~from the earnings of the nonmember employees and paid to the~~
8 ~~employee organization.~~

9 (e-1) Employees shall not be required as a condition of
10 obtaining or continuing public employment to do any of the
11 following:

12 (1) refrain or resign from membership in, voluntary
13 affiliation with, or voluntary financial support of a labor
14 organization or bargaining representative;

15 (2) become or remain a member of a labor organization
16 or bargaining representative;

17 (3) pay any dues, fees, assessments, or other charges
18 or expenses of any kind or amount, or provide anything of
19 value to a labor organization or bargaining
20 representative; or

21 (4) pay to any charitable organization or third party
22 any amount that is in lieu of, equivalent to, or any
23 portion of dues, fees, assessments, or other charges or
24 expenses required of members of or public employees
25 represented by a labor organization or bargaining
26 representative.

1 (e-3) Public employees shall have the right to
2 independently bargain in their relations with the public
3 employer, and the following provisions shall apply:

4 (1) No provision of any agreement between a labor
5 organization, employee organization, bargaining agent, or
6 exclusive representative and a public employer, or any
7 other public policy, shall impose representation by a labor
8 organization, employee organization, bargaining agent, or
9 exclusive representative on public employees who are not
10 members of that organization and have chosen to bargain
11 independently. Nothing in any collective bargaining
12 agreement shall limit the ability of a public employee who
13 is not a member of an exclusive representative organization
14 to negotiate with his public employer or adjust his
15 grievances directly with his public employer, nor shall a
16 resolution of any such negotiation or grievance be
17 controlled or limited by the terms of a collective
18 bargaining agreement.

19 (2) There shall be not more than one exclusive
20 bargaining representative designated by the board pursuant
21 to the provisions of Section 9 of this Act as the
22 representative of the public employees in an appropriate
23 collective bargaining unit.

24 (3) No provision of any agreement between an employee
25 organization and a public employer, or any other public
26 policy, shall impose any wages or conditions of employment

1 for members of an employee organization which are linked or
2 contingent upon wages or conditions of employment to public
3 employees who are not members of an employee organization.

4 (e-5) An agreement, contract, understanding, or practice
5 between or involving a public employer, labor organization, or
6 exclusive representative that violates subsections (e-1) or
7 (e-3) is unlawful and unenforceable. This subsection (e-5)
8 applies only to an agreement, contract, understanding, or
9 practice that takes effect, modified, or is extended or renewed
10 after the effective date of this amendatory Act of the 101st
11 General Assembly, and the following provisions shall apply:

12 (1) The court of appeals has exclusive original
13 jurisdiction over any action challenging the validity of
14 subsections (e-1) and (e-3). The court of appeals shall
15 hear the action in an expedited manner.

16 (2) A person, public employer, or labor organization
17 that violates subsection (e-1) or (e-3) is liable for a
18 civil fine of not more than \$500.00. A civil fine recovered
19 under this Section shall be submitted to the State
20 Treasurer for deposit in the General Revenue Fund.

21 (3) Except for actions required to be brought under
22 paragraph (1) of this subsection (e-5), a person who
23 suffers an injury as a result of a violation or threatened
24 violation of subsection (e-1) or (e-3) may bring a civil
25 action for damages, injunctive relief, or both. In
26 addition, a court shall award court costs and reasonable

1 attorney fees to a plaintiff who prevails in an action
2 brought under this subsection (e-5). Remedies provided in
3 this subsection (e-5) are independent of and in addition to
4 other penalties and remedies prescribed by this Act.

5 (f) Only the exclusive representative may negotiate
6 provisions in a collective bargaining agreement providing for
7 the payroll deduction of labor organization dues, ~~fair share~~
8 ~~payment,~~ initiation fees and assessments. Any ~~Except as~~
9 ~~provided in subsection (e) of this Section, any~~ such deductions
10 shall only be made upon an employee's written authorization,
11 and continued until revoked in writing in the same manner or
12 until the termination date of an applicable collective
13 bargaining agreement. Such payments shall be paid to the
14 exclusive representative.

