



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0889

Introduced 2/2/2005, by Rep. John J. Millner

#### SYNOPSIS AS INTRODUCED:

5 ILCS 315/3	from Ch. 48, par. 1603
5 ILCS 315/14	from Ch. 48, par. 1614
5 ILCS 315/17	from Ch. 48, par. 1617

Amends the Illinois Public Labor Relations Act. With respect to the Act's provisions applicable to security employees, peace officers, fire fighters, and paramedics, includes emergency service support staff.

LRB094 07414 JAM 37576 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 3, 14, and 17 as follows:

6 (5 ILCS 315/3) (from Ch. 48, par. 1603)

7 Sec. 3. Definitions. As used in this Act, unless the  
8 context otherwise requires:

9 (a) "Board" means the Illinois Labor Relations Board or,  
10 with respect to a matter over which the jurisdiction of the  
11 Board is assigned to the State Panel or the Local Panel under  
12 Section 5, the panel having jurisdiction over the matter.

13 (b) "Collective bargaining" means bargaining over terms  
14 and conditions of employment, including hours, wages, and other  
15 conditions of employment, as detailed in Section 7 and which  
16 are not excluded by Section 4.

17 (c) "Confidential employee" means an employee who, in the  
18 regular course of his or her duties, assists and acts in a  
19 confidential capacity to persons who formulate, determine, and  
20 effectuate management policies with regard to labor relations  
21 or who, in the regular course of his or her duties, has  
22 authorized access to information relating to the effectuation  
23 or review of the employer's collective bargaining policies.

24 (d) "Craft employees" means skilled journeymen, crafts  
25 persons, and their apprentices and helpers.

26 (d-1) "Emergency service support staff" means, for the  
27 purposes of this Act only, any persons who have been or are  
28 hereafter employed as a clerk, dispatcher, or telecommunicator  
29 of a police, sheriff, or fire department, community service  
30 officer, bailiff, deputy coroner, or court security officer,  
31 excluding part-time employees.

32 (e) "Essential services employees" means those public

1 employees performing functions so essential that the  
2 interruption or termination of the function will constitute a  
3 clear and present danger to the health and safety of the  
4 persons in the affected community.

5 (f) "Exclusive representative", except with respect to  
6 non-State fire fighters and paramedics employed by fire  
7 departments and fire protection districts, non-State peace  
8 officers, and peace officers in the Department of State Police,  
9 means the labor organization that has been (i) designated by  
10 the Board as the representative of a majority of public  
11 employees in an appropriate bargaining unit in accordance with  
12 the procedures contained in this Act, (ii) historically  
13 recognized by the State of Illinois or any political  
14 subdivision of the State before July 1, 1984 (the effective  
15 date of this Act) as the exclusive representative of the  
16 employees in an appropriate bargaining unit, (iii) after July  
17 1, 1984 (the effective date of this Act) recognized by an  
18 employer upon evidence, acceptable to the Board, that the labor  
19 organization has been designated as the exclusive  
20 representative by a majority of the employees in an appropriate  
21 bargaining unit; or (iv) recognized as the exclusive  
22 representative of personal care attendants or personal  
23 assistants under Executive Order 2003-8 prior to the effective  
24 date of this amendatory Act of the 93rd General Assembly, and  
25 the organization shall be considered to be the exclusive  
26 representative of the personal care attendants or personal  
27 assistants as defined in this Section.

28 With respect to non-State fire fighters and paramedics  
29 employed by fire departments and fire protection districts,  
30 non-State peace officers, and peace officers in the Department  
31 of State Police, "exclusive representative" means the labor  
32 organization that has been (i) designated by the Board as the  
33 representative of a majority of peace officers or fire fighters  
34 in an appropriate bargaining unit in accordance with the  
35 procedures contained in this Act, (ii) historically recognized  
36 by the State of Illinois or any political subdivision of the

1 State before January 1, 1986 (the effective date of this  
2 amendatory Act of 1985) as the exclusive representative by a  
3 majority of the peace officers or fire fighters in an  
4 appropriate bargaining unit, or (iii) after January 1, 1986  
5 (the effective date of this amendatory Act of 1985) recognized  
6 by an employer upon evidence, acceptable to the Board, that the  
7 labor organization has been designated as the exclusive  
8 representative by a majority of the peace officers or fire  
9 fighters in an appropriate bargaining unit.

