



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2445

Introduced 2/19/2009, by Rep. Keith Farnham

SYNOPSIS AS INTRODUCED:

5 ILCS 315/5	from Ch. 48, par. 1605
5 ILCS 315/9	from Ch. 48, par. 1609
5 ILCS 315/14	from Ch. 48, par. 1614
115 ILCS 5/5	from Ch. 48, par. 1705
115 ILCS 5/7	from Ch. 48, par. 1707

Amends the Illinois Public Labor Relations Act and the Illinois Educational Labor Relations Act. Makes changes concerning Board attorneys and investigators, choice of employee organization, unit clarification petitions, and arbitration procedures. Effective immediately.

LRB096 04695 JAM 14757 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 5, 9, and 14 as follows:

6 (5 ILCS 315/5) (from Ch. 48, par. 1605)

7 Sec. 5. Illinois Labor Relations Board; State Panel; Local
8 Panel.

9 (a) There is created the Illinois Labor Relations Board.
10 The Board shall be comprised of 2 panels, to be known as the
11 State Panel and the Local Panel.

12 (a-5) The State Panel shall have jurisdiction over
13 collective bargaining matters between employee organizations
14 and the State of Illinois, excluding the General Assembly of
15 the State of Illinois, between employee organizations and units
16 of local government and school districts with a population not
17 in excess of 2 million persons, and between employee
18 organizations and the Regional Transportation Authority.

19 The State Panel shall consist of 5 members appointed by the
20 Governor, with the advice and consent of the Senate. The
21 Governor shall appoint to the State Panel only persons who have
22 had a minimum of 5 years of experience directly related to
23 labor and employment relations in representing public

1 employers, private employers or labor organizations; or
2 teaching labor or employment relations; or administering
3 executive orders or regulations applicable to labor or
4 employment relations. At the time of his or her appointment,
5 each member of the State Panel shall be an Illinois resident.
6 The Governor shall designate one member to serve as the
7 Chairman of the State Panel and the Board.

8 Notwithstanding any other provision of this Section, the
9 term of each member of the State Panel who was appointed by the
10 Governor and is in office on June 30, 2003 shall terminate at
11 the close of business on that date or when all of the successor
12 members to be appointed pursuant to this amendatory Act of the
13 93rd General Assembly have been appointed by the Governor,
14 whichever occurs later. As soon as possible, the Governor shall
15 appoint persons to fill the vacancies created by this
16 amendatory Act.

17 The initial appointments under this amendatory Act of the
18 93rd General Assembly shall be for terms as follows: The
19 Chairman shall initially be appointed for a term ending on the
20 4th Monday in January, 2007; 2 members shall be initially
21 appointed for terms ending on the 4th Monday in January, 2006;
22 one member shall be initially appointed for a term ending on
23 the 4th Monday in January, 2005; and one member shall be
24 initially appointed for a term ending on the 4th Monday in
25 January, 2004. Each subsequent member shall be appointed for a
26 term of 4 years, commencing on the 4th Monday in January. Upon

1 expiration of the term of office of any appointive member, that
2 member shall continue to serve until a successor shall be
3 appointed and qualified. In case of a vacancy, a successor
4 shall be appointed to serve for the unexpired portion of the
5 term. If the Senate is not in session at the time the initial
6 appointments are made, the Governor shall make temporary
7 appointments in the same manner successors are appointed to
8 fill vacancies. A temporary appointment shall remain in effect
9 no longer than 20 calendar days after the commencement of the
10 next Senate session.

11 (b) The Local Panel shall have jurisdiction over collective
12 bargaining agreement matters between employee organizations
13 and units of local government with a population in excess of 2
14 million persons, but excluding the Regional Transportation
15 Authority.

16 The Local Panel shall consist of one person appointed by
17 the Governor with the advice and consent of the Senate (or, if
18 no such person is appointed, the Chairman of the State Panel)
19 and two additional members, one appointed by the Mayor of the
20 City of Chicago and one appointed by the President of the Cook
21 County Board of Commissioners. Appointees to the Local Panel
22 must have had a minimum of 5 years of experience directly
23 related to labor and employment relations in representing
24 public employers, private employers or labor organizations; or
25 teaching labor or employment relations; or administering
26 executive orders or regulations applicable to labor or

1 employment relations. Each member of the Local Panel shall be
2 an Illinois resident at the time of his or her appointment. The
3 member appointed by the Governor (or, if no such person is
4 appointed, the Chairman of the State Panel) shall serve as the
5 Chairman of the Local Panel.

