



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5009

Introduced 1/27/2022, by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Public Labor Relations Act. Provides that notwithstanding the provisions of the Act and the Uniform Arbitration Act, arbitrators' decisions involving peace officer terminations or suspensions of more than 30 days are subject to judicial review under the Administrative Review Law. Amends the Uniform Peace Officers' Disciplinary Act. Provides that for purposes of an arbitration proceeding concerning alleged misconduct by a peace officer: (1) a law enforcement agency or, if applicable, a civilian or community oversight board, agency or review body, has the burden of proof by a preponderance of the evidence to show that: (1) the officer engaged in the alleged misconduct; and (2) created to oversee disciplinary matters concerning law enforcement officers pursuant to a city charter or ordinance for which a measure that included the question of whether to establish the board, agency, or body. Provides that when the imposed disciplinary action is termination of employment, an arbitrator may not set aside or reduce the imposed disciplinary action if setting aside or reducing the disciplinary action is inconsistent with the public interest in maintaining community trust, enforcing a higher standard of conduct for officers and ensuring an accountable, fair, and just disciplinary process. Amends the Illinois Police Training Act. Provides that the Illinois Law Enforcement Training Standards Board shall adopt rules that prescribe uniform: (1) standards of conduct, including guidelines and procedures, to which law enforcement officers shall adhere; and (2) disciplinary standards and procedures, including a range of disciplinary actions that may include consideration of aggravating or mitigating circumstances, by which a law enforcement agency, a civilian or community oversight board, agency or review body, and an arbitrator who serves in an arbitration proceeding concerning peace officer discipline. Makes other changes.

LRB102 23438 RLC 32608 b

1 AN ACT concerning Local 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 referred to as the Equitable
5 Arbitration Act.

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

8 (5 ILCS 315/6) (from Ch. 48, par. 1606)

9 Sec. 6. Right to organize and bargain collectively;
10 exclusive representation; and fair share arrangements.

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

1 from interference, restraint or coercion. Employees also have,
2 and are protected in the exercise of, the right to refrain from
3 participating in any such concerted activities. Employees may
4 be required, pursuant to the terms of a lawful fair share
5 agreement, to pay a fee which shall be their proportionate
6 share of the costs of the collective bargaining process,
7 contract administration and pursuing matters affecting wages,
8 hours and other conditions of employment as defined in Section
9 3(g).

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

18 (c) A labor organization designated by the Board as the
19 representative of the majority of public employees in an
20 appropriate unit in accordance with the procedures herein or
21 recognized by a public employer as the representative of the
22 majority of public employees in an appropriate unit is the
23 exclusive representative for the employees of such unit for
24 the purpose of collective bargaining with respect to rates of
25 pay, wages, hours and other conditions of employment not
26 excluded by Section 4 of this Act. Unless otherwise mutually

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

12 At the time the public employer provides such list, it
13 shall also provide to the exclusive representative, in an
14 Excel file or other mutually agreed upon editable digital file
15 format, the employee's job title, worksite location, work
16 telephone numbers, identification number if available, and any
17 home and personal cellular telephone numbers on file with the
18 employer, date of hire, work email address, and any personal
19 email address on file with the employer. In addition, unless
20 otherwise mutually agreed, within 10 calendar days from the
21 date of hire of a bargaining unit employee, the public
22 employer shall provide to the exclusive representative, in an
23 electronic file or other mutually agreed upon format, the
24 following information about the new employee: the employee's
25 name, job title, worksite location, home address, work
26 telephone numbers, and any home and personal cellular

1 telephone numbers on file with the employer, date of hire,
2 work email address, and any personal email address on file
3 with the employer.

4 (c-5) No employer shall disclose the following information
5 of any employee: (1) the employee's home address (including
6 ZIP code and county); (2) the employee's date of birth; (3) the
7 employee's home and personal phone number; (4) the employee's
8 personal email address; (5) any information personally
9 identifying employee membership or membership status in a
10 labor organization or other voluntary association affiliated
11 with a labor organization or a labor federation (including
12 whether employees are members of such organization, the
13 identity of such organization, whether or not employees pay or
14 authorize the payment of any dues or moneys to such
15 organization, and the amounts of such dues or moneys); and (6)
16 emails or other communications between a labor organization
17 and its members.

18 As soon as practicable after receiving a request for any
19 information prohibited from disclosure under this subsection
20 (c-5), excluding a request from the exclusive bargaining
21 representative of the employee, the employer must provide a
22 written copy of the request, or a written summary of any oral
23 request, to the exclusive bargaining representative of the
24 employee or, if no such representative exists, to the
25 employee. The employer must also provide a copy of any
26 response it has made within 5 business days of sending the

1 response to any request.

2 If an employer discloses information in violation of this
3 subsection (c-5), an aggrieved employee of the employer or his
4 or her exclusive bargaining representative may file an unfair
5 labor practice charge with the Illinois Labor Relations Board
6 pursuant to Section 10 of this Act or commence an action in the
7 circuit court to enforce the provisions of this Act, including
8 actions to compel compliance, if an employer willfully and
9 wantonly discloses information in violation of this
10 subsection. The circuit court for the county in which the
11 complainant resides, in which the complainant is employed, or
12 in which the employer is located shall have jurisdiction in
13 this matter.

14 This subsection does not apply to disclosures (i) required
15 under the Freedom of Information Act, (ii) for purposes of
16 conducting public operations or business, or (iii) to the
17 exclusive representative.

18 (c-10) Employers shall provide to exclusive
19 representatives, including their agents and employees,
20 reasonable access to employees in the bargaining units they
21 represent. This access shall at all times be conducted in a
22 manner so as not to impede normal operations.

23 (1) Access includes the following:

24 (A) the right to meet with one or more employees on
25 the employer's premises during the work day to
26 investigate and discuss grievances and

1 workplace-related complaints without charge to pay or
2 leave time of employees or agents of the exclusive
3 representative;

4 (B) the right to conduct worksite meetings during
5 lunch and other non-work breaks, and before and after
6 the workday, on the employer's premises to discuss
7 collective bargaining negotiations, the administration
8 of collective bargaining agreements, other matters
9 related to the duties of the exclusive representative,
10 and internal matters involving the governance or
11 business of the exclusive representative, without
12 charge to pay or leave time of employees or agents of
13 the exclusive representative;

14 (C) the right to meet with newly hired employees,
15 without charge to pay or leave time of the employees or
16 agents of the exclusive representative, on the
17 employer's premises or at a location mutually agreed
18 to by the employer and exclusive representative for up
19 to one hour either within the first two weeks of
20 employment in the bargaining unit or at a later date
21 and time if mutually agreed upon by the employer and
22 the exclusive representative; and

23 (D) the right to use the facility mailboxes and
24 bulletin boards of the employer to communicate with
25 bargaining unit employees regarding collective
26 bargaining negotiations, the administration of the

1 collective bargaining agreements, the investigation of
2 grievances, other workplace-related complaints and
3 issues, and internal matters involving the governance
4 or business of the exclusive representative.

