



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB2430

Introduced 2/10/2023, by Sen. Ram Villivalam

#### SYNOPSIS AS INTRODUCED:

5 ILCS 315/11	from Ch. 48, par. 1611
5 ILCS 315/11.5 new	
5 ILCS 315/14	from Ch. 48, par. 1614

Amends the Illinois Public Labor Relations Act. Provides that the Illinois Labor Relations Board shall determine whether refusing to bargain collectively in good faith with a labor organization that is the exclusive representative of public employees in an appropriate unit, including, but not limited to, the discussing of grievances with the exclusive representative, was of a serious enough nature that it may undermined or significantly impact the collective bargaining process such that other traditional remedies may not remedy the violation if the Board is unable to order a make-whole remedy. Sets forth standards to make the determination and the option to order impasse arbitration. Provides that parties continue to have a duty to engage in good faith bargaining during the pendency of impasse arbitration procedures. Provides that the Board shall have authority to order make-whole relief, including, but not limited to, consequential damages and front pay for injuries suffered by employees or a labor organization as a result of an unfair labor practice. Provides that violators may also be subject to liquidated damages in an amount equal to any monetary make-whole relief ordered by the Board unless the employer can show it acted in good faith and had reasonable grounds to believe it was acting in compliance.

LRB103 27501 DTM 53875 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 5. The Illinois Public Labor Relations Act is  
5 amended by changing Sections 11 and 14 and by adding Section  
6 11.5 as follows:

7 (5 ILCS 315/11) (from Ch. 48, par. 1611)

8 Sec. 11. Unfair labor practice procedures. Unfair labor  
9 practices may be dealt with by the Board in the following  
10 manner:

11 (a) Whenever it is charged that any person has engaged in  
12 or is engaging in any unfair labor practice, the Board or any  
13 agent designated by the Board for such purposes, shall conduct  
14 an investigation of the charge. If after such investigation  
15 the Board finds that the charge involves a dispositive issue  
16 of law or fact the Board shall issue a complaint and cause to  
17 be served upon the person a complaint stating the charges,  
18 accompanied by a notice of hearing before the Board or a member  
19 thereof designated by the Board, or before a qualified hearing  
20 officer designated by the Board at the offices of the Board or  
21 such other location as the Board deems appropriate, not less  
22 than 5 days after serving of such complaint provided that no  
23 complaint shall issue based upon any unfair labor practice

1 occurring more than six months prior to the filing of a charge  
2 with the Board and the service of a copy thereof upon the  
3 person against whom the charge is made, unless the person  
4 aggrieved thereby did not reasonably have knowledge of the  
5 alleged unfair labor practice or was prevented from filing  
6 such a charge by reason of service in the armed forces, in  
7 which event the six month period shall be computed from the  
8 date of his discharge. Any such complaint may be amended by the  
9 member or hearing officer conducting the hearing for the Board  
10 in his discretion at any time prior to the issuance of an order  
11 based thereon. The person who is the subject of the complaint  
12 has the right to file an answer to the original or amended  
13 complaint and to appear in person or by a representative and  
14 give testimony at the place and time fixed in the complaint. In  
15 the discretion of the member or hearing officer conducting the  
16 hearing or the Board, any other person may be allowed to  
17 intervene in the proceeding and to present testimony. In any  
18 hearing conducted by the Board, neither the Board nor the  
19 member or agent conducting the hearing shall be bound by the  
20 rules of evidence applicable to courts, except as to the rules  
21 of privilege recognized by law.

22 (b) The Board shall have the power to issue subpoenas and  
23 administer oaths. If any party wilfully fails or neglects to  
24 appear or testify or to produce books, papers and records  
25 pursuant to the issuance of a subpoena by the Board, the Board  
26 may apply to a court of competent jurisdiction to request that

1 such party be ordered to appear before the Board to testify or  
2 produce the requested evidence.

3 (c) Any testimony taken by the Board, or a member  
4 designated by the Board or a hearing officer thereof, must be  
5 reduced to writing and filed with the Board. A full and  
6 complete record shall be kept of all proceedings before the  
7 Board, and all proceedings shall be transcribed by a reporter  
8 appointed by the Board. The party on whom the burden of proof  
9 rests shall be required to sustain such burden by a  
10 preponderance of the evidence. If, upon a preponderance of the  
11 evidence taken, the Board is of the opinion that any person  
12 named in the charge has engaged in or is engaging in an unfair  
13 labor practice, then it shall state its findings of fact and  
14 shall issue and cause to be served upon the person an order  
15 requiring him to cease and desist from the unfair labor  
16 practice, and to take such affirmative action, including  
17 reinstatement of public employees with or without back pay, as  
18 will effectuate the policies of this Act. If the Board awards  
19 back pay, it shall also award interest at the rate of 7% per  
20 annum. The Board's order may further require the person to  
21 make reports from time to time, and demonstrate the extent to  
22 which he has complied with the order. If there is no  
23 preponderance of evidence to indicate to the Board that the  
24 person named in the charge has engaged in or is engaging in the  
25 unfair labor practice, then the Board shall state its findings  
26 of fact and shall issue an order dismissing the complaint. The