6 Notwithstanding any other provision of this Section, the
7 term of the member of the Local Panel who was appointed by the
8 Governor and is in office on June 30, 2003 shall terminate at
9 the close of business on that date or when his or her successor
10 has been appointed by the Governor, whichever occurs later. As
11 soon as possible, the Governor shall appoint a person to fill
12 the vacancy created by this amendatory Act. The initial
13 appointment under this amendatory Act of the 93rd General
14 Assembly shall be for a term ending on the 4th Monday in
15 January, 2007.

16 The initial appointments under this amendatory Act of the
17 91st General Assembly shall be for terms as follows: The member
18 appointed by the Governor shall initially be appointed for a
19 term ending on the 4th Monday in January, 2001; the member
20 appointed by the President of the Cook County Board shall be
21 initially appointed for a term ending on the 4th Monday in
22 January, 2003; and the member appointed by the Mayor of the
23 City of Chicago shall be initially appointed for a term ending
24 on the 4th Monday in January, 2004. Each subsequent member
25 shall be appointed for a term of 4 years, commencing on the 4th
26 Monday in January. Upon expiration of the term of office of any

1 appointive member, the member shall continue to serve until a
2 successor shall be appointed and qualified. In the case of a
3 vacancy, a successor shall be appointed by the applicable
4 appointive authority to serve for the unexpired portion of the
5 term.

6 (c) Three members of the State Panel shall at all times
7 constitute a quorum. Two members of the Local Panel shall at
8 all times constitute a quorum. A vacancy on a panel does not
9 impair the right of the remaining members to exercise all of
10 the powers of that panel. Each panel shall adopt an official
11 seal which shall be judicially noticed. The salary of the
12 Chairman of the State Panel shall be \$82,429 per year, or as
13 set by the Compensation Review Board, whichever is greater, and
14 that of the other members of the State and Local Panels shall
15 be \$74,188 per year, or as set by the Compensation Review
16 Board, whichever is greater.

17 (d) Each member shall devote his or her entire time to the
18 duties of the office, and shall hold no other office or
19 position of profit, nor engage in any other business,
20 employment, or vocation. No member shall hold any other public
21 office or be employed as a labor or management representative
22 by the State or any political subdivision of the State or of
23 any department or agency thereof, or actively represent or act
24 on behalf of an employer or an employee organization or an
25 employer in labor relations matters. Any member of the State
26 Panel may be removed from office by the Governor for

1 inefficiency, neglect of duty, misconduct or malfeasance in
2 office, and for no other cause, and only upon notice and
3 hearing. Any member of the Local Panel may be removed from
4 office by the applicable appointive authority for
5 inefficiency, neglect of duty, misconduct or malfeasance in
6 office, and for no other cause, and only upon notice and
7 hearing.

8 (e) Each panel at the end of every State fiscal year shall
9 make a report in writing to the Governor and the General
10 Assembly, stating in detail the work it has done in hearing and
11 deciding cases and otherwise.

12 (f) In order to accomplish the objectives and carry out the
13 duties prescribed by this Act, a panel or its authorized
14 designees may hold elections to determine whether a labor
15 organization has majority status; investigate and attempt to
16 resolve or settle charges of unfair labor practices; hold
17 hearings in order to carry out its functions; develop and
18 effectuate appropriate impasse resolution procedures for
19 purposes of resolving labor disputes; require the appearance of
20 witnesses and the production of evidence on any matter under
21 inquiry; and administer oaths and affirmations. The panels
22 shall sign and report in full an opinion in every case which
23 they decide.

24 (g) Each panel may appoint or employ an executive director,
25 attorneys, hearing officers, mediators, fact-finders,
26 arbitrators, and such other employees as it may deem necessary

1 to perform its functions. The governing boards shall prescribe
2 the duties and qualifications of such persons appointed and,
3 subject to the annual appropriation, fix their compensation and
4 provide for reimbursement of actual and necessary expenses
5 incurred in the performance of their duties. The Board shall
6 employ a minimum of 16 attorneys and 6 investigators.