5 (2) Nothing in this Section shall prohibit an employer
6 and exclusive representative from agreeing in a collective
7 bargaining agreement to provide the exclusive
8 representative greater access to bargaining unit
9 employees, including through the use of the employer's
10 email system.

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

18 (e) When a collective bargaining agreement is entered into
19 with an exclusive representative, it may include in the
20 agreement a provision requiring employees covered by the
21 agreement who are not members of the organization to pay their
22 proportionate share of the costs of the collective bargaining
23 process, contract administration and pursuing matters
24 affecting wages, hours and conditions of employment, as
25 defined in Section 3 (g), but not to exceed the amount of dues
26 uniformly required of members. The organization shall certify

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

7 (f) Employers shall make payroll deductions of labor
8 organization dues, initiation fees, assessments, and other
9 payments for a labor organization that is the exclusive
10 representative. Such deductions shall be made in accordance
11 with the terms of an employee's written authorization, and
12 shall be paid to the exclusive representative. Written
13 authorization may be evidenced by electronic communications,
14 and such writing or communication may be evidenced by the
15 electronic signature of the employee as provided under Section
16 5-120 of the Uniform Electronic Transactions Act.

17 There is no impediment to an employee's right to resign
18 union membership at any time. However, notwithstanding any
19 other provision of law to the contrary regarding authorization
20 and deduction of dues or other payments to a labor
21 organization, the exclusive representative and a public
22 employee may agree to reasonable limits on the right of the
23 employee to revoke such authorization, including a period of
24 irrevocability that exceeds one year. An authorization that is
25 irrevocable for one year, which may be automatically renewed
26 for successive annual periods in accordance with the terms of

1 the authorization, and that contains at least an annual 10-day
2 period of time during which the employee may revoke the
3 authorization, shall be deemed reasonable.

4 This Section shall apply to all claims that allege that a
5 labor organization or a public employer has improperly
6 deducted or collected dues from an employee without regard to
7 whether the claims or the facts upon which they are based
8 occurred before, on, or after the effective date of this
9 amendatory Act of the 101st General Assembly and shall apply
10 retroactively to the maximum extent permitted by law.

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

22 (i) certifies to the employer the amount constituting
23 each non-member's proportionate share under subsection
24 (e); or

25 (ii) presents the employer with employee written
26 authorizations for the deduction of dues, assessments, and

1 fees under this subsection.

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

6 (f-10) Upon receiving written notice of authorization, the
7 public employer must commence dues deductions as soon as
8 practicable, but in no case later than 30 days after receiving
9 notice from the labor organization. Employee deductions shall
10 be transmitted to the labor organization no later than 30 days
11 after they are deducted unless a shorter period is mutually
12 agreed to.

13 (f-15) Deductions shall remain in effect until:

14 (1) the public employer receives notice that a public
15 employee has revoked their authorization in writing in
16 accordance with the terms of the authorization; or

17 (2) the individual employee is no longer employed by
18 the public employer in a bargaining unit position
19 represented by the same exclusive representative, provided
20 that if the employee is, within a period of one year,
21 employed by the same public employer in a position
22 represented by the same labor organization, the right to
23 dues deduction shall be automatically reinstated.

24 Nothing in this subsection prevents an employee from
25 continuing to authorize payroll deductions when no longer
26 represented by the exclusive representative that would receive

1 such deduction.

2 Should the individual employee who has signed a dues
3 deduction authorization card either be removed from a public
4 employer's payroll or otherwise placed on any type of
5 involuntary or voluntary leave of absence, whether paid or
6 unpaid, the public employee's dues deduction shall be
7 continued upon that public employee's return to the payroll in
8 a bargaining unit position represented by the same exclusive
9 representative or restoration to active duty from such a leave
10 of absence.

11 (f-20) Unless otherwise mutually agreed by the public
12 employer and the exclusive representative, employee requests
13 to authorize, revoke, cancel, or change authorizations for
14 payroll deductions for labor organizations shall be directed
15 to the labor organization rather than to the public employer.
16 The labor organization shall be responsible for initially
17 processing and notifying the public employer of proper
18 requests or providing proper requests to the employer. If the
19 requests are not provided to the public employer, the employer
20 shall rely on information provided by the labor organization
21 regarding whether deductions for a labor organization were
22 properly authorized, revoked, canceled, or changed, and the
23 labor organization shall indemnify the public employer for any
24 damages and reasonable costs incurred for any claims made by
25 employees for deductions made in good faith reliance on that
26 information.

1 (f-25) Upon receipt by the exclusive representative of an
2 appropriate written authorization from an employee, written
3 notice of authorization shall be provided to the employer and
4 any authorized deductions shall be made in accordance with
5 law. The labor organization shall indemnify the public
6 employer for any damages and reasonable costs incurred for any
7 claims made by employees for deductions made in good faith
8 reliance on its notification.

9 (f-30) The failure of an employer to comply with the
10 provisions of this Section shall be a violation of the duty to
11 bargain and an unfair labor practice. Relief for the violation
12 shall be reimbursement by the public employer of dues that
13 should have been deducted or paid based on a valid
14 authorization given by the employee or employees. In addition,
15 the provisions of a collective bargaining agreement that
16 contain the obligations set forth in this Section may be
17 enforced in accordance with Sections 8 and 16.

18 (f-35) The Illinois Labor Relations Board shall have
19 exclusive jurisdiction over claims under Illinois law that
20 allege that a labor organization has unlawfully collected dues
21 from a public employee in violation of this Act. The Board
22 shall by rule require that in cases in which a public employee
23 alleges that a labor organization has unlawfully collected
24 dues, the public employer shall continue to deduct the
25 employee's dues from the employee's pay, but shall transmit
26 the dues to the Board for deposit in an escrow account

1 maintained by the Board. If the exclusive representative
2 maintains an escrow account for the purpose of holding dues to
3 which an employee has objected, the employer shall transmit
4 the entire amount of dues to the exclusive representative, and
5 the exclusive representative shall hold in escrow the dues
6 that the employer would otherwise have been required to
7 transmit to the Board for escrow; provided that the escrow
8 account maintained by the exclusive representative complies
9 with rules adopted by the Board or that the collective
10 bargaining agreement requiring the payment of the dues
11 contains an indemnification provision for the purpose of
12 indemnifying the employer with respect to the employer's
13 transmission of dues to the exclusive representative.

