

1 AN ACT in relation to public employees.

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
8 Fighter 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 of this Act,
13 unless the parties mutually agree to some other time limit,
14 mediation shall commence 30 days prior to the expiration date
15 of such agreement or at such later time as the mediation
16 services chosen under subsection (b) of Section 12 can be
17 provided to the parties. In the case of negotiations for an
18 initial collective bargaining agreement, mediation shall
19 commence upon 15 days notice from either party or at such
20 later time as the mediation services chosen pursuant to
21 subsection (b) of Section 12 can be provided to the parties.
22 In mediation under this Section, if either party requests the
23 use of mediation services from the Federal Mediation and
24 Conciliation Service, the other party shall either join in
25 such request or bear the additional cost of mediation
26 services from another source. The mediator shall have a duty
27 to keep the Board informed on the progress of the mediation.
28 If any dispute has not been resolved within 15 days after the
29 first meeting of the parties and the mediator, or within such
30 other time limit as may be mutually agreed upon by the
31 parties, either the exclusive representative or employer may

1 request of the other, in writing, arbitration, and shall
2 submit a copy of the request to the Board.

3 (b) Within 10 days after such a request for arbitration
4 has been made, the employer shall choose a delegate and the
5 employees' exclusive representative shall choose a delegate
6 to a panel of arbitration as provided in this Section. The
7 employer and employees shall forthwith advise the other and
8 the Board of their selections.

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

28 (d) The chairman shall call a hearing to begin within 15
29 days and give reasonable notice of the time and place of the
30 hearing. The hearing shall be held at the offices of the
31 Board or at such other location as the Board deems
32 appropriate. The chairman shall preside over the hearing and
33 shall take testimony. Any oral or documentary evidence and
34 other data deemed relevant by the arbitration panel may be

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

22 (e) The arbitration panel may administer oaths, require
23 the attendance of witnesses, and the production of such
24 books, papers, contracts, agreements and documents as may be
25 deemed by it material to a just determination of the issues
26 in dispute, and for such purpose may issue subpoenas. If any
27 person refuses to obey a subpoena, or refuses to be sworn or
28 to testify, or if any witness, party or attorney is guilty of
29 any contempt while in attendance at any hearing, the
30 arbitration panel may, or the attorney general if requested
31 shall, invoke the aid of any circuit court within the
32 jurisdiction in which the hearing is being held, which court
33 shall issue an appropriate order. Any failure to obey the
34 order may be punished by the court as contempt.

1 (f) At any time before the rendering of an award, the
2 chairman of the arbitration panel, if he is of the opinion
3 that it would be useful or beneficial to do so, may remand
4 the dispute to the parties for further collective bargaining
5 for a period not to exceed 2 weeks. If the dispute is
6 remanded for further collective bargaining the time
7 provisions of this Act shall be extended for a time period
8 equal to that of the remand. The chairman of the panel of
9 arbitration shall notify the Board of the remand.

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

30 (h) Where there is no agreement between the parties, or
31 where there is an agreement but the parties have begun
32 negotiations or discussions looking to a new agreement or
33 amendment of the existing agreement, and wage rates or other
34 conditions of employment under the proposed new or amended

1 agreement are in dispute, the arbitration panel shall base
2 its findings, opinions and order upon the following factors,
3 as applicable:

4 (1) The lawful authority of the employer.

5 (2) Stipulations of the parties.

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

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

14 (A) In public employment in comparable
15 communities.

16 (B) In private employment in comparable
17 communities.

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

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

26 (7) Changes in any of the foregoing circumstances
27 during the pendency of the arbitration proceedings.

28 (8) Such other factors, not confined to the
29 foregoing, which are normally or traditionally taken into
30 consideration in the determination of wages, hours and
31 conditions of employment through voluntary collective
32 bargaining, mediation, fact-finding, arbitration or
33 otherwise between the parties, in the public service or
34 in private employment.