7 (h) Each panel shall exercise general supervision over all
8 attorneys which it employs and over the other persons employed
9 to provide necessary support services for such attorneys. The
10 panels shall have final authority in respect to complaints
11 brought pursuant to this Act.

12 (i) The following rules and regulations shall be adopted by
13 the panels meeting in joint session: (1) procedural rules and
14 regulations which shall govern all Board proceedings; (2)
15 procedures for election of exclusive bargaining
16 representatives pursuant to Section 9, except for the
17 determination of appropriate bargaining units; and (3)
18 appointment of counsel pursuant to subsection (k) of this
19 Section.

20 (j) Rules and regulations may be adopted, amended or
21 rescinded only upon a vote of 5 of the members of the State and
22 Local Panels meeting in joint session. The adoption, amendment
23 or rescission of rules and regulations shall be in conformity
24 with the requirements of the Illinois Administrative Procedure
25 Act.

26 (k) The panels in joint session shall promulgate rules and

1 regulations providing for the appointment of attorneys or other
2 Board representatives to represent persons in unfair labor
3 practice proceedings before a panel. The regulations governing
4 appointment shall require the applicant to demonstrate an
5 inability to pay for or inability to otherwise provide for
6 adequate representation before a panel. Such rules must also
7 provide: (1) that an attorney may not be appointed in cases
8 which, in the opinion of a panel, are clearly without merit;
9 (2) the stage of the unfair labor proceeding at which counsel
10 will be appointed; and (3) the circumstances under which a
11 client will be allowed to select counsel.

12 (1) The panels in joint session may promulgate rules and
13 regulations which allow parties in proceedings before a panel
14 to be represented by counsel or any other representative of the
15 party's choice.

16 (m) The Chairman of the State Panel shall serve as Chairman
17 of a joint session of the panels. Attendance of at least 2
18 members of the State Panel and at least one member of the Local
19 Panel, in addition to the Chairman, shall constitute a quorum
20 at a joint session. The panels shall meet in joint session at
21 least annually.

22 (Source: P.A. 93-509, eff. 8-11-03.)

23 (5 ILCS 315/9) (from Ch. 48, par. 1609)

24 Sec. 9. Elections; recognition.

25 (a) Whenever in accordance with such regulations as may be

1 prescribed by the Board a petition has been filed:

2 (1) by a public employee or group of public employees
3 or any labor organization acting in their behalf
4 demonstrating that 30% of the public employees in an
5 appropriate unit (A) wish to be represented for the
6 purposes of collective bargaining by a labor organization
7 as exclusive representative, or (B) asserting that the
8 labor organization which has been certified or is currently
9 recognized by the public employer as bargaining
10 representative is no longer the representative of the
11 majority of public employees in the unit; or

12 (2) by a public employer alleging that one or more
13 labor organizations have presented to it a claim that they
14 be recognized as the representative of a majority of the
15 public employees in an appropriate unit,

16 the Board shall investigate such petition, and if it has
17 reasonable cause to believe that a question of representation
18 exists, shall provide for an appropriate hearing upon due
19 notice. Such hearing shall be held at the offices of the Board
20 or such other location as the Board deems appropriate. If it
21 finds upon the record of the hearing that a question of
22 representation exists, it shall direct an election in
23 accordance with subsection (d) of this Section, which election
24 shall be held not later than 120 days after the date the
25 petition was filed regardless of whether that petition was
26 filed before or after the effective date of this amendatory Act

1 of 1987; provided, however, the Board may extend the time for
2 holding an election by an additional 60 days if, upon motion by
3 a person who has filed a petition under this Section or is the
4 subject of a petition filed under this Section and is a party
5 to such hearing, or upon the Board's own motion, the Board
6 finds that good cause has been shown for extending the election
7 date; provided further, that nothing in this Section shall
8 prohibit the Board, in its discretion, from extending the time
9 for holding an election for so long as may be necessary under
10 the circumstances, where the purpose for such extension is to
11 permit resolution by the Board of an unfair labor practice
12 charge filed by one of the parties to a representational
13 proceeding against the other based upon conduct which may
14 either affect the existence of a question concerning
15 representation or have a tendency to interfere with a fair and
16 free election, where the party filing the charge has not filed
17 a request to proceed with the election; and provided further
18 that prior to the expiration of the total time allotted for
19 holding an election, a person who has filed a petition under
20 this Section or is the subject of a petition filed under this
21 Section and is a party to such hearing or the Board, may move
22 for and obtain the entry of an order in the circuit court of
23 the county in which the majority of the public employees sought
24 to be represented by such person reside, such order extending
25 the date upon which the election shall be held. Such order
26 shall be issued by the circuit court only upon a judicial

