



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3455

by Rep. Lance Yednock

SYNOPSIS AS INTRODUCED:

| | |
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| 5 ILCS 315/3 | from Ch. 48, par. 1603 |
| 5 ILCS 315/6 | from Ch. 48, par. 1606 |
| 5 ILCS 315/7 | from Ch. 48, par. 1607 |
| 5 ILCS 315/10 | from Ch. 48, par. 1610 |
| 5 ILCS 315/14 | from Ch. 48, par. 1614 |
| 5 ILCS 315/17 | from Ch. 48, par. 1617 |

Provides that this Act may be cited as the Public Workers' Rights Act. Amends the Illinois Public Labor Relations Act. Removes provisions concerning fair share agreements. Adds requirements concerning the representation of public employees by exclusive bargaining representatives, including dues deduction authorization provisions, negotiation of collective bargaining agreements, and representation in grievance proceedings. Includes telecommunicators in provisions applying to public safety personnel under the Act. Provides that employees who participate in a strike, work stoppage, or slow down as the result of unfair labor practices committed by the employer shall not be subject to discipline by the employer for such actions. Defines and modifies terms. Makes conforming changes. Effective immediately.

LRB101 10226 RJF 55330 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 1. This Act may be cited as the Public Workers'
5 Rights Act.

6 Section 5. The Illinois Public Labor Relations Act is
7 amended by changing Sections 3, 6, 7, 10, 14, and 17 as
8 follows:

9 (5 ILCS 315/3) (from Ch. 48, par. 1603)

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

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

16 (b) "Collective bargaining" means bargaining over terms
17 and conditions of employment, including hours, wages, and other
18 conditions of employment, as detailed in Section 7 and which
19 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

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

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

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

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

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

16 With respect to non-State fire fighters and paramedics
17 employed by fire departments and fire protection districts,
18 non-State peace officers, and peace officers in the Department
19 of State Police, "exclusive representative" means the labor
20 organization that has been (i) designated by the Board as the
21 representative of a majority of peace officers or fire fighters
22 in an appropriate bargaining unit in accordance with the
23 procedures contained in this Act, (ii) historically recognized
24 by the State of Illinois or any political subdivision of the
25 State before January 1, 1986 (the effective date of this
26 amendatory Act of 1985) as the exclusive bargaining

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

20 (g) (Blank). ~~"Fair share agreement" means an agreement~~
21 ~~between the employer and an employee organization under which~~
22 ~~all or any of the employees in a collective bargaining unit are~~
23 ~~required to pay their proportionate share of the costs of the~~
24 ~~collective bargaining process, contract administration, and~~
25 ~~pursuing matters affecting wages, hours, and other conditions~~
26 ~~of 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, including paramedics
12 employed by a unit of local government, except that the
13 following persons are not included: part-time fire fighters,
14 auxiliary, reserve or voluntary fire fighters, including paid
15 on-call fire fighters, clerks and dispatchers or other civilian
16 employees of a fire department or fire protection district who
17 are not routinely expected to perform fire fighter duties, or
18 elected officials.

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

1 Support Services and any legislative support services agency
2 listed in the Legislative Commission Reorganization Act of
3 1984.

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

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

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

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

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

18 (j-5) "Non-member" for purposes of this Act means an
19 employee that is part of a bargaining unit represented by a
20 labor organization who has revoked or not otherwise authorized
21 the deduction and payment of dues to the labor organization.

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

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

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

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

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

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

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

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

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

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

1 supervisors except as provided in this Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 in a subsequent calendar year.

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

9 (r) "Supervisor" is:

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

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

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

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

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

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

1 both supervisors and nonsupervisors, ~~or supervisors only,~~
2 except as provided in paragraph (2) of this subsection (s) and
3 except for bargaining units in existence on January 1, 1986
4 (the effective date of this amendatory Act of 1985). A
5 bargaining unit determined by the Board to contain peace
6 officers shall contain no employees other than peace officers
7 unless otherwise agreed to by the employer and the labor
8 organization or labor organizations involved. Notwithstanding
9 any other provision of this Act, a bargaining unit, including a
10 historical bargaining unit, containing sworn peace officers of
11 the Department of Natural Resources (formerly designated the
12 Department of Conservation) shall contain no employees other
13 than such sworn peace officers upon the effective date of this
14 amendatory Act of 1990 or upon the expiration date of any
15 collective bargaining agreement in effect upon the effective
16 date of this amendatory Act of 1990 covering both such sworn
17 peace officers and other employees.

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

24 (3) Public employees who are court reporters, as defined in
25 the Court Reporters Act, shall be divided into 3 units for
26 collective bargaining purposes. One unit shall be court

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

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. 99-143, eff. 7-27-15; 100-1131, eff. 11-28-18.)