14 (f-40) If any clause, sentence, paragraph, or subparagraph
15 of this Section shall be adjudged by a court of competent
16 jurisdiction to be unconstitutional or otherwise invalid, that
17 judgment shall not affect, impair, or invalidate the remainder
18 thereof, but shall be confined in its operation to the clause,
19 sentence, paragraph, or subparagraph of this Section directly
20 involved in the controversy in which that judgment shall have
21 been rendered.

22 If any clause, sentence, paragraph, or part of a signed
23 authorization for payroll deductions shall be adjudged by a
24 court of competent jurisdiction to be unconstitutional or
25 otherwise invalid, that judgment shall not affect, impair, or
26 invalidate the remainder of the signed authorization, but

1 shall be confined in its operation to the clause, sentence,
2 paragraph, or part of the signed authorization directly
3 involved in the controversy in which that judgment shall have
4 been rendered.

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

18 (h) This Section is subject to the provisions of Sections
19 8.1 and 8.2 of the Uniform Peace Officers' Disciplinary Act.

20 (Source: P.A. 101-620, eff. 12-20-19; 102-38, eff. 6-25-21.)

21 (5 ILCS 315/8) (from Ch. 48, par. 1608)

22 Sec. 8. Grievance Procedure.

23 (a) The collective bargaining agreement negotiated between
24 the employer and the exclusive representative shall contain a
25 grievance resolution procedure which shall apply to all

1 employees in the bargaining unit and shall provide for final
2 and binding arbitration of disputes concerning the
3 administration or interpretation of the agreement unless
4 mutually agreed otherwise. Any agreement containing a final
5 and binding arbitration provision shall also contain a
6 provision prohibiting strikes for the duration of the
7 agreement. Except as otherwise provided in Sections 8.1 and
8 8.2 of the Uniform Peace Officers' Disciplinary Act, the ~~The~~
9 grievance and arbitration provisions of any collective
10 bargaining agreement shall be subject to the Illinois "Uniform
11 Arbitration Act". The costs of such arbitration shall be borne
12 equally by the employer and the employee organization.
13 Notwithstanding the provisions of this Act and the Uniform
14 Arbitration Act, arbitrators' decisions involving peace
15 officer terminations or suspensions of more than 30 days are
16 subject to judicial review under the Administrative Review
17 Law.

18 (b) (1) A public employer that is a law enforcement agency
19 may enter into a written agreement with the exclusive
20 representative of an appropriate bargaining unit of peace
21 officers setting forth a grievance procedure culminating in
22 binding arbitration or any other dispute resolution process
23 agreed to by the parties. As a condition of enforceability,
24 any arbitration award that orders the reinstatement of a peace
25 officer or otherwise relieves the peace officer of
26 responsibility for misconduct shall comply with public policy

1 requirements as clearly defined in statutes or judicial
2 decisions, including, but not limited to, policies respecting
3 sexual harassment or sexual misconduct, unjustified and
4 egregious use of physical or deadly force and serious criminal
5 misconduct, related to work. In addition, with respect to
6 claims that a grievant should be reinstated or otherwise
7 relieved of responsibility for misconduct based upon the
8 public employer's alleged previous differential treatment of
9 peace officer employees for the same or similar conduct, the
10 arbitration award must conform to the following principles:

11 (A) Some misconduct is so egregious that no employee
12 can reasonably rely on past treatment for similar offenses
13 as a justification or defense to discharge or other
14 discipline.

15 (B) Public managers have a right to change
16 disciplinary policies at any time, notwithstanding prior
17 practices, if the managers give reasonable advance notice
18 to affected peace officer employees and the change does
19 not otherwise violate a collective bargaining agreement.

20 (2) In addition to paragraph (1) of this subsection, a
21 public employer may enter into a written agreement with the
22 exclusive representative of its employees providing that a
23 labor dispute over conditions and terms of a contract may be
24 resolved through binding arbitration.

25 (3) In an arbitration proceeding under this subsection,
26 the arbitrators, or a majority of the arbitrators, may:

1 (A) issue subpoenas on their own motion or at the
2 request of a party to the proceeding to: (i) compel the
3 attendance of a witness properly served by either
4 party; and (ii) Require from either party the
5 production of books, papers and documents the
6 arbitrators find are relevant to the proceeding;

7 (B) administer oaths or affirmations to witnesses;
8 and

9 (C) adjourn a hearing from day to day, or for a
10 longer time, and from place to place.

11 (4) The arbitrators shall promptly provide a copy of a
12 subpoena issued under this subsection to each party to the
13 arbitration proceeding.

14 (5) The arbitrators issuing a subpoena under this
15 subsection may rule on objections to the issuance of the
16 subpoena.

17 (6) If a person fails to comply with a subpoena issued
18 under this subsection or if a witness refuses to testify on a
19 matter on which the witness may be lawfully questioned, the
20 party who requested the subpoena or seeks the testimony may
21 apply to the arbitrators for an order authorizing the party to
22 apply to the circuit court of any county to enforce the
23 subpoena or compel the testimony. On the application of the
24 attorney of record for the party or on the application of the
25 arbitrators, or a majority of the arbitrators, the court may
26 require the person or witness to show cause why the person or

1 witness should not be punished for contempt of court to the
2 same extent and purpose as if the proceedings were pending
3 before the court.

4 (7) Witnesses appearing pursuant to subpoena, other than
5 parties or officers or employees of the public employer, shall
6 receive fees and mileage as prescribed by law for witnesses in
7 civil cases.

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

9 Section 10. The Illinois Police Training Act is amended by
10 by changing Section 6.3 and by adding Section 6.8 as follows:

11 (50 ILCS 705/6.3)

12 Sec. 6.3. Discretionary decertification of full-time and
13 part-time law enforcement officers.

14 (a) Definitions. For purposes of this Section 6.3:

15 "Duty to intervene" means an obligation to intervene to
16 prevent harm from occurring that arises when: an officer is
17 present, and has reason to know (1) that excessive force is
18 being used or that any constitutional violation has been
19 committed by a law enforcement official; and (2) the officer
20 has a realistic opportunity to intervene. This duty applies
21 equally to supervisory and nonsupervisory officers. If aid is
22 required, the officer shall not, when reasonable to administer
23 aid, knowingly and willingly refuse to render aid as defined
24 by State or federal law. An officer does not violate this duty

1 if the failure to render aid is due to circumstances such as
2 lack of appropriate specialized training, lack of resources or
3 equipment, or if it is unsafe or impracticable to render aid.

4 "Excessive use of force" means using force in violation of
5 State or federal law.