1 finding that there has been a sufficient showing that there is
2 good cause to extend the election date beyond such period and
3 shall require the Board to hold the election as soon as is
4 feasible given the totality of the circumstances. Such 120 day
5 period may be extended one or more times by the agreement of
6 all parties to the hearing to a date certain without the
7 necessity of obtaining a court order. Nothing in this Section
8 prohibits the waiving of hearings by stipulation for the
9 purpose of a consent election in conformity with the rules and
10 regulations of the Board or an election in a unit agreed upon
11 by the parties. Other interested employee organizations may
12 intervene in the proceedings in the manner and within the time
13 period specified by rules and regulations of the Board.
14 Interested parties who are necessary to the proceedings may
15 also intervene in the proceedings in the manner and within the
16 time period specified by the rules and regulations of the
17 Board.

18 (a-5) The Board shall designate an exclusive
19 representative for purposes of collective bargaining when the
20 representative demonstrates a showing of majority interest by
21 employees in the unit. If the parties to a dispute are without
22 agreement on the means to ascertain the choice, if any, of
23 employee organization as their representative, the Board shall
24 ascertain the employees' choice of employee organization, on
25 the basis of dues deduction authorization or ~~and~~ other
26 evidence, or, if necessary, by conducting an election. All

1 evidence submitted by an employee organization to the Board to
2 ascertain an employee's choice of an employee organization is
3 confidential and shall not be submitted to the employer for
4 review. The Board shall ascertain the employee's choice of
5 employee organization within 120 days after the filing of the
6 majority interest petition; however, the Board may extend time
7 by an additional 60 days, upon its own motion or upon the
8 motion of a party to the proceeding. If either party provides
9 to the Board, before the designation of a representative, clear
10 and convincing evidence that the dues deduction
11 authorizations, and other evidence upon which the Board would
12 otherwise rely to ascertain the employees' choice of
13 representative, are fraudulent or were obtained through
14 coercion, the Board shall promptly thereafter conduct an
15 election. The Board shall also investigate and consider a
16 party's allegations that the dues deduction authorizations and
17 other evidence submitted in support of a designation of
18 representative without an election were subsequently changed,
19 altered, withdrawn, or withheld as a result of employer fraud,
20 coercion, or any other unfair labor practice by the employer.
21 If the Board determines that a labor organization would have
22 had a majority interest but for an employer's fraud, coercion,
23 or unfair labor practice, it shall designate the labor
24 organization as an exclusive representative without conducting
25 an election. If a hearing is necessary to resolve any issues of
26 representation under this Section, the Board shall conclude its

1 hearing process and issue a certification of the entire
2 appropriate unit not later than 120 days after the date the
3 petition was filed. The 120-day period may be extended one or
4 more times by the agreement of all parties to a hearing to a
5 date certain.

6 (a-6) A labor organization or an employer may file a unit
7 clarification petition seeking to clarify an existing
8 bargaining unit. The Board shall conclude its investigation,
9 including any hearing process deemed necessary, and issue a
10 certification of clarified unit or dismiss the petition not
11 later than 120 days after the date the petition was filed. The
12 120-day period may be extended one or more times by the
13 agreement of all parties to a hearing to a date certain.