24 (5 ILCS 315/6) (from Ch. 48, par. 1606)

25 Sec. 6. Right to organize and bargain collectively;

1 exclusive representation, ~~and fair share arrangements.~~

2 (a) Employees of the State and any political subdivision of
3 the State, excluding employees of the General Assembly of the
4 State of Illinois and employees excluded from the definition of
5 "public employee" under subsection (n) of Section 3 of this
6 Act, have, and are protected in the exercise of, the right of
7 self-organization, and may form, join or assist any labor
8 organization, to bargain collectively through representatives
9 of their own choosing on questions of wages, hours and other
10 conditions of employment, not excluded by Section 4 of this
11 Act, and to engage in other concerted activities not otherwise
12 prohibited by law for the purposes of collective bargaining or
13 other mutual aid or protection, free from interference,
14 restraint or coercion. Employees also have, and are protected
15 in the exercise of, the right to refrain from participating in
16 any such concerted activities. ~~Employees may be required,~~
17 ~~pursuant to the terms of a lawful fair share agreement, to pay~~
18 ~~a fee which shall be their proportionate share of the costs of~~
19 ~~the collective bargaining process, contract administration and~~
20 ~~pursuing matters affecting wages, hours and other conditions of~~
21 ~~employment as defined in Section 3(g).~~

22 (b) Nothing in this Act prevents a labor ~~an employee~~ from
23 presenting a grievance to the employer and having the grievance
24 heard and settled without the intervention of an employee
25 organization; provided that the exclusive bargaining
26 representative is afforded the opportunity to be present at

1 such conference or similar proceeding and that any settlement
2 made shall not be inconsistent with the terms of any agreement
3 in effect between the employer and the exclusive bargaining
4 representative. However, while an employee may elect to present
5 a grievance to the employer without intervention, the exclusive
6 bargaining representative shall have the right to intervene in
7 any proceeding that may affect the interpretation of the
8 collective bargaining agreement in effect between the employer
9 and exclusive bargaining representative.

10 The exclusive bargaining representative shall have no
11 obligation to incur any costs or expenses associated with or
12 related to a grievance or similar proceeding initiated or
13 pursued by a bargaining unit employee who is a non-member or
14 has elected to who has elected not to maintain membership in
15 the labor organization that is the exclusive bargaining
16 representative for a period of not less than 90 days prior to
17 the initial events that gave rise to the grievance.

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 bargaining representative for the employees of such
24 unit for the purpose of collective bargaining with respect to
25 rates of pay, wages, hours and other conditions of employment
26 not excluded by Section 4 of this Act.

1 (1) A public employer is required upon request to
2 furnish the exclusive bargaining representative with a
3 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
6 than once per payroll period. The exclusive bargaining
7 representative shall use the list exclusively for
8 bargaining representation purposes and shall not disclose
9 any information contained in the list for any other
10 purpose. Nothing in this Section, however, shall prohibit a
11 bargaining representative from disseminating a list of its
12 union members.

13 (2) Within 14 days of a public employee first being
14 employed or reemployed by a public employer, or within 14
15 days of being promoted or transferred into a new bargaining
16 unit, the public employer shall notify the exclusive
17 bargaining representative that represents that bargaining
18 unit, furnishing the employee's name, address, job title,
19 agency, department or other unit, and work location; and

20 (3) Within 14 days of providing the notice in paragraph
21 (2) of this subsection (c), a public employer shall allow a
22 duly appointed representative of the exclusive bargaining
23 representative that represents that bargaining unit to
24 meet with such employee for a reasonable amount of time
25 during his or her work time at no harm to the employee,
26 unless otherwise specified within an agreement bargained

1 collectively under this Act; provided that arrangements
2 for such meeting must be scheduled in consultation with a
3 designated representative of the public employer.

4 (d) Labor organizations recognized by a public employer as
5 the exclusive bargaining representative or so designated in
6 accordance with the provisions of this Act are responsible for
7 representing the interests of all public employees in the unit.
8 Such an exclusive bargaining representative shall act for and
9 negotiate collective bargaining agreements on behalf of all
10 unit employees, regardless of membership status. Nothing
11 herein shall be construed to limit an exclusive
12 representative's right to exercise its discretion to refuse to
13 process grievances of employees that are unmeritorious.

14 (1) Notwithstanding any other rules, regulations, or
15 laws to the contrary, nothing in this Act shall be
16 construed to limit a labor organization's right to exercise
17 its discretion to refuse to process grievances of unit
18 employees that are unmeritorious.

19 (2) Nothing in this Act shall be construed to require a
20 labor organization to represent bargaining unit employees
21 who are non-members or who have elected not to maintain
22 membership in the labor organization that is the exclusive
23 bargaining representative for a period of not less than 90
24 days prior to the initial events that gave rise to the
25 matter (i) during employer questioning, (ii) at any stage
26 of the grievance or arbitration process, (iii) in statutory

1 or administrative proceedings, (iv) in any other
2 contractual process concerning the evaluation or
3 discipline of a public employee where the non-member is
4 permitted to proceed without the intervention of the labor
5 organization in its capacity as exclusive bargaining
6 representative, or (v) in any other matter. A labor
7 organization reserves the right, at its sole discretion, to
8 represent a unit employee who is also a non-member at the
9 proceedings and processes described in items (i) through
10 (v) in which the non-member agrees to pay the labor
11 organization fair market value for any services provided.

