



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 2/6/2004, by Antonio Munoz

**SYNOPSIS AS INTRODUCED:**

5 ILCS 315/7

from Ch. 48, par. 1607

Amends the Illinois Public Labor Relations Act. In municipalities with over 1,000,000 inhabitants, provides that a public employer's duty to bargain collectively includes negotiating promotional issues with the certified representative of any peace officer bargaining unit comprised of the rank who may be promoted. Effective immediately.

LRB093 18957 JAM 44692 b

1 AN ACT concerning public labor relations.

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 7 as follows:

6 (5 ILCS 315/7) (from Ch. 48, par. 1607)

7 Sec. 7. Duty to bargain. A public employer and the  
8 exclusive representative have the authority and the duty to  
9 bargain collectively set forth in this Section.

10 For the purposes of this Act, "to bargain collectively"  
11 means the performance of the mutual obligation of the public  
12 employer or his designated representative and the  
13 representative of the public employees to meet at reasonable  
14 times, including meetings in advance of the budget-making  
15 process, and to negotiate in good faith with respect to wages,  
16 hours, and other conditions of employment, not excluded by  
17 Section 4 of this Act, or the negotiation of an agreement, or  
18 any question arising thereunder and the execution of a written  
19 contract incorporating any agreement reached if requested by  
20 either party, but such obligation does not compel either party  
21 to agree to a proposal or require the making of a concession.

22 The duty "to bargain collectively" shall also include an  
23 obligation to negotiate over any matter with respect to wages,  
24 hours and other conditions of employment, not specifically  
25 provided for in any other law or not specifically in violation  
26 of the provisions of any law. If any other law pertains, in  
27 part, to a matter affecting the wages, hours and other  
28 conditions of employment, such other law shall not be construed  
29 as limiting the duty "to bargain collectively" and to enter  
30 into collective bargaining agreements containing clauses which  
31 either supplement, implement, or relate to the effect of such  
32 provisions in other laws.

1        The duty "to bargain collectively" shall also include an  
2        obligation to negotiate with the certified representative of  
3        any peace officer bargaining unit comprised of the rank to  
4        which promotions will be made over promotional issues,  
5        including examination techniques and selection criteria, in  
6        municipalities with over 1,000,000 inhabitants.

7        The duty "to bargain collectively" shall also include  
8        negotiations as to the terms of a collective bargaining  
9        agreement. The parties may, by mutual agreement, provide for  
10       arbitration of impasses resulting from their inability to agree  
11       upon wages, hours and terms and conditions of employment to be  
12       included in a collective bargaining agreement. Such  
13       arbitration provisions shall be subject to the Illinois  
14       "Uniform Arbitration Act" unless agreed by the parties.

15       The duty "to bargain collectively" shall also mean that no  
16       party to a collective bargaining contract shall terminate or  
17       modify such contract, unless the party desiring such  
18       termination or modification:

19       (1) serves a written notice upon the other party to the  
20       contract of the proposed termination or modification 60 days  
21       prior to the expiration date thereof, or in the event such  
22       contract contains no expiration date, 60 days prior to the time  
23       it is proposed to make such termination or modification;

24       (2) offers to meet and confer with the other party for the  
25       purpose of negotiating a new contract or a contract containing  
26       the proposed modifications;

27       (3) notifies the Board within 30 days after such notice of  
28       the existence of a dispute, provided no agreement has been  
29       reached by that time; and

30       (4) continues in full force and effect, without resorting  
31       to strike or lockout, all the terms and conditions of the  
32       existing contract for a period of 60 days after such notice is  
33       given to the other party or until the expiration date of such  
34       contract, whichever occurs later.

35       The duties imposed upon employers, employees and labor  
36       organizations by paragraphs (2), (3) and (4) shall become

1 inapplicable upon an intervening certification of the Board,  
2 under which the labor organization, which is a party to the  
3 contract, has been superseded as or ceased to be the exclusive  
4 representative of the employees pursuant to the provisions of  
5 subsection (a) of Section 9, and the duties so imposed shall  
6 not be construed as requiring either party to discuss or agree  
7 to any modification of the terms and conditions contained in a  
8 contract for a fixed period, if such modification is to become  
9 effective before such terms and conditions can be reopened  
10 under the provisions of the contract.

11 Collective bargaining for personal care attendants and  
12 personal assistants under the Home Services Program shall be  
13 limited to the terms and conditions of employment under the  
14 State's control, as defined in this amendatory Act of the 93rd  
15 General Assembly.

16 (Source: P.A. 93-204, eff. 7-16-03.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.