6 "False statement" means (1) any knowingly false statement
7 provided on a form or report, (2) that the writer does not
8 believe to be true, and (3) that the writer includes to mislead
9 a public servant in performing the public servant's official
10 functions.

11 "Perjury" means that as defined under Sections 32-2 and
12 32-3 of the Criminal Code of 2012.

13 "Tampers with or fabricates evidence" means if a law
14 enforcement officer (1) has reason to believe that an official
15 proceeding is pending or may be instituted, and (2) alters,
16 destroys, conceals, or removes any record, document, data,
17 video or thing to impair its validity or availability in the
18 proceeding.

19 (b) Decertification conduct. The Board has the authority
20 to decertify a full-time or a part-time law enforcement
21 officer upon a determination by the Board that the law
22 enforcement officer has:

23 (1) committed an act that would constitute a felony or
24 misdemeanor which could serve as basis for automatic
25 decertification, whether or not the law enforcement
26 officer was criminally prosecuted, and whether or not the

1 law enforcement officer's employment was terminated;

2 (2) exercised excessive use of force;

3 (3) failed to comply with the officer's duty to
4 intervene, including through acts or omissions;

5 (4) tampered with a dash camera or body-worn camera or
6 data recorded by a dash camera or body-worn camera or
7 directed another to tamper with or turn off a dash camera
8 or body-worn camera or data recorded by a dash camera or
9 body-worn camera for the purpose of concealing, destroying
10 or altering potential evidence;

11 (5) engaged in the following conduct relating to the
12 reporting, investigation, or prosecution of a crime:
13 committed perjury, made a false statement, or knowingly
14 tampered with or fabricated evidence; ~~and~~

15 (6) engaged in any unprofessional, unethical,
16 deceptive, or deleterious conduct or practice harmful to
17 the public; such conduct or practice need not have
18 resulted in actual injury to any person. As used in this
19 paragraph, the term "unprofessional conduct" shall include
20 any departure from, or failure to conform to, the minimal
21 standards of acceptable and prevailing practice of an
22 officer; and -

23 (7) violated the uniform standards of law enforcement
24 officer conduct prescribed under Section 6.8.

25
26 (c) Notice of alleged violation ~~Alleged Violation~~.

1 (1) The following individuals and agencies shall
2 notify the Board within 7 days of becoming aware of any
3 violation described in subsection (b):

4 (A) A governmental agency as defined in Section 2
5 or any law enforcement officer of this State. For this
6 subsection (c), governmental agency includes, but is
7 not limited to, a civilian review board, an inspector
8 general, and legal counsel for a governmental
9 ~~government~~ agency.

10 (B) The Executive Director of the Board.~~+~~

11 (C) A State's Attorney's Office of this State.

12 "Becoming aware" does not include confidential
13 communications between agency lawyers and agencies
14 regarding legal advice. For purposes of this subsection,
15 "governmental agency" does not include the Illinois
16 Attorney General when providing legal representation to a
17 law enforcement officer under the State Employee
18 Indemnification Act.

19 (2) Any person may also notify the Board of any
20 conduct the person believes a law enforcement officer has
21 committed as described in subsection (b). Such
22 notifications may be made confidentially. Notwithstanding
23 any other provision in State ~~state~~ law or any collective
24 bargaining agreement, the Board shall accept notice and
25 investigate any allegations from individuals who remain
26 confidential.

1 (3) Upon written request, the Board shall disclose to
2 the individual or entity who filed a notice of violation
3 the status of the Board's review.

4 (d) Form. The notice of violation reported under
5 subsection (c) shall be on a form prescribed by the Board in
6 its rules. The form shall be publicly available by paper and
7 electronic means. The form shall include fields for the
8 following information, at a minimum:

9 (1) the full name, address, and telephone number of
10 the person submitting the notice;

11 (2) if submitted under paragraph ~~subsection~~ (c)(1),
12 the agency name and title of the person submitting the
13 notice;

14 (3) the full name, badge number, governmental agency,
15 and physical description of the officer, if known;

16 (4) the full name or names, address or addresses,
17 telephone number or numbers, and physical description or
18 descriptions of any witnesses, if known;

19 (5) a concise statement of facts that describe the
20 alleged violation and any copies of supporting evidence,
21 including, but not limited to, any photographic, video, or
22 audio recordings of the incident;

23 (6) whether the person submitting the notice has
24 notified any other agency; and

25 (7) an option for an individual, who submits directly
26 to the Board, to consent to have the individual's identity

1 disclosed.

2 ~~(a)~~ The identity of any individual providing information
3 or reporting any possible or alleged violation to the Board
4 shall be kept confidential and may not be disclosed without
5 the consent of that individual, unless the individual consents
6 to disclosure of the individual's name or disclosure of the
7 individual's identity is otherwise required by law. The
8 confidentiality granted by this subsection does not preclude
9 the disclosure of the identity of a person in any capacity
10 other than as the source of an allegation.

11 Nothing in this subsection (d) shall preclude the Board
12 from receiving, investigating, or acting upon allegations made
13 confidentially or in a format different from the form provided
14 for in this subsection.

15 (e) Preliminary review.

16 (1) The Board shall complete a preliminary review of
17 the allegations to determine whether there is sufficient
18 information to warrant a further investigation of any
19 violations of the Act. Upon initiating a preliminary
20 review of the allegations, the Board shall notify the head
21 of the governmental agency that employs the law
22 enforcement officer who is the subject of the allegations.
23 At the request of the Board, the governmental agency must
24 submit any copies of investigative findings, evidence, or
25 documentation to the Board in accordance with rules
26 adopted by the Board to facilitate the Board's preliminary

1 review. The Board may correspond with the governmental
2 agency, official records clerks or any investigative
3 agencies in conducting its preliminary review.

4 (2) During the preliminary review, the Board will take
5 all reasonable steps to discover any and all objective
6 verifiable evidence relevant to the alleged violation
7 through the identification, retention, review, and
8 analysis of all currently available evidence, including,
9 but not limited to: all time-sensitive evidence, audio and
10 video evidence, physical evidence, arrest reports,
11 photographic evidence, GPS records, computer data, lab
12 reports, medical documents, and witness interviews. All
13 reasonable steps will be taken to preserve relevant
14 evidence identified during the preliminary investigation.

15 (3) If after a preliminary review of the alleged
16 violation or violations, the Board believes there is
17 sufficient information to warrant further investigation of
18 any violations of this Act, the alleged violation or
19 violations shall be assigned for investigation in
20 accordance with subsection (f).