12 When a member or non-member elects to present a
13 grievance to the employer in accordance with subsection
14 (b), the exclusive bargaining representative shall have
15 the right to intervene in any proceeding that may affect
16 the interpretation of the collective bargaining agreement
17 negotiated with the employer.

18 (3) Nothing in this Act shall prohibit a labor
19 organization from providing legal, economic, or
20 employment-related services, benefits or the like, beyond
21 those provided for in the collective bargaining agreement,
22 to its dues paying members exclusively.

23 (e) (Blank). ~~When a collective bargaining agreement is~~
24 ~~entered into with an exclusive representative, it may include~~
25 ~~in the agreement a provision requiring employees covered by the~~
26 ~~agreement who are not members of the organization to pay their~~

1 ~~proportionate share of the costs of the collective bargaining~~
2 ~~process, contract administration and pursuing matters~~
3 ~~affecting wages, hours and conditions of employment, as defined~~
4 ~~in Section 3 (g), but not to exceed the amount of dues~~
5 ~~uniformly required of members. The organization shall certify~~
6 ~~to the employer the amount constituting each nonmember~~
7 ~~employee's proportionate share which shall not exceed dues~~
8 ~~uniformly required of members. In such case, the proportionate~~
9 ~~share payment in this Section shall be deducted by the employer~~
10 ~~from the earnings of the nonmember employees and paid to the~~
11 ~~employee organization.~~

12 (f) Only the exclusive bargaining representative may
13 negotiate provisions in a collective bargaining agreement
14 providing for the payroll deduction of labor organization dues
15 and, fair share payment, initiation fees and assessments. Any
16 ~~Except as provided in subsection (e) of this Section, any such~~
17 deductions shall only be made upon an employee's written
18 authorization, ~~and continued until revoked in writing in the~~
19 ~~same manner or until the termination date of an applicable~~
20 ~~collective bargaining agreement. Such payments shall be paid to~~
21 ~~the exclusive representative. Such deductions shall commence~~
22 ~~as soon as possible, but in no case later than 30 days after an~~
23 ~~employer receives an employee's signed written authorization~~
24 ~~for dues deductions or a copy thereof. Dues deductions shall be~~
25 ~~paid to the exclusive bargaining representative and shall~~
26 ~~continue until:~~

1 (1) an employee revokes membership in accordance with
2 the written terms of the signed authorization card or in
3 accordance with the revocation procedures of the exclusive
4 bargaining representative; or

5 (2) an employee is no longer employed by the employer;
6 however, if such an employee becomes employed by the same
7 employer in a position represented by the same exclusive
8 bargaining representative within a one-year period, the
9 exclusive bargaining representative's right to dues
10 deductions shall be reinstated in accordance with the terms
11 of the latest applicable authorization card signed by the
12 employee.

13 Where a collective bargaining agreement is terminated, or
14 continues in effect beyond its scheduled expiration date
15 pending the negotiation of a successor agreement or the
16 resolution of an impasse under Section 14, the employer shall
17 continue to honor and abide by any dues deduction ~~or fair share~~
18 ~~clause~~ contained therein until a new agreement is reached
19 including dues deduction ~~or a fair share clause~~. For the
20 benefit of any successor exclusive representative certified
21 under this Act, this provision shall be applicable, provided
22 the successor exclusive bargaining representative presents the
23 employer with employee written authorizations or copies
24 thereof for the deduction of dues, assessments, and fees under
25 this subsection (f). A written authorization card or a copy
26 thereof signed by the employee prior to the negotiation of the

1 successor agreement shall be accepted by the employer for
2 purposes of this subsection (f).÷

3 Should an individual employee who has signed a dues
4 deduction authorization card be removed from an employer's
5 payroll or otherwise placed on any type of involuntary or
6 voluntary leave of absence, whether paid or unpaid, such
7 employee's membership in a labor organization shall be
8 continued upon the employee's return to the payroll or
9 restoration to active duty from such leave of absence.

10 ~~(i) certifies to the employer the amount constituting~~
11 ~~each non-member's proportionate share under subsection~~
12 ~~(c); or~~

13 ~~(ii) presents the employer with employee written~~
14 ~~authorizations for the deduction of dues, assessments, and~~
15 ~~fees under this subsection.~~

16 Failure to so honor and abide by dues deduction ~~or fair~~
17 ~~share~~ clauses for the benefit of any exclusive bargaining
18 representative, including a successor, shall be a violation of
19 the duty to bargain and an unfair labor practice.

20 (g) Agreements containing a dues deduction clause ~~fair~~
21 ~~share agreement~~ must safeguard the right of nonassociation of
22 employees based upon bona fide religious tenets or teachings of
23 a church or religious body of which such employees are members.
24 Such employees may be required to pay an amount equal to the
25 membership dues to be paid by such employee, if such employee
26 maintained membership in the labor organization ~~their fair~~

1 ~~share, determined under a lawful fair share agreement,~~ to a
2 nonreligious charitable organization mutually agreed upon by
3 the employees affected and the exclusive bargaining
4 representative to which such employees would otherwise pay such
5 service fee. If the affected employees and the bargaining
6 representative are unable to reach an agreement on the matter,
7 the Board may establish an approved list of charitable
8 organizations to which such payments may be made.

