

SB0037



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0037

Introduced 1/31/2007, by Sen. William Delgado

SYNOPSIS AS INTRODUCED:

115 ILCS 5/4.5
30 ILCS 805/8.31 new

Amends the Illinois Educational Labor Relations Act. Provides that the list of subjects of collective bargaining between the Chicago School District and the exclusive bargaining representative of its employees that is now permissive is instead mandatory. Amends the State Mandates Act to require implementation without reimbursement.

LRB095 04382 NHT 24427 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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
13 must ~~may~~ include all ~~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

1 experimental or pilot programs and decisions concerning
2 use of technology to deliver educational programs and
3 services and staffing to provide the technology.

4 (b) The subject or matters described in subsection (a) are
5 mandatory ~~permissive~~ subjects of bargaining between an
6 educational employer and an exclusive representative of its
7 employees ~~and, for the purpose of this Act, are within the sole~~
8 ~~discretion of the educational employer to decide to bargain,~~
9 ~~provided that the educational employer is required to bargain~~
10 ~~over the impact of a decision concerning such subject or matter~~
11 ~~on the bargaining unit upon request by the exclusive~~
12 ~~representative. During this bargaining, the educational~~
13 ~~employer shall not be precluded from implementing its decision.~~
14 If, after a reasonable period of bargaining, a dispute or
15 impasse exists between the educational employer and the
16 exclusive representative, the dispute or impasse shall be
17 resolved exclusively as set forth in subsection (b) of Section
18 12 of this Act in lieu of a strike under Section 13 of this Act.

19 (c) A provision in a collective bargaining agreement that
20 was rendered null and void because it involved a prohibited
21 subject of collective bargaining under this subsection (c) as
22 this subsection (c) existed before the effective date of this
23 amendatory Act of the 93rd General Assembly remains null and
24 void and shall not otherwise be reinstated in any successor
25 agreement unless the educational employer and exclusive
26 representative otherwise agree to include an agreement reached

1 on a subject or matter described in subsection (a) of this
2 Section as subsection (a) existed before this amendatory Act of
3 the 93rd General Assembly.

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

5 Section 90. The State Mandates Act is amended by adding
6 Section 8.31 as follows:

7 (30 ILCS 805/8.31 new)

8 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
9 of this Act, no reimbursement by the State is required for the
10 implementation of any mandate created by this amendatory Act of
11 the 95th General Assembly.