1 Board's order may in its discretion also include an  
2 appropriate sanction, based on the Board's rules and  
3 regulations, and the sanction may include an order to pay the  
4 other party or parties' reasonable expenses including costs  
5 and reasonable attorney's fee, if the other party has made  
6 allegations or denials without reasonable cause and found to  
7 be untrue or has engaged in frivolous litigation for the  
8 purpose of delay or needless increase in the cost of  
9 litigation; the State of Illinois or any agency thereof shall  
10 be subject to the provisions of this sentence in the same  
11 manner as any other party. The Board shall determine whether a  
12 violation of paragraph (4) of subsection (a) of Section 10 was  
13 of a serious enough nature that it may have frustrated the  
14 purposes of this Act by undermining or significantly impacting  
15 the collective bargaining process such that other traditional  
16 remedies may not remedy the violation if the Board is unable to  
17 order a make-whole remedy. Reasons for such a determination  
18 include the passage of time, that the violation was of a nature  
19 that could undermine support for a labor organization, or that  
20 the violation may otherwise undermine the labor organization's  
21 bargaining strength. Should the Board make such a  
22 determination that the violation frustrated the purposes of  
23 this Act, the Board shall include the availability of interest  
24 arbitration in its order and, upon request of the charging  
25 party, the parties must participate in the impasse arbitration  
26 procedures set forth in Section 14, except that: (i) the right

1 to strike shall not be considered waived pursuant to Section  
2 17 until the actual convening of the arbitration hearing and;  
3 (ii) the commencement of a new fiscal year shall not be deemed  
4 to impair the jurisdiction or authority of the arbitration  
5 panel or its decision. The parties continue to have a duty to  
6 engage in good faith bargaining during the pendency of impasse  
7 arbitration procedures.

8 (d) Until the record in a case has been filed in court, the  
9 Board at any time, upon reasonable notice and in such manner as  
10 it deems proper, may modify or set aside, in whole or in part,  
11 any finding or order made or issued by it.

12 (e) A charging party or any person aggrieved by a final  
13 order of the Board granting or denying in whole or in part the  
14 relief sought may apply for and obtain judicial review of an  
15 order of the Board entered under this Act, in accordance with  
16 the provisions of the Administrative Review Law, as now or  
17 hereafter amended, except that such judicial review shall be  
18 afforded directly in the appellate court for the district in  
19 which the aggrieved party resides or transacts business, and  
20 provided, that such judicial review shall not be available for  
21 the purpose of challenging a final order issued by the Board  
22 pursuant to Section 9 of this Act for which judicial review has  
23 been petitioned pursuant to subsection (i) of Section 9. Any  
24 direct appeal to the Appellate Court shall be filed within 35  
25 days from the date that a copy of the decision sought to be  
26 reviewed was served upon the party affected by the decision.

1 The filing of such an appeal to the Appellate Court shall not  
2 automatically stay the enforcement of the Board's order. An  
3 aggrieved party may apply to the Appellate Court for a stay of  
4 the enforcement of the Board's order after the aggrieved party  
5 has followed the procedure prescribed by Supreme Court Rule  
6 335. The Board in proceedings under this Section may obtain an  
7 order of the court for the enforcement of its order.

8 (f) Whenever it appears that any person has violated a  
9 final order of the Board issued pursuant to this Section, the  
10 Board must commence an action in the name of the People of the  
11 State of Illinois by petition, alleging the violation,  
12 attaching a copy of the order of the Board, and praying for the  
13 issuance of an order directing the person, his officers,  
14 agents, servants, successors, and assigns to comply with the  
15 order of the Board. The Board shall be represented in this  
16 action by the Attorney General in accordance with the Attorney  
17 General Act. The court may grant or refuse, in whole or in  
18 part, the relief sought, provided that the court may stay an  
19 order of the Board in accordance with the Administrative  
20 Review Law, pending disposition of the proceedings. The court  
21 may punish a violation of its order as in civil contempt.

22 (g) The proceedings provided in paragraph (f) of this  
23 Section shall be commenced in the Appellate Court for the  
24 district where the unfair labor practice which is the subject  
25 of the Board's order was committed, or where a person required  
26 to cease and desist by such order resides or transacts

1 business.