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

10 (5 ILCS 315/7) (from Ch. 48, par. 1607)

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

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

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

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

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

24 (1) serves a written notice upon the other party to the
25 contract of the proposed termination or modification 60
26 days prior to the expiration date thereof, or in the event

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

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

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

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

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

1 contract.

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

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

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

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

26 (2) If anytime after the expiration of the 90-day

1 period beginning on the date on which bargaining is
2 commenced the parties have failed to reach an agreement,
3 either party may notify the Illinois Public Labor Relations
4 Board of the existence of a dispute and request mediation
5 in accordance with the provisions of Section 14 of this
6 Act.

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

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

22 (5 ILCS 315/10) (from Ch. 48, par. 1610)

23 Sec. 10. Unfair labor practices.

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

1 (1) to interfere with, restrain or coerce public
2 employees in the exercise of the rights guaranteed in this
3 Act or to dominate or interfere with the formation,
4 existence or administration of any labor organization or
5 contribute financial or other support to it; provided, an
6 employer shall not be prohibited from permitting employees
7 to confer with him during working hours without loss of
8 time or pay;

9 (2) to discriminate in regard to hire or tenure of
10 employment or any term or condition of employment in order
11 to encourage or discourage membership in or other support
12 for any labor organization. ~~Nothing in this Act or any~~
13 ~~other law precludes a public employer from making an~~
14 ~~agreement with a labor organization to require as a~~
15 ~~condition of employment the payment of a fair share under~~
16 ~~paragraph (c) of Section 6;~~

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

21 (4) to refuse to bargain collectively in good faith
22 with a labor organization which is the exclusive bargaining
23 representative of public employees in an appropriate unit,
24 including, but not limited to, the discussing of grievances
25 with the exclusive bargaining representative;

26 (5) to violate any of the rules and regulations

1 established by the Board with jurisdiction over them
2 relating to the conduct of representation elections or the
3 conduct affecting the representation elections;

4 (6) to expend or cause the expenditure of public funds
5 to any external agent, individual, firm, agency,
6 partnership or association in any attempt to influence the
7 outcome of representational elections held pursuant to
8 Section 9 of this Act; provided, that nothing in this
9 subsection shall be construed to limit an employer's right
10 to internally communicate with its employees as provided in
11 subsection (c) of this Section, to be represented on any
12 matter pertaining to unit determinations, unfair labor
13 practice charges or pre-election conferences in any formal
14 or informal proceeding before the Board, or to seek or
15 obtain advice from legal counsel. Nothing in this paragraph
16 shall be construed to prohibit an employer from expending
17 or causing the expenditure of public funds on, or seeking
18 or obtaining services or advice from, any organization,
19 group, or association established by and including public
20 or educational employers, whether covered by this Act, the
21 Illinois Educational Labor Relations Act or the public
22 employment labor relations law of any other state or the
23 federal government, provided that such services or advice
24 are generally available to the membership of the
25 organization, group or association, and are not offered
26 solely in an attempt to influence the outcome of a

1 particular representational election; or

2 (7) to refuse to reduce a collective bargaining
3 agreement to writing or to refuse to sign such agreement.

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

6 (1) to restrain or coerce public employees in the
7 exercise of the rights guaranteed in this Act, provided:~~;~~

8 (A) ~~(i)~~ that this paragraph shall not impair the
9 right of a labor organization to prescribe its own
10 rules with respect to the acquisition or retention of
11 membership therein ~~or the determination of fair share~~
12 ~~payments~~ and;

13 (B) ~~(ii)~~ that a labor organization or its agents
14 shall commit an unfair labor practice under this
15 paragraph in duty of fair representation cases only by
16 intentional misconduct in representing employees under
17 this Act. The labor organization's duty of fair
18 representation to bargaining unit employees who are
19 also non-members shall be limited to acting on their
20 behalf for purposes of negotiating collective
21 bargaining agreements covering the interests of all
22 bargaining unit employees and contract enforcement,
23 regardless of membership status.~~;~~

24 Nothing in this Act shall be construed to require a
25 labor organization to represent unit employees who are
26 non-members or who have elected not to maintain

1 membership in the labor organization that is the
2 exclusive bargaining representative for a period of
3 not less than 90 days prior to the initial events that
4 gave rise to the matter (i) during employer
5 questioning, (ii) at any stage of the grievance or
6 arbitration process, (iii) in statutory or
7 administrative proceedings, (iv) in any other
8 contractual process concerning the evaluation or
9 discipline of a public employee where the non-member is
10 permitted to proceed without the intervention of the
11 labor organization in its capacity as exclusive
12 bargaining representative, or (v) in any other matter.
13 A labor organization reserves the right, at its sole
14 discretion, to represent a unit employee who is also a
15 non-member at the proceedings and processes described
16 in items (i) through (v) of this subparagraph (B) in
17 which the non-member agrees to pay the labor
18 organization fair market value for the services
19 provided.

20 (C) Nothing in this Act shall prohibit a labor
21 organization from providing legal, economic, or
22 employment-related services, benefits, or the like,
23 beyond those provided for in the collective bargaining
24 agreement, to its dues paying members exclusively.

