



Sen. Terry Link

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LRB094 04446 HLH 56747 a

1 AMENDMENT TO SENATE BILL 827

2 AMENDMENT NO. _____. Amend Senate Bill 827 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Fire Department Promotion Act is amended by
5 changing Section 10 as follows:

6 (50 ILCS 742/10)

7 Sec. 10. Applicability.

8 (a) This Act shall apply to all positions in an affected
9 department, except those specifically excluded in items (i),
10 (ii), (iii), (iv), and (v) of the definition of "promotion" in
11 Section 5 unless such positions are covered by a collective
12 bargaining agreement in force on the effective date of this
13 Act. Existing promotion lists shall continue to be valid until
14 their expiration dates, or up to a maximum of 3 years after the
15 effective date of this Act.

16 (b) Notwithstanding any statute, ordinance, rule, or other
17 laws to the contrary, all promotions in an affected department
18 to which this Act applies shall be administered in the manner
19 provided for in this Act. Provisions of the Illinois Municipal
20 Code, the Fire Protection District Act, municipal ordinances,
21 or rules adopted pursuant to such authority and other laws
22 relating to promotions in affected departments shall continue
23 to apply to the extent they are compatible with this Act, but
24 in the event of conflict between this Act and any other law,

1 this Act shall control.

2 (c) A home rule or non-home rule municipality may not
3 administer its fire department promotion process in a manner
4 that is inconsistent with this Act. This Section is a
5 limitation under subsection (i) of Section 6 of Article VII of
6 the Illinois Constitution on the concurrent exercise by home
7 rule units of the powers and functions exercised by the State.

8 (d) This Act is intended to serve as a minimum standard and
9 shall be construed to authorize and not to limit:

10 (1) An appointing authority from establishing
11 different or supplemental promotional criteria or
12 components, provided that the criteria are job-related and
13 applied uniformly.

14 (2) The right of negotiation by an employer and an
15 exclusive bargaining representative to require an employer
16 to negotiate ~~of~~ clauses within a collective bargaining
17 agreement relating to conditions, criteria, or procedures
18 for the promotion of employees to ranks, as defined in
19 Section 5, covered by this Act ~~who are members of~~
20 ~~bargaining units.~~

21 (3) The negotiation by an employer and an exclusive
22 bargaining representative of provisions within a
23 collective bargaining agreement to achieve affirmative
24 action objectives, provided that such clauses are
25 consistent with applicable law.

26 (e) Local authorities and exclusive bargaining agents
27 affected by this Act may agree to waive one or more of its
28 provisions and bargain on the contents of those provisions,
29 provided that any such waivers shall be considered permissive
30 subjects of bargaining.

31 (Source: P.A. 93-411, eff. 8-4-03.)

32 Section 99. Effective date. This Act takes effect upon
33 becoming law."