15 Where a collective bargaining agreement is terminated, or
16 continues in effect beyond its scheduled expiration date
17 pending the negotiation of a successor agreement or the
18 resolution of an impasse under Section 14, the employer shall
19 continue to honor and abide by any dues deduction ~~or fair share~~
20 clause contained therein until a new agreement is reached
21 including a dues deduction ~~or a fair share~~ clause. For the
22 benefit of any successor exclusive representative certified
23 under this Act, this provision shall be applicable, provided
24 the successor exclusive representative: ~~(i) certifies to the~~
25 ~~employer the amount constituting each non-member's~~
26 ~~proportionate share under subsection (e); or (ii) presents the~~

1 employer with employee written authorizations for the
2 deduction of dues, assessments, and fees under this subsection.

3 Failure to so honor and abide by dues deduction ~~or fair~~
4 ~~share~~ clauses for the benefit of any exclusive representative,
5 including a successor, shall be a violation of the duty to
6 bargain and an unfair labor practice.

7 (g) (Blank). ~~Agreements containing a fair share agreement~~
8 ~~must safeguard the right of nonassociation of employees based~~
9 ~~upon bona fide religious tenets or teachings of a church or~~
10 ~~religious body of which such employees are members. Such~~
11 ~~employees may be required to pay an amount equal to their fair~~
12 ~~share, determined under a lawful fair share agreement, to a~~
13 ~~nonreligious charitable organization mutually agreed upon by~~
14 ~~the employees affected and the exclusive bargaining~~
15 ~~representative to which such employees would otherwise pay such~~
16 ~~service fee. If the affected employees and the bargaining~~
17 ~~representative are unable to reach an agreement on the matter,~~
18 ~~the Board may establish an approved list of charitable~~
19 ~~organizations to which such payments may be made.~~

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

21 (5 ILCS 315/7) (from Ch. 48, par. 1607)

22 Sec. 7. Duty to bargain. A public employer and the
23 exclusive representative have the authority and the duty to
24 bargain collectively for members of a labor organization set
25 forth in this Section.

1 For the purposes of this Act, "to bargain collectively"
2 means the performance of the mutual obligation of the public
3 employer or his designated representative and the
4 representative of the public employees, who are members of an
5 exclusive representative, to meet at reasonable times,
6 including meetings in advance of the budget-making process, and
7 to negotiate in good faith with respect to wages, hours, and
8 other conditions of employment, not excluded by Section 4 of
9 this Act, or the negotiation of an agreement, or any question
10 arising thereunder and the execution of a written contract
11 incorporating any agreement reached if requested by either
12 party, but such obligation does not compel either party to
13 agree to a proposal or require the making of a concession.

14 The duty "to bargain collectively" shall also include an
15 obligation to negotiate over any matter with respect to wages,
16 hours and other conditions of employment, not specifically
17 provided for in any other law or not specifically in violation
18 of the provisions of any law. If any other law pertains, in
19 part, to a matter affecting the wages, hours and other
20 conditions of employment, such other law shall not be construed
21 as limiting the duty "to bargain collectively" and to enter
22 into collective bargaining agreements containing clauses which
23 either supplement, implement, or relate to the effect of such
24 provisions in other laws.

25 The duty "to bargain collectively" shall also include
26 negotiations as to the terms of a collective bargaining

1 agreement. The parties may, by mutual agreement, provide for
2 arbitration of impasses resulting from their inability to agree
3 upon wages, hours and terms and conditions of employment to be
4 included in a collective bargaining agreement. Such
5 arbitration provisions shall be subject to the Illinois
6 "Uniform Arbitration Act" unless agreed by the parties.

7 The duty "to bargain collectively" shall also mean that no
8 party to a collective bargaining contract shall terminate or
9 modify such contract, unless the party desiring such
10 termination or modification:

11 (1) serves a written notice upon the other party to the
12 contract of the proposed termination or modification 60
13 days prior to the expiration date thereof, or in the event
14 such contract contains no expiration date, 60 days prior to
15 the time it is proposed to make such termination or
16 modification;

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

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

23 (4) continues in full force and effect, without
24 resorting to strike or lockout, all the terms and
25 conditions of the existing contract for a period of 60 days
26 after such notice is given to the other party or until the

1 expiration date of such contract, whichever occurs later.