25 (2) to restrain or coerce a public employer in the
26 selection of his representatives for the purposes of

1 collective bargaining or the settlement of grievances; or

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

5 (4) to refuse to bargain collectively in good faith
6 with a public employer, if it has been designated in
7 accordance with the provisions of this Act as the exclusive
8 bargaining representative of public employees in an
9 appropriate unit;

10 (5) to violate any of the rules and regulations
11 established by the boards with jurisdiction over them
12 relating to the conduct of representation elections or the
13 conduct affecting the representation elections;

14 (6) to discriminate against any employee because he has
15 signed or filed an affidavit, petition or charge or
16 provided any information or testimony under this Act;

17 (7) to picket or cause to be picketed, or threaten to
18 picket or cause to be picketed, any public employer where
19 an object thereof is forcing or requiring an employer to
20 recognize or bargain with a labor organization of the
21 representative of its employees, or forcing or requiring
22 the employees of an employer to accept or select such labor
23 organization as their collective bargaining
24 representative, unless such labor organization is
25 currently certified as the representative of such
26 employees:

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

5 (B) where within the preceding 12 months a valid
6 election under Section 9 of this Act has been
7 conducted; or

8 (C) where such picketing has been conducted
9 without a petition under Section 9 being filed within a
10 reasonable period of time not to exceed 30 days from
11 the commencement of such picketing; provided that when
12 such a petition has been filed the Board shall
13 forthwith, without regard to the provisions of
14 subsection (a) of Section 9 or the absence of a showing
15 of a substantial interest on the part of the labor
16 organization, direct an election in such unit as the
17 Board finds to be appropriate and shall certify the
18 results thereof; provided further, that nothing in
19 this subparagraph shall be construed to prohibit any
20 picketing or other publicity for the purpose of
21 truthfully advising the public that an employer does
22 not employ members of, or have a contract with, a labor
23 organization unless an effect of such picketing is to
24 induce any individual employed by any other person in
25 the course of his employment, not to pick up, deliver,
26 or transport any goods or not to perform any services;

1 or

2 (8) to refuse to reduce a collective bargaining
3 agreement to writing or to refuse to sign such agreement.

4 (c) The expressing of any views, argument, or opinion or
5 the dissemination thereof, whether in written, printed,
6 graphic, or visual form, shall not constitute or be evidence of
7 an unfair labor practice under any of the provisions of this
8 Act, if such expression contains no threat of reprisal or force
9 or promise of benefit.

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

11 (5 ILCS 315/14) (from Ch. 48, par. 1614)

12 Sec. 14. Security employee, peace officer and fire fighter
13 disputes.

14 (a) In the case of collective bargaining agreements
15 involving units of security employees of a public employer,
16 Peace Officer Units, telecommunicator units or units of fire
17 fighters or paramedics, and in the case of disputes under
18 Section 18, unless the parties mutually agree to some other
19 time limit, mediation shall commence 30 days prior to the
20 expiration date of such agreement or at such later time as the
21 mediation services chosen under subsection (b) of Section 12
22 can be provided to the parties. In the case of negotiations for
23 an initial collective bargaining agreement, mediation shall
24 commence upon 15 days notice from either party or at such later
25 time as the mediation services chosen pursuant to subsection

1 (b) of Section 12 can be provided to the parties. In mediation
2 under this Section, if either party requests the use of
3 mediation services from the Federal Mediation and Conciliation
4 Service, the other party shall either join in such request or
5 bear the additional cost of mediation services from another
6 source. The mediator shall have a duty to keep the Board
7 informed on the progress of the mediation. If any dispute has
8 not been resolved within 15 days after the first meeting of the
9 parties and the mediator, or within such other time limit as
10 may be mutually agreed upon by the parties, either the
11 exclusive representative or employer may request of the other,
12 in writing, arbitration, and shall submit a copy of the request
13 to the Board.

14 (b) Within 10 days after such a request for arbitration has
15 been made, the employer shall choose a delegate and the
16 employees' exclusive representative shall choose a delegate to
17 a panel of arbitration as provided in this Section. The
18 employer and employees shall forthwith advise the other and the
19 Board of their selections.

20 (c) Within 7 days after the request of either party, the
21 parties shall request a panel of impartial arbitrators from
22 which they shall select the neutral chairman according to the
23 procedures provided in this Section. If the parties have agreed
24 to a contract that contains a grievance resolution procedure as
25 provided in Section 8, the chairman shall be selected using
26 their agreed contract procedure unless they mutually agree to

1 another procedure. If the parties fail to notify the Board of
2 their selection of neutral chairman within 7 days after receipt
3 of the list of impartial arbitrators, the Board shall appoint,
4 at random, a neutral chairman from the list. In the absence of
5 an agreed contract procedure for selecting an impartial
6 arbitrator, either party may request a panel from the Board.
7 Within 7 days of the request of either party, the Board shall
8 select from the Public Employees Labor Mediation Roster 7
9 persons who are on the labor arbitration panels of either the
10 American Arbitration Association or the Federal Mediation and
11 Conciliation Service, or who are members of the National
12 Academy of Arbitrators, as nominees for impartial arbitrator of
13 the arbitration panel. The parties may select an individual on
14 the list provided by the Board or any other individual mutually
15 agreed upon by the parties. Within 7 days following the receipt
16 of the list, the parties shall notify the Board of the person
17 they have selected. Unless the parties agree on an alternate
18 selection procedure, they shall alternatively strike one name
19 from the list provided by the Board until only one name
20 remains. A coin toss shall determine which party shall strike
21 the first name. If the parties fail to notify the Board in a
22 timely manner of their selection for neutral chairman, the
23 Board shall appoint a neutral chairman from the Illinois Public
24 Employees Mediation/Arbitration Roster.

