

SB2447



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2447

Introduced 2/26/2021, by Sen. Mattie Hunter

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 12748 RJF 18087 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.)