2 (h) The Board through the Attorney General, shall have  
3 power, upon issuance of an unfair labor practice complaint  
4 alleging that a person has engaged in or is engaging in an  
5 unfair labor practice, to petition the circuit court where the  
6 alleged unfair labor practice which is the subject of the  
7 Board's complaint was allegedly committed, or where a person  
8 required to cease and desist from such alleged unfair labor  
9 practice resides or transacts business, for appropriate  
10 temporary relief or restraining order. Upon the filing of any  
11 such petition, the court shall cause notice thereof to be  
12 served upon such persons, and thereupon shall have  
13 jurisdiction to grant to the Board such temporary relief or  
14 restraining order as it deems just and proper.

15 (i) If an unfair labor practice charge involves the  
16 interpretation or application of a collective bargaining  
17 agreement and said agreement contains a grievance procedure  
18 with binding arbitration as its terminal step, the Board may  
19 defer the resolution of such dispute to the grievance and  
20 arbitration procedure contained in said agreement.

21 (Source: P.A. 100-516, eff. 9-22-17.)

22 (5 ILCS 315/11.5 new)

23 Sec. 11.5. Make-whole relief.

24 (a) The Board may order make-whole relief, including, but  
25 not limited to consequential damages and front pay for



1 injuries suffered by employees or a labor organization as a  
2 result of an unfair labor practice. In determining appropriate  
3 relief for a violation of paragraph (4) of subsection (a) of  
4 Section 10 serious enough to have frustrated the purposes of  
5 the Act and that may have undermined or significantly impacted  
6 the collective bargaining process, the Board shall take into  
7 consideration factors that normally determine the outcome of  
8 collective bargaining when such bargaining has been conducted  
9 in good faith.

10 (b) Violators of subsection (a) of Section 10 shall also  
11 be subject to liquidated damages in an amount equal to any  
12 monetary make-whole relief ordered by the Board unless the  
13 employer can show it acted in good faith and had reasonable  
14 grounds to believe it was acting in compliance with this Act.

15 (5 ILCS 315/14) (from Ch. 48, par. 1614)

16 Sec. 14. Security employee, peace officer and fire fighter  
17 disputes.

18 (a) In the case of collective bargaining agreements  
19 involving units of security employees of a public employer,  
20 Peace Officer Units, or units of fire fighters or paramedics,  
21 and in the case of disputes under Sections 11 and ~~Section~~ 18,  
22 unless the parties mutually agree to some other time limit,  
23 mediation shall commence 30 days prior to the expiration date  
24 of such agreement or at such later time as the mediation  
25 services chosen under subsection (b) of Section 12 can be

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

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

24 (c) Within 7 days after the request of either party, the  
25 parties shall request a panel of impartial arbitrators from  
26 which they shall select the neutral chairman according to the

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

1 neutral chairman, the Board shall appoint a neutral chairman  
2 from the Illinois Public Employees Mediation/Arbitration  
3 Roster.

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

1 Arbitration proceedings under this Section shall not be  
2 interrupted or terminated by reason of any unfair labor  
3 practice charge filed by either party at any time.

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

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

26 (g) At or before the conclusion of the hearing held

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

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

1 applicable:

2 (1) The lawful authority of the employer.

3 (2) Stipulations of the parties.

4 (3) The interests and welfare of the public and the  
5 financial ability of the unit of government to meet those  
6 costs.

7 (4) Comparison of the wages, hours and conditions of  
8 employment of the employees involved in the arbitration  
9 proceeding with the wages, hours and conditions of  
10 employment of other employees performing similar services  
11 and with other employees generally:

12 (A) In public employment in comparable  
13 communities.

14 (B) In private employment in comparable  
15 communities.

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

18 (6) The overall compensation presently received by the  
19 employees, including direct wage compensation, vacations,  
20 holidays and other excused time, insurance and pensions,  
21 medical and hospitalization benefits, the continuity and  
22 stability of employment and all other benefits received.

23 (7) Changes in any of the foregoing circumstances  
24 during the pendency of the arbitration proceedings.

25 (8) Such other factors, not confined to the foregoing,  
26 which are normally or traditionally taken into

1 consideration in the determination of wages, hours and  
2 conditions of employment through voluntary collective  
3 bargaining, mediation, fact-finding, arbitration or  
4 otherwise between the parties, in the public service or in  
5 private employment.

