

# SB3294



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB3294

Introduced 2/7/2024, by Sen. Linda Holmes

#### SYNOPSIS AS INTRODUCED:

5 ILCS 315/14

from Ch. 48, par. 1614

Amends the Illinois Public Labor Relations Act. Specifies that, for purposes of a provision in the Act concerning the resolution of disputes involving security employees, that the term "units of security employees of a public employer" includes units of county correction or detention officers, units of probation officers, and units of telecommunicators who are critical to public safety.

LRB103 36996 MXP 67111 b

A BILL FOR

1 AN ACT concerning State 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 14 as follows:

6 (5 ILCS 315/14) (from Ch. 48, par. 1614)

7 Sec. 14. Security employee, peace officer and fire fighter  
8 disputes.

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

1 the other party shall either join in such request or bear the  
2 additional cost of mediation services from another source. The  
3 mediator shall have a duty to keep the Board informed on the  
4 progress of the mediation. If any dispute has not been  
5 resolved within 15 days after the first meeting of the parties  
6 and the mediator, or within such other time limit as may be  
7 mutually agreed upon by the parties, either the exclusive  
8 representative or employer may request of the other, in  
9 writing, arbitration, and shall submit a copy of the request  
10 to the Board.

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

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

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

23 (d) The chairman shall call a hearing to begin within 15  
24 days and give reasonable notice of the time and place of the  
25 hearing. The hearing shall be held at the offices of the Board  
26 or at such other location as the Board deems appropriate. The

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

23 (e) The arbitration panel may administer oaths, require  
24 the attendance of witnesses, and the production of such books,  
25 papers, contracts, agreements and documents as may be deemed  
26 by it material to a just determination of the issues in

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

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

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

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

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

21 (1) The lawful authority of the employer.

22 (2) Stipulations of the parties.

23 (3) The interests and welfare of the public and the  
24 financial ability of the unit of government to meet those  
25 costs.

26 (4) Comparison of the wages, hours and conditions of

1 employment of the employees involved in the arbitration  
2 proceeding with the wages, hours and conditions of  
3 employment of other employees performing similar services  
4 and with other employees generally:

5 (A) In public employment in comparable  
6 communities.

7 (B) In private employment in comparable  
8 communities.

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

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

16 (7) Changes in any of the foregoing circumstances  
17 during the pendency of the arbitration proceedings.

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

25 (i) In the case of peace officers, the arbitration  
26 decision shall be limited to wages, hours, and conditions of



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

21 In the case of fire fighter, and fire department or fire  
22 district paramedic matters, the arbitration decision shall be  
23 limited to wages, hours, and conditions of employment  
24 (including manning and also including residency requirements  
25 in municipalities with a population under 1,000,000, but those  
26 residency requirements shall not allow residency outside of

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

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

25 To preserve historical bargaining rights, this subsection  
26 shall not apply to any provision of a fire fighter collective

1 bargaining agreement in effect and applicable on the effective  
2 date of this Act; provided, however, nothing herein shall  
3 preclude arbitration with respect to any such provision.

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

25 (k) Orders of the arbitration panel shall be reviewable,  
26 upon appropriate petition by either the public employer or the

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

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

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

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

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

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

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

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

21 The amendatory changes to this Section made by Public Act  
22 101-652 take effect July 1, 2022.

23 (q) As used in this Section, "units of security employees  
24 of a public employer" includes units of county correction or  
25 detention officers, units of probation officers, and units of  
26 telecommunicators who are critical to public safety.

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