21 (4) If after a review of the allegations, the Board
22 believes there is insufficient information supporting the
23 allegations to warrant further investigation, it may close
24 a notice. Notification of the Board's decision to close a
25 notice shall be sent to all relevant individuals,
26 agencies, and any entities that received notice of the

1 violation under subsection (c) within 30 days of the
2 notice being closed, except in cases where the notice is
3 submitted anonymously if the complainant is unknown.

4 (5) Except when the Board has received notice under
5 subparagraph (A) of paragraph (1) of subsection (c), no
6 later than 30 days after receiving notice, the Board shall
7 report any notice of violation it receives to the relevant
8 governmental agency, unless reporting the notice would
9 jeopardize any subsequent investigation. The Board shall
10 also record any notice of violation it receives to the
11 Officer Professional Conduct Database in accordance with
12 Section 9.2. The Board shall report to the appropriate
13 State's Attorney any alleged violations that contain
14 allegations, claims, or factual assertions that, if true,
15 would constitute a violation of Illinois law. The Board
16 shall inform the law enforcement officer via certified
17 mail that it has received a notice of violation against
18 the law enforcement officer.

19 If the Board determines that due to the circumstances
20 and the nature of the allegation that it would not be
21 prudent to notify the law enforcement officer and the
22 officer's governmental agency unless and until the filing
23 of a formal complaint ~~Formal Complaint~~, the Board shall
24 document in the file the reason or reasons a notification
25 was not made.

26 (6) If a criminal proceeding has been initiated

1 against the law enforcement officer, the Board is
2 responsible for maintaining a current status report
3 including court dates, hearings, pleas, adjudication
4 status and sentencing. A State's Attorney's Office is
5 responsible for notifying the Board of any criminal
6 charges filed against a law enforcement officer.

7 (f) Investigations; requirements. Investigations are to be
8 assigned after a preliminary review, unless the investigations
9 were closed under paragraph (4) of subsection (e), as follows
10 in paragraphs (1), (2), and (3) of this subsection (f).

11 (1) A governmental agency that submits a notice of
12 violation to the Board under subparagraph (A) of paragraph
13 (1) of subsection (c) shall be responsible for conducting
14 an investigation of the underlying allegations except
15 when: (i) the governmental agency refers the notice to
16 another governmental agency or the Board for investigation
17 and such other agency or the Board agrees to conduct the
18 investigation; (ii) an external, independent, or civilian
19 oversight agency conducts the investigation in accordance
20 with local ordinance or other applicable law; or (iii) the
21 Board has determined that it will conduct the
22 investigation based upon the facts and circumstances of
23 the alleged violation, including, but not limited to,
24 investigations regarding the Chief or Sheriff of a
25 governmental agency, familial conflict of interests,
26 complaints involving a substantial portion of a

1 governmental agency, or complaints involving a policy of a
2 governmental agency. Any agency or entity conducting an
3 investigation under this paragraph (1) shall, within 7
4 days of completing an investigation, deliver an
5 Investigative Summary Report and copies of any
6 administrative evidence to the Board. If the Board finds
7 an investigation conducted under this paragraph (1) is
8 incomplete, unsatisfactory, or deficient in any way, the
9 Board may direct the investigating entity or agency to
10 take any additional investigative steps deemed necessary
11 to thoroughly and satisfactorily complete the
12 investigation, or the Board may take any steps necessary
13 to complete the investigation. The investigating entity or
14 agency or, when necessary, the Board will then amend and
15 re-submit the Investigative Summary Report to the Board
16 for approval.

17 (2) The Board shall investigate and complete an
18 Investigative Summary Report when a State's Attorney's
19 Office submits a notice of violation to the Board under
20 subparagraph (c) (1) (C).

21 (3) When a person submits a notice to the Board under
22 paragraph (2) of subsection (c), The Board shall assign
23 the investigation to the governmental agency that employs
24 the law enforcement officer, except when: (i) the
25 governmental agency requests to refer the notice to
26 another governmental agency or the Board for investigation

1 and such other agency or the Board agrees to conduct the
2 investigation; (ii) an external, independent, or civilian
3 oversight agency conducts the investigation in accordance
4 with local ordinance or other applicable law; or (iii) the
5 Board has determined that it will conduct the
6 investigation based upon the facts and circumstances of
7 the alleged violation, including, but not limited to,
8 investigations regarding the Chief or Sheriff of a
9 governmental agency, familial conflict of interests,
10 complaints involving a substantial portion of a
11 governmental agency, or complaints involving a policy of a
12 governmental agency. The investigating entity or agency
13 shall, within 7 days of completing an investigation,
14 deliver an Investigative Summary Report and copies of any
15 evidence to the Board. If the Board finds an investigation
16 conducted under this paragraph ~~subsection~~ (f)(3) is
17 incomplete, unsatisfactory, or deficient in any way, the
18 Board may direct the investigating entity to take any
19 additional investigative steps deemed necessary to
20 thoroughly and satisfactorily complete the investigation,
21 or the Board may take any steps necessary to complete the
22 investigation. The investigating entity or agency or, when
23 necessary, the Board will then amend and re-submit The
24 Investigative Summary Report to the Board for approval.
25 The investigating entity shall cooperate with and assist
26 the Board, as necessary, in any subsequent investigation.

1 (4) Concurrent investigations ~~Investigations~~. The
2 Board may, at any point, initiate a concurrent
3 investigation under this Section ~~section~~. The original
4 investigating entity shall timely communicate, coordinate,
5 and cooperate with the Board to the fullest extent. The
6 Board shall promulgate rules that shall address, at a
7 minimum, the sharing of information and investigative
8 means such as subpoenas and interviewing witnesses.

9 (5) Investigative Summary Report. An Investigative
10 Summary Report shall contain, at a minimum, the
11 allegations and elements within each allegation followed
12 by the testimonial, documentary, or physical evidence that
13 is relevant to each such allegation or element listed and
14 discussed in association with it. All persons who have
15 been interviewed and listed in the Investigative Summary
16 Report will be identified as a complainant, witness,
17 person with specialized knowledge, or law enforcement
18 employee.

19 (6) Each governmental agency shall adopt a written
20 policy regarding the investigation of conduct under
21 subsection (b) ~~(a)~~ that involves a law enforcement officer
22 employed by that governmental agency. The written policy
23 adopted must include the following, at a minimum:

24 (a) Each law enforcement officer shall immediately
25 report any conduct under subsection (b) to the
26 appropriate supervising officer.

1 (b) The written policy under this Section shall be
2 available for inspection and copying under the Freedom
3 of Information Act, and not subject to any exemption
4 of that Act.

5 (7) Nothing in this Act shall prohibit a governmental
6 agency from conducting an investigation for the purpose of
7 internal discipline. However, any such investigation shall
8 be conducted in a manner that avoids interference with,
9 and preserves the integrity of, any separate investigation
10 being conducted.

