

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Educational Labor Relations Act is
5 amended by changing Section 4.5 as follows:

6 (115 ILCS 5/4.5)

7 Sec. 4.5. Subjects of collective bargaining.

8 (a) Notwithstanding the existence of any other provision in
9 this Act or other law, collective bargaining between an
10 educational employer whose territorial boundaries are
11 coterminous with those of a city having a population in excess
12 of 500,000 and an exclusive representative of its employees may
13 include any of the following subjects:

14 (1) (Blank).

15 (2) Decisions to contract with a third party for one or
16 more services otherwise performed by employees in a
17 bargaining unit and the procedures for obtaining such
18 contract or the identity of the third party.

19 (3) Decisions to layoff or reduce in force employees.

20 (4) Decisions to determine class size, class staffing
21 and assignment, class schedules, academic calendar, hours
22 and places of instruction, or pupil assessment policies.

23 (5) Decisions concerning use and staffing of
24 experimental or pilot programs and decisions concerning
25 use of technology to deliver educational programs and
26 services and staffing to provide the technology.

27 (6) The decision on whether or not to have seniority on
28 a district-wide basis.

29 (b) The subject or matters described in subsection (a) are
30 permissive subjects of bargaining between an educational
31 employer and an exclusive representative of its employees and,
32 for the purpose of this Act, are within the sole discretion of

1 the educational employer to decide to bargain, provided that
2 the educational employer is required to bargain over the impact
3 of a decision concerning such subject or matter on the
4 bargaining unit upon request by the exclusive representative.
5 During this bargaining, the educational employer shall not be
6 precluded from implementing its decision. If, after a
7 reasonable period of bargaining, a dispute or impasse exists
8 between the educational employer and the exclusive
9 representative, the dispute or impasse shall be resolved
10 exclusively as set forth in subsection (b) of Section 12 of
11 this Act in lieu of a strike under Section 13 of this Act.

12 (c) A provision in a collective bargaining agreement that
13 was rendered null and void because it involved a prohibited
14 subject of collective bargaining under this subsection (c) as
15 this subsection (c) existed before the effective date of this
16 amendatory Act of the 93rd General Assembly remains null and
17 void and shall not otherwise be reinstated in any successor
18 agreement unless the educational employer and exclusive
19 representative otherwise agree to include an agreement reached
20 on a subject or matter described in subsection (a) of this
21 Section as subsection (a) existed before this amendatory Act of
22 the 93rd General Assembly.

23 (Source: P.A. 93-3, eff. 4-16-03.)

24 Section 99. Effective date. This Act takes effect August 1,
25 2004.