10 (g) "Fair share agreement" means an agreement between the  
11 employer and an employee organization under which all or any of  
12 the employees in a collective bargaining unit are required to  
13 pay their proportionate share of the costs of the collective  
14 bargaining process, contract administration, and pursuing  
15 matters affecting wages, hours, and other conditions of  
16 employment, but not to exceed the amount of dues uniformly  
17 required of members. The amount certified by the exclusive  
18 representative shall not include any fees for contributions  
19 related to the election or support of any candidate for  
20 political office. Nothing in this subsection (g) shall preclude  
21 an employee from making voluntary political contributions in  
22 conjunction with his or her fair share payment.

23 (g-1) "Fire fighter" means, for the purposes of this Act  
24 only, any person who has been or is hereafter appointed to a  
25 fire department or fire protection district or employed by a  
26 state university and sworn or commissioned to perform fire  
27 fighter duties or paramedic duties, except that the following  
28 persons are not included: part-time fire fighters, auxiliary,  
29 reserve or voluntary fire fighters, including paid on-call fire  
30 fighters, clerks and dispatchers or other civilian employees of  
31 a fire department or fire protection district who are not  
32 routinely expected to perform fire fighter duties, or elected  
33 officials.

34 (g-2) "General Assembly of the State of Illinois" means the  
35 legislative branch of the government of the State of Illinois,  
36 as provided for under Article IV of the Constitution of the

1 State of Illinois, and includes but is not limited to the House  
2 of Representatives, the Senate, the Speaker of the House of  
3 Representatives, the Minority Leader of the House of  
4 Representatives, the President of the Senate, the Minority  
5 Leader of the Senate, the Joint Committee on Legislative  
6 Support Services and any legislative support services agency  
7 listed in the Legislative Commission Reorganization Act of  
8 1984.

9 (h) "Governing body" means, in the case of the State, the  
10 State Panel of the Illinois Labor Relations Board, the Director  
11 of the Department of Central Management Services, and the  
12 Director of the Department of Labor; the county board in the  
13 case of a county; the corporate authorities in the case of a  
14 municipality; and the appropriate body authorized to provide  
15 for expenditures of its funds in the case of any other unit of  
16 government.

17 (i) "Labor organization" means any organization in which  
18 public employees participate and that exists for the purpose,  
19 in whole or in part, of dealing with a public employer  
20 concerning wages, hours, and other terms and conditions of  
21 employment, including the settlement of grievances.

22 (j) "Managerial employee" means an individual who is  
23 engaged predominantly in executive and management functions  
24 and is charged with the responsibility of directing the  
25 effectuation of management policies and practices.

26 (k) "Peace officer" means, for the purposes of this Act  
27 only, any persons who have been or are hereafter appointed to a  
28 police force, department, or agency and sworn or commissioned  
29 to perform police duties, except that the following persons are  
30 not included: part-time police officers, special police  
31 officers, auxiliary police as defined by Section 3.1-30-20 of  
32 the Illinois Municipal Code, night watchmen, "merchant  
33 police", court security officers as defined by Section 3-6012.1  
34 of the Counties Code, temporary employees, traffic guards or  
35 wardens, civilian parking meter and parking facilities  
36 personnel or other individuals specially appointed to aid or

1 direct traffic at or near schools or public functions or to aid  
2 in civil defense or disaster, parking enforcement employees who  
3 are not commissioned as peace officers and who are not armed  
4 and who are not routinely expected to effect arrests, parking  
5 lot attendants, clerks and dispatchers or other civilian  
6 employees of a police department who are not routinely expected  
7 to effect arrests, or elected officials.

8 (l) "Person" includes one or more individuals, labor  
9 organizations, public employees, associations, corporations,  
10 legal representatives, trustees, trustees in bankruptcy,  
11 receivers, or the State of Illinois or any political  
12 subdivision of the State or governing body, but does not  
13 include the General Assembly of the State of Illinois or any  
14 individual employed by the General Assembly of the State of  
15 Illinois.