11 (g) Formal complaints. Upon receipt of an Investigative
12 Summary Report, the Board shall review the Report and any
13 relevant evidence obtained and determine whether there is
14 reasonable basis to believe that the law enforcement officer
15 committed any conduct that would be deemed a violation of this
16 Act. If after reviewing the Report and any other relevant
17 evidence obtained, the Board determines that a reasonable
18 basis does exist, the Board shall file a formal complaint with
19 the Certification Review Panel.

20 (h) Formal complaint hearing ~~Complaint Hearing~~.

21 (1) Upon issuance of a formal complaint, the Panel
22 shall set the matter for an initial hearing in front of an
23 administrative law judge. At least 30 days before the date
24 set for an initial hearing, the Panel must, in writing,
25 notify the law enforcement officer subject to the
26 complaint of the following:

1 (i) the allegations against the law enforcement
2 officer, the time and place for the hearing, and
3 whether the law enforcement officer's certification
4 has been temporarily suspended under Section 8.3;

5 (ii) the right to file a written answer to the
6 complaint with the Panel within 30 days after service
7 of the notice;

8 (iii) if the law enforcement officer fails to
9 comply with the notice of the default order in
10 paragraph (2), the Panel shall enter a default order
11 against the law enforcement officer along with a
12 finding that the allegations in the complaint are
13 deemed admitted, and that the law enforcement
14 officer's certification may be revoked as a result;
15 and

16 (iv) the law enforcement officer may request an
17 informal conference to surrender the officer's
18 certification.

19 (2) The Board shall send the law enforcement officer
20 notice of the default order. The notice shall state that
21 the officer has 30 days to notify the Board in writing of
22 their desire to have the order vacated and to appear
23 before the Board. If the law enforcement officer does not
24 notify the Board within 30 days, the Board may set the
25 matter for hearing. If the matter is set for hearing, the
26 Board shall send the law enforcement officer the notice of

1 the date, time and location of the hearing. If the law
2 enforcement officer or counsel for the officer does
3 appear, at the Board's discretion, the hearing may proceed
4 or may be continued to a date and time agreed upon by all
5 parties. If on the date of the hearing, neither the law
6 enforcement officer nor counsel for the officer appears,
7 the Board may proceed with the hearing for default in
8 their absence.

9 (3) If the law enforcement officer fails to comply
10 with paragraph (2), all of the allegations contained in
11 the complaint shall be deemed admitted and the law
12 enforcement officer shall be decertified if, by a majority
13 vote of the panel, the conduct charged in the complaint is
14 found to constitute sufficient grounds for decertification
15 under this Act. Notice of the decertification decision may
16 be served by personal delivery, by mail, or, at the
17 discretion of the Board, by electronic means as adopted by
18 rule to the address or email address specified by the law
19 enforcement officer in the officer's last communication
20 with the Board. Notice shall also be provided to the law
21 enforcement officer's governmental agency.

22 (4) The Board, at the request of the law enforcement
23 officer subject to the formal complaint ~~Formal Complaint~~,
24 may suspend a hearing on a formal complaint ~~Formal~~
25 ~~Complaint~~ for no more than one year if a concurrent
26 criminal matter is pending. If the law enforcement officer

1 requests to have the hearing suspended, the law
2 enforcement officer's certification shall be deemed
3 inactive until the law enforcement officer's formal
4 complaint ~~Formal Complaint~~ hearing concludes.

5 (5) Surrender of certification or waiver. Upon the
6 Board's issuance of a complaint, and prior to hearing on
7 the matter, a law enforcement officer may choose to
8 surrender the officer's certification or waiver by
9 notifying the Board in writing of the officer's decision
10 to do so. Upon receipt of such notification from the law
11 enforcement officer, the Board shall immediately decertify
12 the officer, or revoke any waiver previously granted. In
13 the case of a surrender of certification or waiver, the
14 Board's proceeding shall terminate.

15 (6) Appointment of administrative law judges. The
16 Board shall retain any attorney licensed to practice law
17 in the State of Illinois to serve as an administrative law
18 judge in any action initiated against a law enforcement
19 officer under this Act. The administrative law judge shall
20 be retained to a term of no greater than 4 years. If more
21 than one judge is retained, the terms shall be staggered.
22 The administrative law judge has full authority to conduct
23 the hearings.

24 Administrative law judges will receive initial and
25 annual training that is adequate in quality, quantity,
26 scope, and type, and will cover, at minimum the following

1 topics:

2 (i) constitutional and other relevant law on
3 police-community encounters, including the law on the
4 use of force and stops, searches, and arrests;

5 (ii) police tactics;

6 (iii) investigations of police conduct;

7 (iv) impartial policing;

8 (v) policing individuals in crisis;

9 (vi) Illinois police policies, procedures, and
10 disciplinary rules;

11 (vii) procedural justice; and

12 (viii) community outreach.

13 (7) Hearing. At the hearing, the administrative law judge
14 will hear the allegations alleged in the complaint. The law
15 enforcement officer, the counsel of the officer's choosing,
16 and the Board, or the officer's counsel, shall be afforded the
17 opportunity to present any pertinent statements, testimony,
18 evidence, and arguments. The law enforcement officer shall be
19 afforded the opportunity to request that the Board compel the
20 attendance of witnesses and production of related documents.
21 After the conclusion of the hearing, the administrative law
22 judge shall report his or her findings of fact, conclusions of
23 law, and recommended disposition to the Panel.

24 (8) Certification review meeting ~~Review Meeting~~. Upon
25 receipt of the administrative law judge's findings of
26 fact, conclusions of law, and recommended disposition, the

1 Panel shall call for a certification review meeting.

2 In such a meeting, the Panel may adjourn into a closed
3 conference for the purposes of deliberating on the
4 evidence presented during the hearing. In closed
5 conference, the Panel shall consider the hearing officer's
6 findings of fact, conclusions of law, and recommended
7 disposition and may deliberate on all evidence and
8 testimony received and may consider the weight and
9 credibility to be given to the evidence received. No new
10 or additional evidence may be presented to the Panel.
11 After concluding its deliberations, the Panel shall
12 convene in open session for its consideration of the
13 matter. If a simple majority of the Panel finds that no
14 allegations in the complaint supporting one or more
15 charges of misconduct are proven by clear and convincing
16 evidence, then the Panel shall recommend to the Board that
17 the complaint be dismissed. If a simple majority of the
18 Panel finds that the allegations in the complaint
19 supporting one or more charges of misconduct are proven by
20 clear and convincing evidence, then the Panel shall
21 recommend to the Board to decertify the officer. In doing
22 so, the Panel may adopt, in whole or in part, the hearing
23 officer's findings of fact, conclusions of law, and
24 recommended disposition.