14 (b) The Board shall decide in each case, in order to assure
15 public employees the fullest freedom in exercising the rights
16 guaranteed by this Act, a unit appropriate for the purpose of
17 collective bargaining, based upon but not limited to such
18 factors as: historical pattern of recognition; community of
19 interest including employee skills and functions; degree of
20 functional integration; interchangeability and contact among
21 employees; fragmentation of employee groups; common
22 supervision, wages, hours and other working conditions of the
23 employees involved; and the desires of the employees. For
24 purposes of this subsection, fragmentation shall not be the
25 sole or predominant factor used by the Board in determining an
26 appropriate bargaining unit. Except with respect to non-State

1 fire fighters and paramedics employed by fire departments and
2 fire protection districts, non-State peace officers and peace
3 officers in the State Department of State Police, a single
4 bargaining unit determined by the Board may not include both
5 supervisors and nonsupervisors, except for bargaining units in
6 existence on the effective date of this Act. With respect to
7 non-State fire fighters and paramedics employed by fire
8 departments and fire protection districts, non-State peace
9 officers and peace officers in the State Department of State
10 Police, a single bargaining unit determined by the Board may
11 not include both supervisors and nonsupervisors, except for
12 bargaining units in existence on the effective date of this
13 amendatory Act of 1985.

14 In cases involving an historical pattern of recognition,
15 and in cases where the employer has recognized the union as the
16 sole and exclusive bargaining agent for a specified existing
17 unit, the Board shall find the employees in the unit then
18 represented by the union pursuant to the recognition to be the
19 appropriate unit.

20 Notwithstanding the above factors, where the majority of
21 public employees of a craft so decide, the Board shall
22 designate such craft as a unit appropriate for the purposes of
23 collective bargaining.

24 The Board shall not decide that any unit is appropriate if
25 such unit includes both professional and nonprofessional
26 employees, unless a majority of each group votes for inclusion

1 in such unit.

2 (c) Nothing in this Act shall interfere with or negate the
3 current representation rights or patterns and practices of
4 labor organizations which have historically represented public
5 employees for the purpose of collective bargaining, including
6 but not limited to the negotiations of wages, hours and working
7 conditions, discussions of employees' grievances, resolution
8 of jurisdictional disputes, or the establishment and
9 maintenance of prevailing wage rates, unless a majority of
10 employees so represented express a contrary desire pursuant to
11 the procedures set forth in this Act.

12 (d) In instances where the employer does not voluntarily
13 recognize a labor organization as the exclusive bargaining
14 representative for a unit of employees, the Board shall
15 determine the majority representative of the public employees
16 in an appropriate collective bargaining unit by conducting a
17 secret ballot election, except as otherwise provided in
18 subsection (a-5). Within 7 days after the Board issues its
19 bargaining unit determination and direction of election or the
20 execution of a stipulation for the purpose of a consent
21 election, the public employer shall submit to the labor
22 organization the complete names and addresses of those
23 employees who are determined by the Board to be eligible to
24 participate in the election. When the Board has determined that
25 a labor organization has been fairly and freely chosen by a
26 majority of employees in an appropriate unit, it shall certify

1 such organization as the exclusive representative. If the Board
2 determines that a majority of employees in an appropriate unit
3 has fairly and freely chosen not to be represented by a labor
4 organization, it shall so certify. The Board may also revoke
5 the certification of the public employee organizations as
6 exclusive bargaining representatives which have been found by a
7 secret ballot election to be no longer the majority
8 representative.

9 (e) The Board shall not conduct an election in any
10 bargaining unit or any subdivision thereof within which a valid
11 election has been held in the preceding 12-month period. The
12 Board shall determine who is eligible to vote in an election
13 and shall establish rules governing the conduct of the election
14 or conduct affecting the results of the election. The Board
15 shall include on a ballot in a representation election a choice
16 of "no representation". A labor organization currently
17 representing the bargaining unit of employees shall be placed
18 on the ballot in any representation election. In any election
19 where none of the choices on the ballot receives a majority, a
20 runoff election shall be conducted between the 2 choices
21 receiving the largest number of valid votes cast in the
22 election. A labor organization which receives a majority of the
23 votes cast in an election shall be certified by the Board as
24 exclusive representative of all public employees in the unit.

25 (f) A labor organization shall be designated as the
26 exclusive representative by a public employer, provided that

1 the labor organization represents a majority of the public
2 employees in an appropriate unit. Any employee organization
3 which is designated or selected by the majority of public
4 employees, in a unit of the public employer having no other
5 recognized or certified representative, as their
6 representative for purposes of collective bargaining may
7 request recognition by the public employer in writing. The
8 public employer shall post such request for a period of at
9 least 20 days following its receipt thereof on bulletin boards
10 or other places used or reserved for employee notices.