25 (d) The chairman shall call a hearing to begin within 15
26 days and give reasonable notice of the time and place of the

1 hearing. The hearing shall be held at the offices of the Board
2 or at such other location as the Board deems appropriate. The
3 chairman shall preside over the hearing and shall take
4 testimony. Any oral or documentary evidence and other data
5 deemed relevant by the arbitration panel may be received in
6 evidence. The proceedings shall be informal. Technical rules of
7 evidence shall not apply and the competency of the evidence
8 shall not thereby be deemed impaired. A verbatim record of the
9 proceedings shall be made and the arbitrator shall arrange for
10 the necessary recording service. Transcripts may be ordered at
11 the expense of the party ordering them, but the transcripts
12 shall not be necessary for a decision by the arbitration panel.
13 The expense of the proceedings, including a fee for the
14 chairman, shall be borne equally by each of the parties to the
15 dispute. The delegates, if public officers or employees, shall
16 continue on the payroll of the public employer without loss of
17 pay. The hearing conducted by the arbitration panel may be
18 adjourned from time to time, but unless otherwise agreed by the
19 parties, shall be concluded within 30 days of the time of its
20 commencement. Majority actions and rulings shall constitute
21 the actions and rulings of the arbitration panel. Arbitration
22 proceedings under this Section shall not be interrupted or
23 terminated by reason of any unfair labor practice charge filed
24 by either party at any time.

25 (e) The arbitration panel may administer oaths, require the
26 attendance of witnesses, and the production of such books,

1 papers, contracts, agreements and documents as may be deemed by
2 it material to a just determination of the issues in dispute,
3 and for such purpose may issue subpoenas. If any person refuses
4 to obey a subpoena, or refuses to be sworn or to testify, or if
5 any witness, party or attorney is guilty of any contempt while
6 in attendance at any hearing, the arbitration panel may, or the
7 attorney general if requested shall, invoke the aid of any
8 circuit court within the jurisdiction in which the hearing is
9 being held, which court shall issue an appropriate order. Any
10 failure to obey the order may be punished by the court as
11 contempt.

12 (f) At any time before the rendering of an award, the
13 chairman of the arbitration panel, if he is of the opinion that
14 it would be useful or beneficial to do so, may remand the
15 dispute to the parties for further collective bargaining for a
16 period not to exceed 2 weeks. If the dispute is remanded for
17 further collective bargaining the time provisions of this Act
18 shall be extended for a time period equal to that of the
19 remand. The chairman of the panel of arbitration shall notify
20 the Board of the remand.

21 (g) At or before the conclusion of the hearing held
22 pursuant to subsection (d), the arbitration panel shall
23 identify the economic issues in dispute, and direct each of the
24 parties to submit, within such time limit as the panel shall
25 prescribe, to the arbitration panel and to each other its last
26 offer of settlement on each economic issue. The determination

1 of the arbitration panel as to the issues in dispute and as to
2 which of these issues are economic shall be conclusive. The
3 arbitration panel, within 30 days after the conclusion of the
4 hearing, or such further additional periods to which the
5 parties may agree, shall make written findings of fact and
6 promulgate a written opinion and shall mail or otherwise
7 deliver a true copy thereof to the parties and their
8 representatives and to the Board. As to each economic issue,
9 the arbitration panel shall adopt the last offer of settlement
10 which, in the opinion of the arbitration panel, more nearly
11 complies with the applicable factors prescribed in subsection
12 (h). The findings, opinions and order as to all other issues
13 shall be based upon the applicable factors prescribed in
14 subsection (h).

15 (h) Where there is no agreement between the parties, or
16 where there is an agreement but the parties have begun
17 negotiations or discussions looking to a new agreement or
18 amendment of the existing agreement, and wage rates or other
19 conditions of employment under the proposed new or amended
20 agreement are in dispute, the arbitration panel shall base its
21 findings, opinions and order upon the following factors, as
22 applicable:

23 (1) The lawful authority of the employer.

24 (2) Stipulations of the parties.

25 (3) The interests and welfare of the public and the
26 financial ability of the unit of government to meet those

1 costs.

2 (4) Comparison of the wages, hours and conditions of
3 employment of the employees involved in the arbitration
4 proceeding with the wages, hours and conditions of
5 employment of other employees performing similar services
6 and with other employees generally:

7 (A) In public employment in comparable
8 communities.

9 (B) In private employment in comparable
10 communities.