16 (m) "Professional employee" means any employee engaged in  
17 work predominantly intellectual and varied in character rather  
18 than routine mental, manual, mechanical or physical work;  
19 involving the consistent exercise of discretion and adjustment  
20 in its performance; of such a character that the output  
21 produced or the result accomplished cannot be standardized in  
22 relation to a given period of time; and requiring advanced  
23 knowledge in a field of science or learning customarily  
24 acquired by a prolonged course of specialized intellectual  
25 instruction and study in an institution of higher learning or a  
26 hospital, as distinguished from a general academic education or  
27 from apprenticeship or from training in the performance of  
28 routine mental, manual, or physical processes; or any employee  
29 who has completed the courses of specialized intellectual  
30 instruction and study prescribed in this subsection (m) and is  
31 performing related work under the supervision of a professional  
32 person to qualify to become a professional employee as defined  
33 in this subsection (m).

34 (n) "Public employee" or "employee", for the purposes of  
35 this Act, means any individual employed by a public employer,  
36 including interns and residents at public hospitals and, as of

1 the effective date of this amendatory Act of the 93rd General  
2 Assembly, but not before, personal care attendants and personal  
3 assistants working under the Home Services Program under  
4 Section 3 of the Disabled Persons Rehabilitation Act, subject  
5 to the limitations set forth in this Act and in the Disabled  
6 Persons Rehabilitation Act, but excluding all of the following:  
7 employees of the General Assembly of the State of Illinois;  
8 elected officials; executive heads of a department; members of  
9 boards or commissions; the Executive Inspectors General; any  
10 special Executive Inspectors General; employees of each Office  
11 of an Executive Inspector General; commissioners and employees  
12 of the Executive Ethics Commission; the Auditor General's  
13 Inspector General; employees of the Office of the Auditor  
14 General's Inspector General; the Legislative Inspector  
15 General; any special Legislative Inspectors General; employees  
16 of the Office of the Legislative Inspector General;  
17 commissioners and employees of the Legislative Ethics  
18 Commission; employees of any agency, board or commission  
19 created by this Act; employees appointed to State positions of  
20 a temporary or emergency nature; all employees of school  
21 districts and higher education institutions except  
22 firefighters and peace officers employed by a state university;  
23 managerial employees; short-term employees; confidential  
24 employees; independent contractors; and supervisors except as  
25 provided in this Act.

26 Personal care attendants and personal assistants shall not  
27 be considered public employees for any purposes not  
28 specifically provided for in this amendatory Act of the 93rd  
29 General Assembly, including but not limited to, purposes of  
30 vicarious liability in tort and purposes of statutory  
31 retirement or health insurance benefits. Personal care  
32 attendants and personal assistants shall not be covered by the  
33 State Employees Group Insurance Act of 1971 (5 ILCS 375/).

34 Notwithstanding Section 9, subsection (c), or any other  
35 provisions of this Act, all peace officers above the rank of  
36 captain in municipalities with more than 1,000,000 inhabitants

1 shall be excluded from this Act.

2 (o) "Public employer" or "employer" means the State of  
3 Illinois; any political subdivision of the State, unit of local  
4 government or school district; authorities including  
5 departments, divisions, bureaus, boards, commissions, or other  
6 agencies of the foregoing entities; and any person acting  
7 within the scope of his or her authority, express or implied,  
8 on behalf of those entities in dealing with its employees. As  
9 of the effective date of this amendatory Act of the 93rd  
10 General Assembly, but not before, the State of Illinois shall  
11 be considered the employer of the personal care attendants and  
12 personal assistants working under the Home Services Program  
13 under Section 3 of the Disabled Persons Rehabilitation Act,  
14 subject to the limitations set forth in this Act and in the  
15 Disabled Persons Rehabilitation Act. The State shall not be  
16 considered to be the employer of personal care attendants and  
17 personal assistants for any purposes not specifically provided  
18 for in this amendatory Act of the 93rd General Assembly,  
19 including but not limited to, purposes of vicarious liability  
20 in tort and purposes of statutory retirement or health  
21 insurance benefits. Personal care attendants and personal  
22 assistants shall not be covered by the State Employees Group  
23 Insurance Act of 1971 (5 ILCS 375/). "Public employer" or  
24 "employer" as used in this Act, however, does not mean and  
25 shall not include the General Assembly of the State of  
26 Illinois, the Executive Ethics Commission, the Offices of the  
27 Executive Inspectors General, the Legislative Ethics  
28 Commission, the Office of the Legislative Inspector General,  
29 the Office of the Auditor General's Inspector General, and  
30 educational employers or employers as defined in the Illinois  
31 Educational Labor Relations Act, except with respect to a state  
32 university in its employment of firefighters and peace  
33 officers. County boards and county sheriffs shall be designated  
34 as joint or co-employers of county peace officers appointed  
35 under the authority of a county sheriff. Nothing in this  
36 subsection (o) shall be construed to prevent the State Panel or



1 the Local Panel from determining that employers are joint or  
2 co-employers.