2 The duties imposed upon employers, employees and labor
3 organizations by paragraphs (2), (3) and (4) shall become
4 inapplicable upon an intervening certification of the Board,
5 under which the labor organization, which is a party to the
6 contract, has been superseded as or ceased to be the exclusive
7 representative of the member employees pursuant to the
8 provisions of subsection (a) of Section 9, and the duties so
9 imposed shall not be construed as requiring either party to
10 discuss or agree to any modification of the terms and
11 conditions contained in a contract for a fixed period, if such
12 modification is to become effective before such terms and
13 conditions can be reopened under the provisions of the
14 contract.

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

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

25 Notwithstanding any other provision of this Section,
26 whenever collective bargaining is for the purpose of

1 establishing an initial agreement following original
2 certification of units with fewer than 35 employees, with
3 respect to public employees other than peace officers, fire
4 fighters, and security employees, the following apply:

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

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

20 (3) If after the expiration of the 30-day period
21 beginning on the date on which mediation commenced, or such
22 additional period as the parties may agree upon, the
23 mediator is not able to bring the parties to agreement by
24 conciliation, either the exclusive representative of the
25 member employees or the employer may request of the other,
26 in writing, arbitration and shall submit a copy of the

1 request to the board. Upon submission of the request for
2 arbitration, the parties shall be required to participate
3 in the impasse arbitration procedures set forth in Section
4 14 of this Act, except the right to strike shall not be
5 considered waived pursuant to Section 17 of this Act, until
6 the actual convening of the arbitration hearing.

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

8 (5 ILCS 315/8) (from Ch. 48, par. 1608)

9 Sec. 8. Grievance Procedure. The collective bargaining
10 agreement negotiated between the employer and the exclusive
11 representative shall contain a grievance resolution procedure
12 which shall apply to all employees in the bargaining unit and
13 shall provide for final and binding arbitration of disputes
14 concerning the administration or interpretation of the
15 agreement unless mutually agreed otherwise, provided that
16 public employees who are not members of a labor organization
17 may represent themselves in accord with established grievance
18 resolution procedures. Any agreement containing a final and
19 binding arbitration provision shall also contain a provision
20 prohibiting strikes for the duration of the agreement. The
21 grievance and arbitration provisions of any collective
22 bargaining agreement shall be subject to the Illinois "Uniform
23 Arbitration Act". The costs of such arbitration shall be borne
24 equally by the employer and the employee organization.

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

1 (5 ILCS 315/9) (from Ch. 48, par. 1609)

2 Sec. 9. Elections; recognition.

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

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

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

19 the Board shall investigate such petition, and if it has
20 reasonable cause to believe that a question of representation
21 exists, shall provide for an appropriate hearing upon due
22 notice. Such hearing shall be held at the offices of the Board
23 or such other location as the Board deems appropriate. If it
24 finds upon the record of the hearing that a question of
25 representation exists, it shall direct an election in

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

1 the county in which the majority of the public employees sought
2 to be represented by such person reside, such order extending
3 the date upon which the election shall be held. Such order
4 shall be issued by the circuit court only upon a judicial
5 finding that there has been a sufficient showing that there is
6 good cause to extend the election date beyond such period and
7 shall require the Board to hold the election as soon as is
8 feasible given the totality of the circumstances. Such 120 day
9 period may be extended one or more times by the agreement of
10 all parties to the hearing to a date certain without the
11 necessity of obtaining a court order. Nothing in this Section
12 prohibits the waiving of hearings by stipulation for the
13 purpose of a consent election in conformity with the rules and
14 regulations of the Board or an election in a unit agreed upon
15 by the parties. Other interested employee organizations may
16 intervene in the proceedings in the manner and within the time
17 period specified by rules and regulations of the Board.
18 Interested parties who are necessary to the proceedings may
19 also intervene in the proceedings in the manner and within the
20 time period specified by the rules and regulations of the
21 Board.