11 (5) The average consumer prices for goods and services,
12 commonly known as the cost of living.

13 (6) The overall compensation presently received by the
14 employees, including direct wage compensation, vacations,
15 holidays and other excused time, insurance and pensions,
16 medical and hospitalization benefits, the continuity and
17 stability of employment and all other benefits received.

18 (7) Changes in any of the foregoing circumstances
19 during the pendency of the arbitration proceedings.

20 (8) Such other factors, not confined to the foregoing,
21 which are normally or traditionally taken into
22 consideration in the determination of wages, hours and
23 conditions of employment through voluntary collective
24 bargaining, mediation, fact-finding, arbitration or
25 otherwise between the parties, in the public service or in
26 private employment.

1 (i) In the case of peace officers, the arbitration decision
2 shall be limited to wages, hours, and conditions of employment
3 (which may include residency requirements in municipalities
4 with a population under 1,000,000, but those residency
5 requirements shall not allow residency outside of Illinois) and
6 shall not include the following: i) residency requirements in
7 municipalities with a population of at least 1,000,000; ii) the
8 type of equipment, other than uniforms, issued or used; iii)
9 manning; iv) the total number of employees employed by the
10 department; v) mutual aid and assistance agreements to other
11 units of government; and vi) the criterion pursuant to which
12 force, including deadly force, can be used; provided, nothing
13 herein shall preclude an arbitration decision regarding
14 equipment or manning levels if such decision is based on a
15 finding that the equipment or manning considerations in a
16 specific work assignment involve a serious risk to the safety
17 of a peace officer beyond that which is inherent in the normal
18 performance of police duties. Limitation of the terms of the
19 arbitration decision pursuant to this subsection shall not be
20 construed to limit the factors upon which the decision may be
21 based, as set forth in subsection (h).

22 In the case of fire fighter, and fire department or fire
23 district paramedic matters, the arbitration decision shall be
24 limited to wages, hours, and conditions of employment
25 (including manning and also including residency requirements
26 in municipalities with a population under 1,000,000, but those

1 residency requirements shall not allow residency outside of
2 Illinois) and shall not include the following matters: i)
3 residency requirements in municipalities with a population of
4 at least 1,000,000; ii) the type of equipment (other than
5 uniforms and fire fighter turnout gear) issued or used; iii)
6 the total number of employees employed by the department; iv)
7 mutual aid and assistance agreements to other units of
8 government; and v) the criterion pursuant to which force,
9 including deadly force, can be used; provided, however, nothing
10 herein shall preclude an arbitration decision regarding
11 equipment levels if such decision is based on a finding that
12 the equipment considerations in a specific work assignment
13 involve a serious risk to the safety of a fire fighter beyond
14 that which is inherent in the normal performance of fire
15 fighter duties. Limitation of the terms of the arbitration
16 decision pursuant to this subsection shall not be construed to
17 limit the facts upon which the decision may be based, as set
18 forth in subsection (h).

19 The changes to this subsection (i) made by Public Act
20 90-385 (relating to residency requirements) do not apply to
21 persons who are employed by a combined department that performs
22 both police and firefighting services; these persons shall be
23 governed by the provisions of this subsection (i) relating to
24 peace officers, as they existed before the amendment by Public
25 Act 90-385.

26 To preserve historical bargaining rights, this subsection

1 shall not apply to any provision of a fire fighter collective
2 bargaining agreement in effect and applicable on the effective
3 date of this Act; provided, however, nothing herein shall
4 preclude arbitration with respect to any such provision.

5 (j) Arbitration procedures shall be deemed to be initiated
6 by the filing of a letter requesting mediation as required
7 under subsection (a) of this Section. The commencement of a new
8 municipal fiscal year after the initiation of arbitration
9 procedures under this Act, but before the arbitration decision,
10 or its enforcement, shall not be deemed to render a dispute
11 moot, or to otherwise impair the jurisdiction or authority of
12 the arbitration panel or its decision. Increases in rates of
13 compensation awarded by the arbitration panel may be effective
14 only at the start of the fiscal year next commencing after the
15 date of the arbitration award. If a new fiscal year has
16 commenced either since the initiation of arbitration
17 procedures under this Act or since any mutually agreed
18 extension of the statutorily required period of mediation under
19 this Act by the parties to the labor dispute causing a delay in
20 the initiation of arbitration, the foregoing limitations shall
21 be inapplicable, and such awarded increases may be retroactive
22 to the commencement of the fiscal year, any other statute or
23 charter provisions to the contrary, notwithstanding. At any
24 time the parties, by stipulation, may amend or modify an award
25 of arbitration.

26 (k) Orders of the arbitration panel shall be reviewable,

1 upon appropriate petition by either the public employer or the
2 exclusive bargaining representative, by the circuit court for
3 the county in which the dispute arose or in which a majority of
4 the affected employees reside, but only for reasons that the
5 arbitration panel was without or exceeded its statutory
6 authority; the order is arbitrary, or capricious; or the order
7 was procured by fraud, collusion or other similar and unlawful
8 means. Such petitions for review must be filed with the
9 appropriate circuit court within 90 days following the issuance
10 of the arbitration order. The pendency of such proceeding for
11 review shall not automatically stay the order of the
12 arbitration panel. The party against whom the final decision of
13 any such court shall be adverse, if such court finds such
14 appeal or petition to be frivolous, shall pay reasonable
15 attorneys' fees and costs to the successful party as determined
16 by said court in its discretion. If said court's decision
17 affirms the award of money, such award, if retroactive, shall
18 bear interest at the rate of 12 percent per annum from the
19 effective retroactive date.