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

23 In the case of fire fighter, and fire department or fire
24 district paramedic matters, the arbitration decision shall be
25 limited to wages, hours, and conditions of employment (which
26 may include residency requirements in municipalities with a
27 population under 1,000,000, but those residency requirements
28 shall not allow residency outside of Illinois) and shall not
29 include the following matters: i) residency requirements in
30 municipalities with a population of at least 1,000,000; ii)
31 the type of equipment (other than uniforms and fire fighter
32 turnout gear) issued or used; iii) the total number of
33 employees employed by the department; iv) mutual aid and
34 assistance agreements to other units of government; and v)

1 the criterion pursuant to which force, including deadly
2 force, can be used; provided, however, nothing herein shall
3 preclude an arbitration decision regarding equipment levels
4 if such decision is based on a finding that the equipment
5 considerations in a specific work assignment involve a
6 serious risk to the safety of a fire fighter beyond that
7 which is inherent in the normal performance of fire fighter
8 duties. Limitation of the terms of the arbitration decision
9 pursuant to this subsection shall not be construed to limit
10 the facts upon which the decision may be based, as set forth
11 in subsection (h).

12 The changes to this subsection (i) made by Public Act
13 90-385 (relating to residency requirements) do not apply to
14 persons who are employed by a combined department that
15 performs both police and firefighting services; these persons
16 shall be governed by the provisions of this subsection (i)
17 relating to peace officers, as they existed before the
18 amendment by Public Act 90-385.

19 To preserve historical bargaining rights, this subsection
20 shall not apply to any provision of a fire fighter collective
21 bargaining agreement in effect and applicable on the
22 effective date of this Act; provided, however, nothing herein
23 shall preclude arbitration with respect to any such
24 provision.

25 (j) Arbitration procedures shall be deemed to be
26 initiated by the filing of a letter requesting mediation as
27 required under subsection (a) of this Section. The
28 commencement of a new municipal fiscal year after the
29 initiation of arbitration procedures under this Act, but
30 before the arbitration decision, or its enforcement, shall
31 not be deemed to render a dispute moot, or to otherwise
32 impair the jurisdiction or authority of the arbitration panel
33 or its decision. Increases in rates of compensation awarded
34 by the arbitration panel may be effective only at the start

1 of the fiscal year next commencing after the date of the
2 arbitration award. If a new fiscal year has commenced either
3 since the initiation of arbitration procedures under this Act
4 or since any mutually agreed extension of the statutorily
5 required period of mediation under this Act by the parties to
6 the labor dispute causing a delay in the initiation of
7 arbitration, the foregoing limitations shall be inapplicable,
8 and such awarded increases may be retroactive to the
9 commencement of the fiscal year, any other statute or charter
10 provisions to the contrary, notwithstanding. At any time the
11 parties, by stipulation, may amend or modify an award of
12 arbitration.

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

34 (l) During the pendency of proceedings before the

1 arbitration panel, existing wages, hours, and other
2 conditions of employment shall not be changed by action of
3 either party without the consent of the other but a party may
4 so consent without prejudice to his rights or position under
5 this Act. The proceedings are deemed to be pending before
6 the 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
14 panel shall be included in an agreement to be submitted to
15 the public employer's governing body for ratification and
16 adoption by law, ordinance or the equivalent appropriate
17 means.

18 The governing body shall review each term decided by the
19 arbitration panel. If the governing body fails to reject one
20 or more terms of the arbitration panel's decision by a 3/5
21 vote of those duly elected and qualified members of the
22 governing body, within 20 days of issuance, or in the case of
23 firefighters employed by a state university, at the next
24 regularly scheduled meeting of the governing body after
25 issuance, such term or terms shall become a part of the
26 collective bargaining agreement of the parties. If the
27 governing body affirmatively rejects one or more terms of the
28 arbitration panel's decision, it must provide reasons for
29 such rejection with respect to each term so rejected, within
30 20 days of such rejection and the parties shall return to the
31 arbitration panel for further proceedings and issuance of a
32 supplemental decision with respect to the rejected terms.
33 Any supplemental decision by an arbitration panel or other
34 decision maker agreed to by the parties shall be submitted to

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

8 (o) If the governing body of the employer votes to
9 reject the panel's decision, the parties shall return to the
10 panel within 30 days from the issuance of the reasons for
11 rejection for further proceedings and issuance of a
12 supplemental decision. All reasonable costs of such
13 supplemental proceeding including the exclusive
14 representative's reasonable attorney's fees, as established
15 by the Board, shall be paid by the 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 (Source: P.A. 89-195, eff. 7-21-95; 90-202, eff. 7-24-97;
22 90-385, eff. 8-15-97; 90-655, eff. 7-30-98.)