25 (9) Final action by the Board. After receiving the
26 Panel's recommendations, and after due consideration of

1 the Panel's recommendations, the Board, by majority vote,
2 shall issue a final decision to decertify the law
3 enforcement officer or take no action in regard to the law
4 enforcement officer. No new or additional evidence may be
5 presented to the Board. If the Board makes a final
6 decision contrary to the recommendations of the Panel, the
7 Board shall set forth in its final written decision the
8 specific written reasons for not following the Panel's
9 recommendations. A copy of the Board's final decision
10 shall be served upon the law enforcement officer by the
11 Board, either personally or as provided in this Act for
12 the service of a notice of hearing. A copy of the Board's
13 final decision also shall be delivered to the employing
14 governmental agency, the complainant, and the Panel.

15 (10) Reconsideration of the Board's decision ~~Decision~~.
16 Within 30 days after service of the Board's final
17 decision, the Panel or the law enforcement officer may
18 file a written motion for reconsideration with the Board.
19 The motion for reconsideration shall specify the
20 particular grounds for reconsideration. The non-moving
21 party may respond to the motion for reconsideration. The
22 Board may deny the motion for reconsideration, or it may
23 grant the motion in whole or in part and issue a new final
24 decision in the matter. The Board must notify the law
25 enforcement officer within 14 days of a denial and state
26 the reasons for denial.

1 (Source: P.A. 101-652, eff. 1-1-22; revised 11-24-21.)

2 (50 ILCS 705/6.8 new)

3 Sec. 6.8. Board to adopt rules of law enforcement officer
4 standards.

5 (a) The Board shall adopt rules that prescribe uniform:

6 (1) standards of conduct, including guidelines and
7 procedures, to which law enforcement officers shall
8 adhere; and

9 (2) disciplinary standards and procedures, including a
10 range of disciplinary actions that may include
11 consideration of aggravating or mitigating circumstances,
12 by which a law enforcement agency, a civilian or community
13 oversight board, agency or review body, and an arbitrator
14 who serves in an arbitration proceeding described in
15 subsection (b) of Section 8 of the Illinois Public Labor
16 Relations Act.

17 (b) The Board shall make determinations regarding alleged
18 misconduct by a law enforcement officer and shall make
19 recommendations for and impose disciplinary action in response
20 to those determinations.

21 At minimum, the uniform standards described under
22 paragraph (1) of subsection (a) must address standards of
23 conduct and discipline regarding:

24 (1) unjustified or excessive use of physical or deadly
25 force;

- 1 (2) sexual harassment;
2 (3) sexual assault;
3 (4) assault;
4 (5) conduct that is motivated by or based on a real or
5 perceived factor of an individual's race, ethnicity,
6 national origin, sex, gender identity, sexual orientation,
7 religion, or homelessness;
8 (6) moral character; and
9 (7) the use of drugs or alcohol while on duty.
- 10 (c) On or before October 1, 2023, the Board shall adopt and
11 publish rules under the Illinois Administrative Procedure Act
12 to establish the uniform standards described under paragraph
13 (1) of subsection (a).
- 14 (d) The Board shall review the standards described in
15 paragraph (1) of subsection (a) at least once every 2 years.
- 16 (e) The meetings of the Board conducted under this Section
17 shall be open to the public in accordance with the Open
18 Meetings Act. The records of the Board concerning the adoption
19 of uniform standards shall be open to and available for public
20 inspection and copying under the Freedom of Information Act.
- 21 (f) The Board shall establish and implement an open
22 hearing process for public input and deliberation before the
23 Board adopts rules that establish the standards described
24 under paragraph (1) of subsection (a), including:
25 (1) public notice;
26 (2) public outreach to solicit broad public

1 participation; and
2 (3) public hearings to receive public comment.

3 Section 15. The Uniform Peace Officers' Disciplinary Act
4 is amended by changing Section 2 and by adding Sections 8.1,
5 8.2, and 8.3 as follows:

6 (50 ILCS 725/2) (from Ch. 85, par. 2552)

7 Sec. 2. Definitions. For the purposes of this Act, unless
8 clearly required otherwise, the terms defined in this Section
9 have the meaning ascribed herein:

10 (a) "Officer" means any peace officer, as defined by
11 Section 2-13 of the Criminal Code of 2012, who is employed by
12 any unit of local government or a State college or university,
13 including supervisory and command personnel, and any pay-grade
14 investigator for the Secretary of State as defined in Section
15 14-110 of the Illinois Pension Code, including Secretary of
16 State sergeants, lieutenants, commanders, and investigator
17 trainees. The term does not include crossing guards, parking
18 enforcement personnel, traffic wardens or employees of any
19 State's Attorney's office.

20 (b) "Informal inquiry" means a meeting by supervisory or
21 command personnel with an officer upon whom an allegation of
22 misconduct has come to the attention of such supervisory or
23 command personnel, the purpose of which meeting is to mediate
24 a citizen complaint or discuss the facts to determine whether

1 a formal investigation should be commenced.

2 (c) "Formal investigation" means the process of
3 investigation ordered by a commanding officer during which the
4 questioning of an officer is intended to gather evidence of
5 misconduct which may be the basis for filing charges seeking
6 his or her removal, discharge or suspension in excess of 3
7 days.

8 (d) "Interrogation" means the questioning of an officer
9 pursuant to the formal investigation procedures of the
10 respective State agency or local governmental unit in
11 connection with an alleged violation of such agency's or
12 unit's rules which may be the basis for filing charges seeking
13 his or her suspension, removal, or discharge. The term does
14 not include questioning (1) as part of an informal inquiry or
15 (2) relating to minor infractions of agency rules which may be
16 noted on the officer's record but which may not in themselves
17 result in removal, discharge or suspension in excess of 3
18 days.

19 (e) "Administrative proceeding" means any non-judicial
20 hearing which is authorized to recommend, approve or order the
21 suspension, removal, or discharge of an officer.

22 (f) "Civilian or community oversight board, agency, or
23 review body" means a board, an agency or a body:

24 (1) designated by a municipality or a law enforcement
25 agency in performing duties related to investigating
26 allegations of officer misconduct or reviewing law

1 enforcement policies and practices; or

2 (2) created to oversee disciplinary matters concerning
3 law enforcement officers pursuant to a city charter or
4 ordinance for which a measure that included the question
5 of whether to establish the board, agency, or body.

6 (g) "Just cause" means a cause reasonably related to the
7 officer's ability to perform required work. The term includes
8 a willful violation of reasonable work rules, regulations, or
9 written policies.