20 (1) During the pendency of proceedings before the
21 arbitration panel, existing wages, hours, and other conditions
22 of employment shall not be changed by action of either party
23 without the consent of the other but a party may so consent
24 without prejudice to his rights or position under this Act. The
25 proceedings are deemed to be pending before the arbitration
26 panel upon the initiation of arbitration procedures under this

1 Act.

2 (m) Security officers of public employers, and Peace
3 Officers, telecommunicators, Fire Fighters and fire department
4 and fire protection district paramedics, covered by this
5 Section may not withhold services, nor may public employers
6 lock out or prevent such employees from performing services at
7 any time.

8 (n) All of the terms decided upon by the arbitration panel
9 shall be included in an agreement to be submitted to the public
10 employer's governing body for ratification and adoption by law,
11 ordinance or the equivalent appropriate means.

12 The governing body shall review each term decided by the
13 arbitration panel. If the governing body fails to reject one or
14 more terms of the arbitration panel's decision by a 3/5 vote of
15 those duly elected and qualified members of the governing body,
16 within 20 days of issuance, or in the case of firefighters
17 employed by a state university, at the next regularly scheduled
18 meeting of the governing body after issuance, such term or
19 terms shall become a part of the collective bargaining
20 agreement of the parties. If the governing body affirmatively
21 rejects one or more terms of the arbitration panel's decision,
22 it must provide reasons for such rejection with respect to each
23 term so rejected, within 20 days of such rejection and the
24 parties shall return to the arbitration panel for further
25 proceedings and issuance of a supplemental decision with
26 respect to the rejected terms. Any supplemental decision by an

1 arbitration panel or other decision maker agreed to by the
2 parties shall be submitted to the governing body for
3 ratification and adoption in accordance with the procedures and
4 voting requirements set forth in this Section. The voting
5 requirements of this subsection shall apply to all disputes
6 submitted to arbitration pursuant to this Section
7 notwithstanding any contrary voting requirements contained in
8 any existing collective bargaining agreement between the
9 parties.

10 (o) If the governing body of the employer votes to reject
11 the panel's decision, the parties shall return to the panel
12 within 30 days from the issuance of the reasons for rejection
13 for further proceedings and issuance of a supplemental
14 decision. All reasonable costs of such supplemental proceeding
15 including the exclusive representative's reasonable attorney's
16 fees, as established by the Board, shall be paid by the
17 employer.

18 (p) Notwithstanding the provisions of this Section the
19 employer and exclusive representative may agree to submit
20 unresolved disputes concerning wages, hours, terms and
21 conditions of employment to an alternative form of impasse
22 resolution.

23 (Source: P.A. 98-535, eff. 1-1-14; 98-1151, eff. 1-7-15.)

24 (5 ILCS 315/17) (from Ch. 48, par. 1617)

25 Sec. 17. Right to strike.

1 (a) Nothing in this Act shall make it unlawful or make it
2 an unfair labor practice for public employees, other than
3 security employees, as defined in Section 3(p), peace officers,
4 fire fighters, and paramedics employed by fire departments and
5 fire protection districts, to strike except as otherwise
6 provided in this Act. Public employees who are permitted to
7 strike may strike only if:

8 (1) the employees are represented by an exclusive
9 bargaining representative;

10 (2) the collective bargaining agreement between the
11 public employer and the public employees, if any, has
12 expired, or such collective bargaining agreement does not
13 prohibit the strike;

14 (3) the public employer and the labor organization have
15 not mutually agreed to submit the disputed issues to final
16 and binding arbitration;

17 (4) the exclusive bargaining representative has
18 requested a mediator pursuant to Section 12 for the purpose
19 of mediation or conciliation of a dispute between the
20 public employer and the exclusive bargaining
21 representative and mediation has been used; and

22 (5) at least 5 days have elapsed after a notice of
23 intent to strike has been given by the exclusive bargaining
24 representative to the public employer.

25 In mediation under this Section, if either party requests
26 the use of mediation services from the Federal Mediation and

1 Conciliation Service, the other party shall either join in such
2 request or bear the additional cost of mediation services from
3 another source.

4 (b) An employee who participates in a strike, work stoppage
5 or slowdown, in violation of this Act shall be subject to
6 discipline by the employer. No employer may pay or cause such
7 employee to be paid any wages or other compensation for such
8 periods of participation, except for wages or compensation
9 earned before participation in such strike.

10 (c) Notwithstanding subsections (a) and (b), employees who
11 participate in a strike, work stoppage, or slow down as the
12 result of unfair labor practices committed by the employer
13 shall not be subject to discipline by the employer for such
14 actions.

15 (Source: P.A. 86-412.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.