



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1235

Introduced 2/9/2007, by Sen. William Delgado

SYNOPSIS AS INTRODUCED:

115 ILCS 5/4.5

115 ILCS 5/12

from Ch. 48, par. 1712

Amends the Illinois Educational Labor Relations Act. Provides that collective bargaining between an educational employer other than a public community college district (now, any educational employer) whose territorial boundaries are coterminous with those of a city having a population in excess of 500,000 and an exclusive representative of its employees may include certain subjects. Provides that an educational employer other than a public community college district (now, any educational employer) whose territorial boundaries are coterminous with those of a city having a population in excess of 500,000 shall submit a dispute or impasse with the exclusive bargaining representative over one of those subjects to the dispute resolution procedure agreed to between the parties. Effective immediately.

LRB095 04928 NHT 24994 b

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 Sections 4.5 and 12 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, other than a public community college
11 district, whose territorial boundaries are coterminous with
12 those of a city having a population in excess of 500,000 and an
13 exclusive representative of its employees may include any of
14 the following subjects:

15 (1) (Blank).

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

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

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

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

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

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

1 representative otherwise agree to include an agreement reached
2 on a subject or matter described in subsection (a) of this
3 Section as subsection (a) existed before this amendatory Act of
4 the 93rd General Assembly.

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

6 (115 ILCS 5/12) (from Ch. 48, par. 1712)

7 Sec. 12. Impasse procedures.

8 (a) If the parties engaged in collective bargaining have
9 not reached an agreement by 90 days before the scheduled start
10 of the forthcoming school year, the parties shall notify the
11 Illinois Educational Labor Relations Board concerning the
12 status of negotiations.

13 Upon demand of either party, collective bargaining between
14 the employer and an exclusive bargaining representative must
15 begin within 60 days of the date of certification of the
16 representative by the Board, or in the case of an existing
17 exclusive bargaining representative, within 60 days of the
18 receipt by a party of a demand to bargain issued by the other
19 party. Once commenced, collective bargaining must continue for
20 at least a 60 day period, unless a contract is entered into.

21 Except as otherwise provided in subsection (b) of this
22 Section, if after a reasonable period of negotiation and within
23 45 days of the scheduled start of the forth-coming school year,
24 the parties engaged in collective bargaining have reached an
25 impasse, either party may petition the Board to initiate

1 mediation. Alternatively, the Board on its own motion may
2 initiate mediation during this period. However, mediation
3 shall be initiated by the Board at any time when jointly
4 requested by the parties and the services of the mediators
5 shall continuously be made available to the employer and to the
6 exclusive bargaining representative for purposes of
7 arbitration of grievances and mediation or arbitration of
8 contract disputes. If requested by the parties, the mediator
9 may perform fact-finding and in so doing conduct hearings and
10 make written findings and recommendations for resolution of the
11 dispute. Such mediation shall be provided by the Board and
12 shall be held before qualified impartial individuals. Nothing
13 prohibits the use of other individuals or organizations such as
14 the Federal Mediation and Conciliation Service or the American
15 Arbitration Association selected by both the exclusive
16 bargaining representative and the employer.

17 If the parties engaged in collective bargaining fail to
18 reach an agreement within 15 days of the scheduled start of the
19 forthcoming school year and have not requested mediation, the
20 Illinois Educational Labor Relations Board shall invoke
21 mediation.

22 Whenever mediation is initiated or invoked under this
23 subsection (a), the parties may stipulate to defer selection of
24 a mediator in accordance with rules adopted by the Board.

25 (b) If, after a period of bargaining of at least 60 days, a
26 dispute or impasse exists between an employer, other than a

1 public community college district, whose territorial
2 boundaries are coterminous with those of a city having a
3 population in excess of 500,000 and the exclusive bargaining
4 representative over a subject or matter set forth in Section
5 4.5 of this Act, the parties shall submit the dispute or
6 impasse to the dispute resolution procedure agreed to between
7 the parties. The procedure shall provide for mediation of
8 disputes by a rotating mediation panel and may, at the request
9 of either party, include the issuance of advisory findings of
10 fact and recommendations.

11 (c) The costs of fact finding and mediation shall be shared
12 equally between the employer and the exclusive bargaining
13 agent, provided that, for purposes of mediation under this Act,
14 if either party requests the use of mediation services from the
15 Federal Mediation and Conciliation Service, the other party
16 shall either join in such request or bear the additional cost
17 of mediation services from another source.

18 (d) Nothing in this Act prevents an employer and an
19 exclusive bargaining representative from mutually submitting
20 to final and binding impartial arbitration unresolved issues
21 concerning the terms of a new collective bargaining agreement.

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

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.