11 (g) Within the 20-day period any other interested employee
12 organization may petition the Board in the manner specified by
13 rules and regulations of the Board, provided that such
14 interested employee organization has been designated by at
15 least 10% of the employees in an appropriate bargaining unit
16 which includes all or some of the employees in the unit
17 recognized by the employer. In such event, the Board shall
18 proceed with the petition in the same manner as provided by
19 paragraph (1) of subsection (a) of this Section.

20 (h) No election shall be directed by the Board in any
21 bargaining unit where there is in force a valid collective
22 bargaining agreement. The Board, however, may process an
23 election petition filed between 90 and 60 days prior to the
24 expiration of the date of an agreement, and may further refine,
25 by rule or decision, the implementation of this provision.
26 Where more than 4 years have elapsed since the effective date

1 of the agreement, the agreement shall continue to bar an
2 election, except that the Board may process an election
3 petition filed between 90 and 60 days prior to the end of the
4 fifth year of such an agreement, and between 90 and 60 days
5 prior to the end of each successive year of such agreement.

6 (i) An order of the Board dismissing a representation
7 petition, determining and certifying that a labor organization
8 has been fairly and freely chosen by a majority of employees in
9 an appropriate bargaining unit, determining and certifying
10 that a labor organization has not been fairly and freely chosen
11 by a majority of employees in the bargaining unit or certifying
12 a labor organization as the exclusive representative of
13 employees in an appropriate bargaining unit because of a
14 determination by the Board that the labor organization is the
15 historical bargaining representative of employees in the
16 bargaining unit, is a final order. Any person aggrieved by any
17 such order issued on or after the effective date of this
18 amendatory Act of 1987 may apply for and obtain judicial review
19 in accordance with provisions of the Administrative Review Law,
20 as now or hereafter amended, except that such review shall be
21 afforded directly in the Appellate Court for the district in
22 which the aggrieved party resides or transacts business. Any
23 direct appeal to the Appellate Court shall be filed within 35
24 days from the date that a copy of the decision sought to be
25 reviewed was served upon the party affected by the decision.

26 (Source: P.A. 95-331, eff. 8-21-07.)

1 (5 ILCS 315/14) (from Ch. 48, par. 1614)

2 Sec. 14. Security Employee, Peace Officer and Fire Fighter
3 Disputes.

4 (a) In the case of collective bargaining agreements
5 involving units of security employees of a public employer,
6 Peace Officer Units, or units of fire fighters or paramedics,
7 and in the case of disputes under Section 18, unless the
8 parties mutually agree to some other time limit, mediation
9 shall commence 30 days prior to the expiration date of such
10 agreement or at such later time as the mediation services
11 chosen under subsection (b) of Section 12 can be provided to
12 the parties. In the case of negotiations for an initial
13 collective bargaining agreement, mediation shall commence upon
14 15 days notice from either party or at such later time as the
15 mediation services chosen pursuant to subsection (b) of Section
16 12 can be provided to the parties. In mediation under this
17 Section, if either party requests the use of mediation services
18 from the Federal Mediation and Conciliation Service, the other
19 party shall either join in such request or bear the additional
20 cost of mediation services from another source. The mediator
21 shall have a duty to keep the Board informed on the progress of
22 the mediation. If any dispute has not been resolved within 15
23 days after the first meeting of the parties and the mediator,
24 or within such other time limit as may be mutually agreed upon
25 by the parties, either the exclusive representative or employer

1 may request of the other, in writing, arbitration, and shall
2 submit a copy of the request to the Board.

3 (b) Within 10 days after such a request for arbitration has
4 been made, the employer shall choose a delegate and the
5 employees' exclusive representative shall choose a delegate to
6 a panel of arbitration as provided in this Section. The
7 employer and employees shall forthwith advise the other and the
8 Board of their selections.

9 (c) Within 7 days after the request of either party, the
10 parties shall request a panel of impartial arbitrators from
11 which they shall select the neutral chairman according to the
12 procedures provided in this Section. If the parties have agreed
13 to a contract that contains a grievance resolution procedure as
14 provided in Section 8, the chairman shall be selected using
15 their agreed contract procedure unless they mutually agree to
16 another procedure. If the parties fail to notify the Board of
17 their selection of neutral chairman within 7 days after receipt
18 of the list of impartial arbitrators, the Board shall appoint,
19 at random, a neutral chairman from the list. In the absence of
20 an agreed contract procedure for selecting an impartial
21 arbitrator, either party may request a panel from the Board.