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

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

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

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

18 (b) The Board shall decide in each case, in order to assure
19 public employees the fullest freedom in exercising the rights
20 guaranteed by this Act, a unit appropriate for the purpose of
21 collective bargaining, based upon but not limited to such
22 factors as: historical pattern of recognition; community of
23 interest including employee skills and functions; degree of
24 functional integration; interchangeability and contact among
25 employees; fragmentation of employee groups; common
26 supervision, wages, hours and other working conditions of the

1 employees involved; and the desires of the employees. For
2 purposes of this subsection, fragmentation shall not be the
3 sole or predominant factor used by the Board in determining an
4 appropriate bargaining unit. Except with respect to non-State
5 fire fighters and paramedics employed by fire departments and
6 fire protection districts, non-State peace officers and peace
7 officers in the State Department of State Police, a single
8 bargaining unit determined by the Board may not include both
9 supervisors and nonsupervisors, except for bargaining units in
10 existence on the effective date of this Act. With respect to
11 non-State fire fighters and paramedics employed by fire
12 departments and fire protection districts, non-State peace
13 officers and peace officers in the State Department of State
14 Police, a single bargaining unit determined by the Board may
15 not include both supervisors and nonsupervisors, except for
16 bargaining units in existence on the effective date of this
17 amendatory Act of 1985.

18 In cases involving an historical pattern of recognition,
19 and in cases where the employer has recognized the union as the
20 sole and exclusive bargaining agent for a specified existing
21 unit, the Board shall find the employees in the unit then
22 represented by the union pursuant to the recognition to be the
23 appropriate unit.

24 Notwithstanding the above factors, where the majority of
25 public employees of a craft so decide, the Board shall
26 designate such craft as a unit appropriate for the purposes of

1 collective bargaining.

2 The Board shall not decide that any unit is appropriate if
3 such unit includes both professional and nonprofessional
4 employees, unless a majority of each group votes for inclusion
5 in such unit.

6 (c) Except as provided in subsections (e-1) and (e-3) of
7 Section 6, nothing ~~Nothing~~ in this Act shall interfere with or
8 negate the current representation rights or patterns and
9 practices of labor organizations which have historically
10 represented public employees for the purpose of collective
11 bargaining, including but not limited to the negotiations of
12 wages, hours and working conditions, discussions of employees'
13 grievances, resolution of jurisdictional disputes, or the
14 establishment and maintenance of prevailing wage rates, unless
15 a majority of employees so represented express a contrary
16 desire pursuant to the procedures set forth in this Act.

17 (d) In instances where the employer does not voluntarily
18 recognize a labor organization as the exclusive bargaining
19 representative for a unit of employees, the Board shall
20 determine the majority representative of the public employees
21 in an appropriate collective bargaining unit by conducting a
22 secret ballot election, except as otherwise provided in
23 subsection (a-5). Within 7 days after the Board issues its
24 bargaining unit determination and direction of election or the
25 execution of a stipulation for the purpose of a consent
26 election, the public employer shall submit to the labor

1 organization the complete names and addresses of those
2 employees who are determined by the Board to be eligible to
3 participate in the election. When the Board has determined that
4 a labor organization has been fairly and freely chosen by a
5 majority of employees in an appropriate unit, it shall certify
6 such organization as the exclusive representative for members
7 of the labor organization. If the Board determines that a
8 majority of employees in an appropriate unit has fairly and
9 freely chosen not to be represented by a labor organization, it
10 shall so certify. The Board may also revoke the certification
11 of the public employee organizations as exclusive bargaining
12 representatives which have been found by a secret ballot
13 election to be no longer the majority representative.

14 (e) The Board shall not conduct an election in any
15 bargaining unit or any subdivision thereof within which a valid
16 election has been held in the preceding 12-month period. The
17 Board shall determine who is eligible to vote in an election
18 and shall establish rules governing the conduct of the election
19 or conduct affecting the results of the election. The Board
20 shall include on a ballot in a representation election a choice
21 of "no representation". A labor organization currently
22 representing the bargaining unit of employees shall be placed
23 on the ballot in any representation election. In any election
24 where none of the choices on the ballot receives a majority, a
25 runoff election shall be conducted between the 2 choices
26 receiving the largest number of valid votes cast in the

1 election. A labor organization which receives a majority of the
2 votes cast in an election shall be certified by the Board as
3 exclusive representative of members of the labor organization
4 ~~all public employees~~ in the unit.

