

# HB3891



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**HB3891**

Introduced 2/22/2021, by Rep. Justin Slaughter

#### SYNOPSIS AS INTRODUCED:

5 ILCS 315/15

from Ch. 48, par. 1615

Amends the Illinois Public Labor Relations Act. Provides that the provisions of the Act or any collective bargaining agreement negotiated between a public employer and the exclusive representative of peace officers thereunder shall not take precedence over any conflicting State or local law regarding peace officers. Makes conforming changes.

LRB102 12745 RJF 18084 b

A BILL FOR

1 AN ACT concerning government.

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

4 Section 5. The Illinois Public Labor Relations Act is  
5 amended by changing Section 15 as follows:

6 (5 ILCS 315/15) (from Ch. 48, par. 1615)

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

9 Sec. 15. Act Takes Precedence.

10 (a) In case of any conflict between the provisions of this  
11 Act and any other law (other than Section 5 of the State  
12 Employees Group Insurance Act of 1971 and other than the  
13 changes made to the Illinois Pension Code by Public Act 96-889  
14 and other than as provided in Section 7.5), executive order or  
15 administrative regulation relating to wages, hours and  
16 conditions of employment and employment relations, the  
17 provisions of this Act or any collective bargaining agreement  
18 negotiated thereunder shall prevail and control. Nothing in  
19 this Act shall be construed to replace or diminish the rights  
20 of employees established by Sections 28 and 28a of the  
21 Metropolitan Transit Authority Act, Sections 2.15 through 2.19  
22 of the Regional Transportation Authority Act. The provisions  
23 of this Act are subject to Section 7.5 of this Act and Section

1 5 of the State Employees Group Insurance Act of 1971. Nothing  
2 in this Act shall be construed to replace the necessity of  
3 complaints against a sworn peace officer, as defined in  
4 Section 2(a) of the Uniform Peace Officer Disciplinary Act,  
5 from having a complaint supported by a sworn affidavit.

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

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

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

25 (Text of Section WITHOUT the changes made by P.A. 98-599,

1 which has been held unconstitutional)

2 Sec. 15. Act Takes Precedence.

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

22 (a-5) Notwithstanding any provision of law to the  
23 contrary, the provisions of this Act or any collective  
24 bargaining agreement negotiated between a public employer and  
25 the exclusive representative of peace officers thereunder  
26 shall not take precedence over any conflicting State or local

1 law regarding peace officers.

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

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

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