22 Within 7 days of the request of either party, the Board shall
23 select from the Public Employees Labor Mediation Roster 7
24 persons who are on the labor arbitration panels of either the
25 American Arbitration Association or the Federal Mediation and
26 Conciliation Service, or who are members of the National

1 Academy of Arbitrators, as nominees for impartial arbitrator of
2 the arbitration panel. The parties may select an individual on
3 the list provided by the Board or any other individual mutually
4 agreed upon by the parties. Within 7 days following the receipt
5 of the list, the parties shall notify the Board of the person
6 they have selected. Unless the parties agree on an alternate
7 selection procedure, they shall alternatively strike one name
8 from the list provided by the Board until only one name
9 remains. A coin toss shall determine which party shall strike
10 the first name. If the parties fail to notify the Board in a
11 timely manner of their selection for neutral chairman, the
12 Board shall appoint a neutral chairman from the Illinois Public
13 Employees Mediation/Arbitration Roster.

14 (d) The chairman shall call a hearing to begin within 15
15 days and give reasonable notice of the time and place of the
16 hearing. The hearing shall be held at the offices of the Board
17 or at such other location as the Board deems appropriate. The
18 chairman shall preside over the hearing and shall take
19 testimony. Any oral or documentary evidence and other data
20 deemed relevant by the arbitration panel may be received in
21 evidence. The proceedings shall be informal. Technical rules of
22 evidence shall not apply and the competency of the evidence
23 shall not thereby be deemed impaired. A verbatim record of the
24 proceedings shall be made and the arbitrator shall arrange for
25 the necessary recording service. Transcripts may be ordered at
26 the expense of the party ordering them, but the transcripts

1 shall not be necessary for a decision by the arbitration panel.
2 The expense of the proceedings, including a fee for the
3 chairman, established in advance by the Board, shall be borne
4 equally by each of the parties to the dispute. The delegates,
5 if public officers or employees, shall continue on the payroll
6 of the public employer without loss of pay. The hearing
7 conducted by the arbitration panel may be adjourned from time
8 to time, but unless otherwise agreed by the parties, shall be
9 concluded within 30 days of the time of its commencement.
10 Majority actions and rulings shall constitute the actions and
11 rulings of the arbitration panel. Arbitration proceedings
12 under this Section shall not be interrupted or terminated by
13 reason of any unfair labor practice charge filed by either
14 party at any time.

15 (e) The arbitration panel may administer oaths, require the
16 attendance of witnesses, and the production of such books,
17 papers, contracts, agreements and documents as may be deemed by
18 it material to a just determination of the issues in dispute,
19 and for such purpose may issue subpoenas. If any person refuses
20 to obey a subpoena, or refuses to be sworn or to testify, or if
21 any witness, party or attorney is guilty of any contempt while
22 in attendance at any hearing, the arbitration panel may, or the
23 attorney general if requested shall, invoke the aid of any
24 circuit court within the jurisdiction in which the hearing is
25 being held, which court shall issue an appropriate order. Any
26 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

1 complies with the applicable factors prescribed in subsection
2 (h). The findings, opinions and order as to all other issues
3 shall be based upon the applicable factors prescribed in
4 subsection (h).

5 (h) Where there is no agreement between the parties, or
6 where there is an agreement but the parties have begun
7 negotiations or discussions looking to a new agreement or
8 amendment of the existing agreement, and wage rates or other
9 conditions of employment under the proposed new or amended
10 agreement are in dispute, the arbitration panel shall base its
11 findings, opinions and order upon the following factors, as
12 applicable:

13 (1) The lawful authority of the employer.

14 (2) Stipulations of the parties.

15 (3) The interests and welfare of the public and the
16 financial ability of the unit of government to meet those
17 costs.

18 (4) Comparison of the wages, hours and conditions of
19 employment of the employees involved in the arbitration
20 proceeding with the wages, hours and conditions of
21 employment of other employees performing similar services
22 and with other employees generally:

23 (A) In public employment in comparable
24 communities.

25 (B) In private employment in comparable
26 communities.