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

18 (g) Within the 20-day period any other interested employee
19 organization may petition the Board in the manner specified by
20 rules and regulations of the Board, provided that such
21 interested employee organization has been designated by at
22 least 10% of the employees in an appropriate bargaining unit
23 which includes all or some of the employees in the unit
24 recognized by the employer. In such event, the Board shall
25 proceed with the petition in the same manner as provided by
26 paragraph (1) of subsection (a) of this Section.

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

13 (i) An order of the Board dismissing a representation
14 petition, determining and certifying that a labor organization
15 has been fairly and freely chosen by a majority of employees in
16 an appropriate bargaining unit, determining and certifying
17 that a labor organization has not been fairly and freely chosen
18 by a majority of employees in the bargaining unit or certifying
19 a labor organization as the exclusive representative of member
20 employees in an appropriate bargaining unit because of a
21 determination by the Board that the labor organization is the
22 historical bargaining representative of employees in the
23 bargaining unit, is a final order. Any person aggrieved by any
24 such order issued on or after the effective date of this
25 amendatory Act of 1987 may apply for and obtain judicial review
26 in accordance with provisions of the Administrative Review Law,

1 as now or hereafter amended, except that such review shall be
2 afforded directly in the Appellate Court for the district in
3 which the aggrieved party resides or transacts business. Any
4 direct appeal to the Appellate Court shall be filed within 35
5 days from the date that a copy of the decision sought to be
6 reviewed was served upon the party affected by the decision.

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

8 (5 ILCS 315/10) (from Ch. 48, par. 1610)

9 Sec. 10. Unfair labor practices.

10 (a) It shall be an unfair labor practice for an employer or
11 its agents:

12 (1) to interfere with, restrain or coerce public
13 employees in the exercise of the rights guaranteed in this
14 Act or to dominate or interfere with the formation,
15 existence or administration of any labor organization or
16 contribute financial or other support to it; provided, an
17 employer shall not be prohibited from permitting employees
18 to confer with him during working hours without loss of
19 time or pay;

20 (2) to discriminate in regard to hire or tenure of
21 employment or any term or condition of employment in order
22 to encourage or discourage membership in or other support
23 for any labor organization. ~~Nothing in this Act or any~~
24 ~~other law precludes a public employer from making an~~
25 ~~agreement with a labor organization to require as a~~

1 ~~condition of employment the payment of a fair share under~~
2 ~~paragraph (c) of Section 6;~~

3 (3) to discharge or otherwise discriminate against a
4 public employee because he has signed or filed an
5 affidavit, petition or charge or provided any information
6 or testimony under this Act;

7 (4) to refuse to bargain collectively in good faith
8 with a labor organization which is the exclusive
9 representative of members of the labor organization ~~public~~
10 ~~employees~~ in an appropriate unit, including, but not
11 limited to, the discussing of grievances with the exclusive
12 representative;

13 (4.5) to refuse to bargain independently with public
14 employees who are not members of an exclusive
15 representative;

16 (5) to violate any of the rules and regulations
17 established by the Board with jurisdiction over them
18 relating to the conduct of representation elections or the
19 conduct affecting the representation elections;

20 (6) to expend or cause the expenditure of public funds
21 to any external agent, individual, firm, agency,
22 partnership or association in any attempt to influence the
23 outcome of representational elections held pursuant to
24 Section 9 of this Act; provided, that nothing in this
25 subsection shall be construed to limit an employer's right
26 to internally communicate with its employees as provided in

1 subsection (c) of this Section, to be represented on any
2 matter pertaining to unit determinations, unfair labor
3 practice charges or pre-election conferences in any formal
4 or informal proceeding before the Board, or to seek or
5 obtain advice from legal counsel. Nothing in this paragraph
6 shall be construed to prohibit an employer from expending
7 or causing the expenditure of public funds on, or seeking
8 or obtaining services or advice from, any organization,
9 group, or association established by and including public
10 or educational employers, whether covered by this Act, the
11 Illinois Educational Labor Relations Act or the public
12 employment labor relations law of any other state or the
13 federal government, provided that such services or advice
14 are generally available to the membership of the
15 organization, group or association, and are not offered
16 solely in an attempt to influence the outcome of a
17 particular representational election; or

18 (7) to refuse to reduce a collective bargaining
19 agreement to writing or to refuse to sign such agreement.