10 (h) "Law enforcement agency" means an agency in this State
11 charged with enforcement of State, county, or municipal laws
12 or with managing custody of detained persons in the State,
13 including municipal police departments, sheriff's departments,
14 and campus police departments but does not include the
15 Illinois State Police, the Secretary of State Police,
16 conservation police, or Commerce Commission police.

17 (Source: P.A. 97-1150, eff. 1-25-13.)

18 (50 ILCS 725/8.1 new)

19 Sec. 8.1. Officer arbitration.

20 (a) For purposes of an arbitration proceeding under
21 Sections 7 and 14 of the Illinois Public Labor Relations Act
22 concerning alleged misconduct by an officer:

23 (1) a law enforcement agency or, if applicable, a
24 civilian or community oversight board, agency or review
25 body, has the burden of proof by a preponderance of the

1 evidence to show that:

2 (A) the officer engaged in the alleged misconduct;

3 and

4 (B) any disciplinary action taken against the
5 officer was with just cause.

6 (b) In determining the reasonableness of a disciplinary
7 action imposed by a law enforcement agency or a civilian or
8 community oversight board, agency or review body, including
9 whether the level of discipline is appropriate, an arbitrator
10 shall uphold the disciplinary action unless the arbitrator
11 finds that the disciplinary action is arbitrary and
12 capricious.

13 (c) When the imposed disciplinary action is termination of
14 employment, an arbitrator may not set aside or reduce the
15 imposed disciplinary action if setting aside or reducing the
16 disciplinary action is inconsistent with the public interest
17 in maintaining community trust, enforcing a higher standard of
18 conduct for officers and ensuring an accountable, fair, and
19 just disciplinary process. Notwithstanding the Illinois Public
20 Labor Relations Act, and subject to subsection (b), in
21 carrying out an arbitration proceeding, the Illinois Labor
22 Relations Board shall appoint a person from a list of
23 qualified, indifferent and unbiased persons to serve as the
24 arbitrator of the proceeding. The Illinois Labor Relations
25 Board shall submit to each of the parties subject to the
26 proceeding the list of persons who may serve as arbitrators.

1 (d) After the Illinois Labor Relations Board has selected
2 a person from the list to serve as the arbitrator of the
3 proceeding, each of the parties subject to the proceeding is
4 entitled to one opportunity to object to the Illinois Labor
5 Relations Board's proposed arbitrator. If a party objects to
6 the proposed arbitrator, the Illinois Labor Relations Board
7 shall select an alternative person to serve as the arbitrator.
8 If the other party objects to the alternative person, the
9 Illinois Labor Relations Board shall make a final selection
10 from the names remaining on the list as to who shall serve as
11 the arbitrator of the proceeding. The requirements described
12 in this Section are not subject to collective bargaining.

13 (50 ILCS 725/8.2 new)

14 Sec. 8.2. Alleged officer misconduct; arbitration
15 proceedings.

16 (a) Notwithstanding any other provision of law to the
17 contrary, when an arbitration proceeding involves alleged
18 misconduct by an officer of any law enforcement agency and the
19 arbitrator makes a finding that misconduct has occurred
20 consistent with the law enforcement agency's finding of
21 misconduct or, if applicable, consistent with a finding of
22 misconduct by a civilian or community oversight board, agency,
23 or review body, the arbitration award may not order any
24 disciplinary action that differs from the disciplinary action
25 imposed by the law enforcement agency or the civilian or

1 community oversight board, agency, or review body, if the
2 disciplinary action imposed by the law enforcement agency, or
3 the civilian or community oversight board, agency, or review
4 body was in accordance with uniform standards adopted by the
5 Illinois Law Enforcement Training Standards Board under
6 Section 6.8 of the Illinois Police Training Act.

7 (b) In an arbitration proceeding under this Section, the
8 arbitrators, or a majority of the arbitrators, may:

9 (1) issue subpoenas on their own motion or at the
10 request of a party to the proceeding to:

11 (A) Compel the attendance of a witness properly
12 served by either party; and

13 (B) require from either party the production of
14 books, papers, and documents the arbitrators find are
15 relevant to the proceeding;

16 (2) administer oaths or affirmations to witnesses; and

17 (3) adjourn a hearing from day to day, or for a longer
18 time, and from place to place.

19 (c) The arbitrators shall promptly provide a copy of a
20 subpoena issued under this Section to each party to the
21 arbitration proceeding.

22 (d) The arbitrators issuing a subpoena under this Section
23 may rule on objections to the issuance of the subpoena.

24 (e) If a person fails to comply with a subpoena issued
25 under this Section or if a witness refuses to testify on a
26 matter on which the witness may be lawfully questioned, the

1 party who requested the subpoena or seeks the testimony may
2 apply to the arbitrators for an order authorizing the party to
3 apply to the circuit court of any county to enforce the
4 subpoena or compel the testimony. On the application of the
5 attorney of record for the party or on the application of the
6 arbitrators, or a majority of the arbitrators, the court may
7 require the person or witness to show cause why the person or
8 witness should not be punished for contempt of court to the
9 same extent and purpose as if the proceedings were pending
10 before the court.

11 (f) Witnesses appearing pursuant to subpoena, other than
12 parties or officers or employees of the public employer, shall
13 receive fees and mileage as prescribed for witnesses in civil
14 cases.

15 (g) For matters concerning alleged misconduct by an
16 officer, the following shall make determinations regarding the
17 alleged misconduct and impose disciplinary action in response
18 to such determinations in accordance with the uniform
19 standards adopted by the Illinois Law Enforcement Training
20 Standards Board:

21 (1) a law enforcement agency located anywhere in this
22 State; or

23 (2) an arbitrator who serves in an arbitration
24 proceeding described under subsection (b) of Section 8 of
25 the Illinois Public Labor Relations Act; or

26 (3) a civilian or community oversight board, agency or

1 review body.

2 The requirements described in this subsection (g) are not
3 subject to collective bargaining.

4 (50 ILCS 725/8.3 new)

5 Sec. 8.3. Conflict between Acts. In case of a conflict
6 between Sections 8.1 and 8.2 and the Illinois Public Labor
7 Relations Act or the Uniform Arbitration Act, the provisions
8 of Sections 8.1 and 8.2 shall prevail.

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 315/6 from Ch. 48, par. 1606

4 5 ILCS 315/8 from Ch. 48, par. 1608

5 50 ILCS 705/6.3

6 50 ILCS 705/6.8 new

7 50 ILCS 725/2 from Ch. 85, par. 2552

8 50 ILCS 725/8.1 new

9 50 ILCS 725/8.2 new

10 50 ILCS 725/8.3 new