3 (p) "Security employee" means an employee who is  
4 responsible for the supervision and control of inmates at  
5 correctional facilities. The term also includes other  
6 non-security employees in bargaining units having the majority  
7 of employees being responsible for the supervision and control  
8 of inmates at correctional facilities.

9 (q) "Short-term employee" means an employee who is employed  
10 for less than 2 consecutive calendar quarters during a calendar  
11 year and who does not have a reasonable assurance that he or  
12 she will be rehired by the same employer for the same service  
13 in a subsequent calendar year.

14 (r) "Supervisor" is an employee whose principal work is  
15 substantially different from that of his or her subordinates  
16 and who has authority, in the interest of the employer, to  
17 hire, transfer, suspend, lay off, recall, promote, discharge,  
18 direct, reward, or discipline employees, to adjust their  
19 grievances, or to effectively recommend any of those actions,  
20 if the exercise of that authority is not of a merely routine or  
21 clerical nature, but requires the consistent use of independent  
22 judgment. Except with respect to police employment, the term  
23 "supervisor" includes only those individuals who devote a  
24 preponderance of their employment time to exercising that  
25 authority, State supervisors notwithstanding. In addition, in  
26 determining supervisory status in police employment, rank  
27 shall not be determinative. The Board shall consider, as  
28 evidence of bargaining unit inclusion or exclusion, the common  
29 law enforcement policies and relationships between police  
30 officer ranks and certification under applicable civil service  
31 law, ordinances, personnel codes, or Division 2.1 of Article 10  
32 of the Illinois Municipal Code, but these factors shall not be  
33 the sole or predominant factors considered by the Board in  
34 determining police supervisory status.

35 Notwithstanding the provisions of the preceding paragraph,  
36 in determining supervisory status in fire fighter employment,

1 no fire fighter shall be excluded as a supervisor who has  
2 established representation rights under Section 9 of this Act.  
3 Further, in new fire fighter units, employees shall consist of  
4 fire fighters of the rank of company officer and below. If a  
5 company officer otherwise qualifies as a supervisor under the  
6 preceding paragraph, however, he or she shall not be included  
7 in the fire fighter unit. If there is no rank between that of  
8 chief and the highest company officer, the employer may  
9 designate a position on each shift as a Shift Commander, and  
10 the persons occupying those positions shall be supervisors. All  
11 other ranks above that of company officer shall be supervisors.

12 (s) (1) "Unit" means a class of jobs or positions that are  
13 held by employees whose collective interests may suitably  
14 be represented by a labor organization for collective  
15 bargaining. Except with respect to non-State fire fighters  
16 and paramedics employed by fire departments and fire  
17 protection districts, non-State peace officers, and peace  
18 officers in the Department of State Police, a bargaining  
19 unit determined by the Board shall not include both  
20 employees and supervisors, or supervisors only, except as  
21 provided in paragraph (2) of this subsection (s) and except  
22 for bargaining units in existence on July 1, 1984 (the  
23 effective date of this Act). With respect to non-State fire  
24 fighters and paramedics employed by fire departments and  
25 fire protection districts, non-State peace officers, and  
26 peace officers in the Department of State Police, a  
27 bargaining unit determined by the Board shall not include  
28 both supervisors and nonsupervisors, or supervisors only,  
29 except as provided in paragraph (2) of this subsection (s)  
30 and except for bargaining units in existence on January 1,  
31 1986 (the effective date of this amendatory Act of 1985). A  
32 bargaining unit determined by the Board to contain peace  
33 officers shall contain no employees other than peace  
34 officers unless otherwise agreed to by the employer and the  
35 labor organization or labor organizations involved.  
36 Notwithstanding any other provision of this Act, a

1 bargaining unit, including a historical bargaining unit,  
2 containing sworn peace officers of the Department of  
3 Natural Resources (formerly designated the Department of  
4 Conservation) shall contain no employees other than such  
5 sworn peace officers upon the effective date of this  
6 amendatory Act of 1990 or upon the expiration date of any  
7 collective bargaining agreement in effect upon the  
8 effective date of this amendatory Act of 1990 covering both  
9 such sworn peace officers and other employees.