20 (b) It shall be an unfair labor practice for a labor
21 organization or its agents:

22 (1) to restrain or coerce public employees in the
23 exercise of the rights guaranteed in this Act, provided,
24 (i) that this paragraph shall not impair the right of a
25 labor organization to prescribe its own rules with respect
26 to the acquisition or retention of membership therein ~~or~~

1 ~~the determination of fair share payments~~ and (ii) that a
2 labor organization or its agents shall commit an unfair
3 labor practice under this paragraph in duty of fair
4 representation cases only by intentional misconduct in
5 representing the organization's members ~~employees~~ under
6 this Act;

7 (2) to restrain or coerce a public employer in the
8 selection of his representatives for the purposes of
9 collective bargaining or the settlement of grievances; or

10 (3) to cause, or attempt to cause, an employer to
11 discriminate against an employee in violation of
12 subsection (a) (2);

13 (4) to refuse to bargain collectively in good faith
14 with a public employer, if it has been designated in
15 accordance with the provisions of this Act as the exclusive
16 representative of a labor organization's members ~~public~~
17 ~~employees~~ in an appropriate unit;

18 (4.5) to represent or bargain on behalf of public
19 employees who are not members of the labor organization or
20 its agents and have chosen to bargain independently;

21 (5) to violate any of the rules and regulations
22 established by the boards with jurisdiction over them
23 relating to the conduct of representation elections or the
24 conduct affecting the representation elections;

25 (6) to discriminate against any employee because he has
26 signed or filed an affidavit, petition or charge or

1 provided any information or testimony under this Act;

2 (7) to picket or cause to be picketed, or threaten to
3 picket or cause to be picketed, any public employer where
4 an object thereof is forcing or requiring an employer to
5 recognize or bargain with a labor organization of the
6 representative of its employees, or forcing or requiring
7 the employees of an employer to accept or select such labor
8 organization as their collective bargaining
9 representative, unless such labor organization is
10 currently certified as the representative of such
11 employees:

12 (A) where the employer has lawfully recognized in
13 accordance with this Act any labor organization and a
14 question concerning representation may not
15 appropriately be raised under Section 9 of this Act;

16 (B) where within the preceding 12 months a valid
17 election under Section 9 of this Act has been
18 conducted; or

19 (C) where such picketing has been conducted
20 without a petition under Section 9 being filed within a
21 reasonable period of time not to exceed 30 days from
22 the commencement of such picketing; provided that when
23 such a petition has been filed the Board shall
24 forthwith, without regard to the provisions of
25 subsection (a) of Section 9 or the absence of a showing
26 of a substantial interest on the part of the labor

1 organization, direct an election in such unit as the
2 Board finds to be appropriate and shall certify the
3 results thereof; provided further, that nothing in
4 this subparagraph shall be construed to prohibit any
5 picketing or other publicity for the purpose of
6 truthfully advising the public that an employer does
7 not employ members of, or have a contract with, a labor
8 organization unless an effect of such picketing is to
9 induce any individual employed by any other person in
10 the course of his employment, not to pick up, deliver,
11 or transport any goods or not to perform any services;
12 or

13 (8) to refuse to reduce a collective bargaining
14 agreement to writing or to refuse to sign such agreement.

15 (c) The expressing of any views, argument, or opinion or
16 the dissemination thereof, whether in written, printed,
17 graphic, or visual form, shall not constitute or be evidence of
18 an unfair labor practice under any of the provisions of this
19 Act, if such expression contains no threat of reprisal or force
20 or promise of benefit.

21 (Source: P.A. 86-412; 87-736.)