6 (i) In the case of peace officers, the arbitration  
7 decision shall be limited to wages, hours, and conditions of  
8 employment (which may include residency requirements in  
9 municipalities with a population under 100,000, but those  
10 residency requirements shall not allow residency outside of  
11 Illinois) and shall not include the following: i) residency  
12 requirements in municipalities with a population of at least  
13 100,000; ii) the type of equipment, other than uniforms,  
14 issued or used; iii) manning; iv) the total number of  
15 employees employed by the department; v) mutual aid and  
16 assistance agreements to other units of government; and vi)  
17 the criterion pursuant to which force, including deadly force,  
18 can be used; provided, nothing herein shall preclude an  
19 arbitration decision regarding equipment or manning levels if  
20 such decision is based on a finding that the equipment or  
21 manning considerations in a specific work assignment involve a  
22 serious risk to the safety of a peace officer beyond that which  
23 is inherent in the normal performance of police duties.  
24 Limitation of the terms of the arbitration decision pursuant  
25 to this subsection shall not be construed to limit the factors  
26 upon which the decision may be based, as set forth in



1 subsection (h).

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

25 The changes to this subsection (i) made by Public Act  
26 90-385 (relating to residency requirements) do not apply to

1 persons who are employed by a combined department that  
2 performs both police and firefighting services; these persons  
3 shall be governed by the provisions of this subsection (i)  
4 relating to peace officers, as they existed before the  
5 amendment by Public Act 90-385.

6 To preserve historical bargaining rights, this subsection  
7 shall not apply to any provision of a fire fighter collective  
8 bargaining agreement in effect and applicable on the effective  
9 date of this Act; provided, however, nothing herein shall  
10 preclude arbitration with respect to any such provision.

11 (j) Arbitration procedures shall be deemed to be initiated  
12 by the filing of a letter requesting mediation as required  
13 under subsection (a) of this Section. The commencement of a  
14 new municipal fiscal year after the initiation of arbitration  
15 procedures under this Act, but before the arbitration  
16 decision, or its enforcement, shall not be deemed to render a  
17 dispute moot, or to otherwise impair the jurisdiction or  
18 authority of the arbitration panel or its decision. Increases  
19 in rates of compensation awarded by the arbitration panel may  
20 be effective only at the start of the fiscal year next  
21 commencing after the date of the arbitration award. If a new  
22 fiscal year has commenced either since the initiation of  
23 arbitration procedures under this Act or since any mutually  
24 agreed extension of the statutorily required period of  
25 mediation under this Act by the parties to the labor dispute  
26 causing a delay in the initiation of arbitration, the

1 foregoing limitations shall be inapplicable, and such awarded  
2 increases may be retroactive to the commencement of the fiscal  
3 year, any other statute or charter provisions to the contrary,  
4 notwithstanding. At any time the parties, by stipulation, may  
5 amend or modify an award of arbitration.

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

26 (l) During the pendency of proceedings before the

1 arbitration panel, existing wages, hours, and other conditions  
2 of employment shall not be changed by action of either party  
3 without the consent of the other but a party may so consent  
4 without prejudice to his rights or position under this Act.  
5 The proceedings are deemed to be pending before the  
6 arbitration panel upon the initiation of arbitration  
7 procedures under this Act.

8 (m) Security officers of public employers, and Peace  
9 Officers, Fire Fighters and fire department and fire  
10 protection district paramedics, covered by this Section may  
11 not withhold services, nor may public employers lock out or  
12 prevent such employees from performing services at any time.

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

17 The governing body shall review each term decided by the  
18 arbitration panel. If the governing body fails to reject one  
19 or more terms of the arbitration panel's decision by a 3/5 vote  
20 of those duly elected and qualified members of the governing  
21 body, within 20 days of issuance, or in the case of  
22 firefighters employed by a state university, at the next  
23 regularly scheduled meeting of the governing body after  
24 issuance, such term or terms shall become a part of the  
25 collective bargaining agreement of the parties. If the  
26 governing body affirmatively rejects one or more terms of the

1 arbitration panel's decision, it must provide reasons for such  
2 rejection with respect to each term so rejected, within 20  
3 days of such rejection and the parties shall return to the  
4 arbitration panel for further proceedings and issuance of a  
5 supplemental decision with respect to the rejected terms. Any  
6 supplemental decision by an arbitration panel or other  
7 decision maker agreed to by the parties shall be submitted to  
8 the governing body for ratification and adoption in accordance  
9 with the procedures and voting requirements set forth in this  
10 Section. The voting requirements of this subsection shall  
11 apply to all disputes submitted to arbitration pursuant to  
12 this Section notwithstanding any contrary voting requirements  
13 contained in any existing collective bargaining agreement  
14 between the parties.

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

23 (p) Notwithstanding the provisions of this Section the  
24 employer and exclusive representative may agree to submit  
25 unresolved disputes concerning wages, hours, terms and  
26 conditions of employment to an alternative form of impasse

1 resolution.

2       The amendatory changes to this Section made by Public Act  
3 101-652 take effect July 1, 2022.

4 (Source: P.A. 101-652, eff. 7-1-21; 102-28, eff. 6-25-21.)