10 (2) Notwithstanding the exclusion of supervisors from  
11 bargaining units as provided in paragraph (1) of this  
12 subsection (s), a public employer may agree to permit its  
13 supervisory employees to form bargaining units and may  
14 bargain with those units. This Act shall apply if the  
15 public employer chooses to bargain under this subsection.

16 (Source: P.A. 93-204, eff. 7-16-03; 93-617, eff. 12-9-03.)

17 (5 ILCS 315/14) (from Ch. 48, par. 1614)

18 Sec. 14. Security Employee, Peace Officer and Fire Fighter  
19 Disputes.

20 (a) In the case of collective bargaining agreements  
21 involving units of security employees of a public employer,  
22 Peace Officer Units, ~~or~~ units of fire fighters or paramedics,  
23 or units of emergency service support staff, and in the case of  
24 disputes under Section 18, unless the parties mutually agree to  
25 some other time limit, mediation shall commence 30 days prior  
26 to the expiration date of such agreement or at such later time  
27 as the mediation services chosen under subsection (b) of  
28 Section 12 can be provided to the parties. In the case of  
29 negotiations for an initial collective bargaining agreement,  
30 mediation shall commence upon 15 days notice from either party  
31 or at such later time as the mediation services chosen pursuant  
32 to subsection (b) of Section 12 can be provided to the parties.  
33 In mediation under this Section, if either party requests the  
34 use of mediation services from the Federal Mediation and  
35 Conciliation Service, the other party shall either join in such

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

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

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

34 (d) The chairman shall call a hearing to begin within 15  
35 days and give reasonable notice of the time and place of the  
36 hearing. The hearing shall be held at the offices of the Board

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

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

1 contempt.

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

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

31 (h) Where there is no agreement between the parties, or  
32 where there is an agreement but the parties have begun  
33 negotiations or discussions looking to a new agreement or  
34 amendment of the existing agreement, and wage rates or other  
35 conditions of employment under the proposed new or amended  
36 agreement are in dispute, the arbitration panel shall base its

1 findings, opinions and order upon the following factors, as  
2 applicable:

3 (1) The lawful authority of the employer.

4 (2) Stipulations of the parties.

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

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

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

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

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

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

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

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

33 (i) In the case of peace officers, the arbitration decision  
34 shall be limited to wages, hours, and conditions of employment  
35 (which may include residency requirements in municipalities  
36 with a population under 1,000,000, but those residency

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

18 In the case of fire fighter, and fire department or fire  
19 district paramedic matters, the arbitration decision shall be  
20 limited to wages, hours, and conditions of employment (which  
21 may include residency requirements in municipalities with a  
22 population under 1,000,000, but those residency requirements  
23 shall not allow residency outside of Illinois) and shall not  
24 include the following matters: i) residency requirements in  
25 municipalities with a population of at least 1,000,000; ii) the  
26 type of equipment (other than uniforms and fire fighter turnout  
27 gear) issued or used; iii) the total number of employees  
28 employed by the department; iv) mutual aid and assistance  
29 agreements to other units of government; and v) the criterion  
30 pursuant to which force, including deadly force, can be used;  
31 provided, however, nothing herein shall preclude an  
32 arbitration decision regarding equipment levels if such  
33 decision is based on a finding that the equipment  
34 considerations in a specific work assignment involve a serious  
35 risk to the safety of a fire fighter beyond that which is  
36 inherent in the normal performance of fire fighter duties.



1 Limitation of the terms of the arbitration decision pursuant to  
2 this subsection shall not be construed to limit the facts upon  
3 which the decision may be based, as set forth in subsection  
4 (h).

5 The changes to this subsection (i) made by Public Act  
6 90-385 (relating to residency requirements) do not apply to  
7 persons who are employed by a combined department that performs  
8 both police and firefighting services; these persons shall be  
9 governed by the provisions of this subsection (i) relating to  
10 peace officers, as they existed before the amendment by Public  
11 Act 90-385.

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

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

1 of arbitration.