22 (5 ILCS 315/12) (from Ch. 48, par. 1612)

23 Sec. 12. Mediation.

24 (a) The State and Local Panels in joint session shall
25 establish a Public Employees Mediation Roster, the services of

1 which shall be available to public employers and to labor
2 organizations, or public employees who have chosen to bargain
3 independently, upon request of the parties for the purposes of
4 mediation of grievances or contract disputes. Upon the request
5 of either party, services of the Public Employees Mediation
6 Roster shall be available for purposes of arbitrating disputes
7 over interpretation or application of the terms of an agreement
8 pursuant to Section 8. The members of the Roster shall be
9 appointed by majority vote of the members of both panels.
10 Members shall be impartial, competent, and reputable citizens
11 of the United States, residents of the State of Illinois, and
12 shall qualify by taking and subscribing to the constitutional
13 oath or affirmation of office. The function of the mediator
14 shall be to communicate with the employer and exclusive
15 representative or their representatives, or the public
16 employee who has chosen to bargain independently, and to
17 endeavor to bring about an amicable and voluntary settlement.
18 Compensation of Roster members for services performed as
19 mediators shall be paid equally by the parties to a mediated
20 labor dispute. The Board shall have authority but not the
21 obligation to promulgate regulations setting compensation
22 levels for members of the Roster, and establishing procedures
23 for suspension or dismissal of mediators for good cause shown
24 following hearing.

25 (b) A mediator in a mediated labor dispute shall be
26 selected by the Board from among the members of the Roster.

1 (c) Nothing in this Act or any other law prohibits the use
2 of other mediators selected by the parties for the resolution
3 of disputes over interpretation or application of the terms or
4 conditions of the collective bargaining agreements between a
5 public employer and a labor organization.

6 (d) If requested by the parties to a labor dispute, a
7 mediator may perform fact-finding as set forth in Section 13.

8 (Source: P.A. 98-535, eff. 1-1-14.)

9 (5 ILCS 315/13) (from Ch. 48, par. 1613)

10 Sec. 13. Fact-finding.

11 (a) If, after a reasonable period of negotiation over the
12 terms of the agreement, or upon expiration of an existing
13 collective bargaining agreement and the parties have not been
14 able to mutually resolve the dispute, the parties may, by
15 mutual consent initiate a fact-finding.

16 (b) Within three days of such request the Board must submit
17 to the parties a panel of 7 qualified, disinterested persons
18 from the Illinois Public Employees Mediation Roster to serve as
19 a fact-finder. The parties to the dispute shall designate one
20 of the 7 persons to serve as fact-finder. The fact-finder must
21 act independently of the Board and may be the same person who
22 participated in the mediation of the labor dispute if both
23 parties consent. The person selected or appointed as
24 fact-finder shall immediately establish the dates and place of
25 hearings. Upon request, the Board shall issue subpoenas for

1 hearings conducted by the fact-finder. The fact-finder may
2 administer oaths. The fact-finder shall initially determine
3 what issues are in dispute and therefore properly before the
4 fact-finder. Upon completion of the hearings, but no later than
5 45 days from the date of appointment, the fact-finder must make
6 written findings of facts and recommendations for resolution of
7 the dispute, must serve findings on the public employer and the
8 labor organization involved, and must publicize such findings
9 by mailing them to all newspapers of general circulation in the
10 community. The fact-finder's findings shall be advisory only
11 and shall not be binding upon the parties. If the parties do
12 not accept the recommendations of the fact-finder as the basis
13 for settlement, or if the fact-finder does not make written
14 findings of facts and recommendations for the resolution of the
15 dispute and serve and publicize such findings within 45 days of
16 the date of appointment, the parties may resume negotiations.

17 (c) The public employer and the labor organization which is
18 certified as exclusive representative or which is recognized as
19 exclusive representative in any particular bargaining unit by
20 the state or political subdivision, or public employees who
21 have chosen to bargain independently, are the only proper
22 parties to the fact-finding proceedings.

23 (Source: P.A. 84-1335.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.

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2		Statutes amended in order of appearance
3	5 ILCS 315/3	from Ch. 48, par. 1603
4	5 ILCS 315/4	from Ch. 48, par. 1604
5	5 ILCS 315/6	from Ch. 48, par. 1606
6	5 ILCS 315/7	from Ch. 48, par. 1607
7	5 ILCS 315/8	from Ch. 48, par. 1608
8	5 ILCS 315/9	from Ch. 48, par. 1609
9	5 ILCS 315/10	from Ch. 48, par. 1610
10	5 ILCS 315/12	from Ch. 48, par. 1612
11	5 ILCS 315/13	from Ch. 48, par. 1613