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

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

30 (m) Security officers of public employers, and Peace  
31 Officers, Fire Fighters and fire department and fire protection  
32 district paramedics, and units of emergency service support  
33 staff, covered by this Section may not withhold services, nor  
34 may public employers lock out or prevent such employees from  
35 performing services at any time.

36 (n) All of the terms decided upon by the arbitration panel

1 shall be included in an agreement to be submitted to the public  
2 employer's governing body for ratification and adoption by law,  
3 ordinance or the equivalent appropriate means.

4 The governing body shall review each term decided by the  
5 arbitration panel. If the governing body fails to reject one or  
6 more terms of the arbitration panel's decision by a 3/5 vote of  
7 those duly elected and qualified members of the governing body,  
8 within 20 days of issuance, or in the case of firefighters  
9 employed by a state university, at the next regularly scheduled  
10 meeting of the governing body after issuance, such term or  
11 terms shall become a part of the collective bargaining  
12 agreement of the parties. If the governing body affirmatively  
13 rejects one or more terms of the arbitration panel's decision,  
14 it must provide reasons for such rejection with respect to each  
15 term so rejected, within 20 days of such rejection and the  
16 parties shall return to the arbitration panel for further  
17 proceedings and issuance of a supplemental decision with  
18 respect to the rejected terms. Any supplemental decision by an  
19 arbitration panel or other decision maker agreed to by the  
20 parties shall be submitted to the governing body for  
21 ratification and adoption in accordance with the procedures and  
22 voting requirements set forth in this Section. The voting  
23 requirements of this subsection shall apply to all disputes  
24 submitted to arbitration pursuant to this Section  
25 notwithstanding any contrary voting requirements contained in  
26 any existing collective bargaining agreement between the  
27 parties.

28 (o) If the governing body of the employer votes to reject  
29 the panel's decision, the parties shall return to the panel  
30 within 30 days from the issuance of the reasons for rejection  
31 for further proceedings and issuance of a supplemental  
32 decision. All reasonable costs of such supplemental proceeding  
33 including the exclusive representative's reasonable attorney's  
34 fees, as established by the Board, shall be paid by the  
35 employer.

36 (p) Notwithstanding the provisions of this Section the

1 employer and exclusive representative may agree to submit  
2 unresolved disputes concerning wages, hours, terms and  
3 conditions of employment to an alternative form of impasse  
4 resolution.

5 (Source: P.A. 89-195, eff. 7-21-95; 90-202, eff. 7-24-97;  
6 90-385, eff. 8-15-97; 90-655, eff. 7-30-98.)

7 (5 ILCS 315/17) (from Ch. 48, par. 1617)

8 Sec. 17. Right to Strike. (a) Nothing in this Act shall  
9 make it unlawful or make it an unfair labor practice for public  
10 employees, other than security employees, as defined in Section  
11 3(p), Peace Officers, Fire Fighters, and paramedics employed by  
12 fire departments and fire protection districts, and emergency  
13 service support staff, to strike except as otherwise provided  
14 in this Act. Public employees who are permitted to strike may  
15 strike only if:

16 (1) the employees are represented by an exclusive  
17 bargaining representative;

18 (2) the collective bargaining agreement between the public  
19 employer and the public employees, if any, has expired, or such  
20 collective bargaining agreement does not prohibit the strike;

21 (3) the public employer and the labor organization have not  
22 mutually agreed to submit the disputed issues to final and  
23 binding arbitration;

24 (4) the exclusive representative has requested a mediator  
25 pursuant to Section 12 for the purpose of mediation or  
26 conciliation of a dispute between the public employer and the  
27 exclusive representative and mediation has been used; and

28 (5) at least 5 days have elapsed after a notice of intent  
29 to strike has been given by the exclusive bargaining  
30 representative to the public employer.

31 In mediation under this Section, if either party requests  
32 the use of mediation services from the Federal Mediation and  
33 Conciliation Service, the other party shall either join in such  
34 request or bear the additional cost of mediation services from  
35 another source.

1           (b) An employee who participates in a strike, work stoppage  
2 or slowdown, in violation of this Act shall be subject to  
3 discipline by the employer. No employer may pay or cause such  
4 employee to be paid any wages or other compensation for such  
5 periods of participation, except for wages or compensation  
6 earned before participation in such strike.

7           (Source: P.A. 86-412.)