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

3 (6) The overall compensation presently received by the
4 employees, including direct wage compensation, vacations,
5 holidays and other excused time, insurance and pensions,
6 medical and hospitalization benefits, the continuity and
7 stability of employment and all other benefits received.

8 (7) Changes in any of the foregoing circumstances
9 during the pendency of the arbitration proceedings.

10 (8) Such other factors, not confined to the foregoing,
11 which are normally or traditionally taken into
12 consideration in the determination of wages, hours and
13 conditions of employment through voluntary collective
14 bargaining, mediation, fact-finding, arbitration or
15 otherwise between the parties, in the public service or in
16 private employment.

17 (i) In the case of peace officers, the arbitration decision
18 shall be limited to wages, hours, and conditions of employment
19 (which may include residency requirements in municipalities
20 with a population under 1,000,000, but those residency
21 requirements shall not allow residency outside of Illinois) and
22 shall not include the following: i) residency requirements in
23 municipalities with a population of at least 1,000,000; ii) the
24 type of equipment, other than uniforms, issued or used; iii)
25 manning; iv) the total number of employees employed by the
26 department; v) mutual aid and assistance agreements to other

1 units of government; and vi) the criterion pursuant to which
2 force, including deadly force, can be used; provided, nothing
3 herein shall preclude an arbitration decision regarding
4 equipment or manning levels if such decision is based on a
5 finding that the equipment or manning considerations in a
6 specific work assignment involve a serious risk to the safety
7 of a peace officer beyond that which is inherent in the normal
8 performance of police duties. Limitation of the terms of the
9 arbitration decision pursuant to this subsection shall not be
10 construed to limit the factors upon which the decision may be
11 based, as set forth in subsection (h).

12 In the case of fire fighter, and fire department or fire
13 district paramedic matters, the arbitration decision shall be
14 limited to wages, hours, and conditions of employment (which
15 may include residency requirements in municipalities with a
16 population under 1,000,000, but those residency requirements
17 shall not allow residency outside of Illinois) and shall not
18 include the following matters: i) residency requirements in
19 municipalities with a population of at least 1,000,000; ii) the
20 type of equipment (other than uniforms and fire fighter turnout
21 gear) issued or used; iii) the total number of employees
22 employed by the department; iv) mutual aid and assistance
23 agreements to other units of government; and v) the criterion
24 pursuant to which force, including deadly force, can be used;
25 provided, however, nothing herein shall preclude an
26 arbitration decision regarding equipment levels if such

1 decision is based on a finding that the equipment
2 considerations in a specific work assignment involve a serious
3 risk to the safety of a fire fighter beyond that which is
4 inherent in the normal performance of fire fighter duties.
5 Limitation of the terms of the arbitration decision pursuant to
6 this subsection shall not be construed to limit the facts upon
7 which the decision may be based, as set forth in subsection
8 (h).

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

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

21 (j) Arbitration procedures shall be deemed to be initiated
22 by the filing of a letter requesting mediation as required
23 under subsection (a) of this Section. The commencement of a new
24 municipal fiscal year after the initiation of arbitration
25 procedures under this Act, but before the arbitration decision,
26 or its enforcement, shall not be deemed to render a dispute

1 moot, or to otherwise impair the jurisdiction or authority of
2 the arbitration panel or its decision. Increases in rates of
3 compensation awarded by the arbitration panel may be effective
4 only at the start of the fiscal year next commencing after the
5 date of the arbitration award. If a new fiscal year has
6 commenced either since the initiation of arbitration
7 procedures under this Act or since any mutually agreed
8 extension of the statutorily required period of mediation under
9 this Act by the parties to the labor dispute causing a delay in
10 the initiation of arbitration, the foregoing limitations shall
11 be inapplicable, and such awarded increases may be retroactive
12 to the commencement of the fiscal year, any other statute or
13 charter provisions to the contrary, notwithstanding. At any
14 time the parties, by stipulation, may amend or modify an award
15 of arbitration.

16 (k) Orders of the arbitration panel shall be reviewable,
17 upon appropriate petition by either the public employer or the
18 exclusive bargaining representative, by the circuit court for
19 the county in which the dispute arose or in which a majority of
20 the affected employees reside, but only for reasons that the
21 arbitration panel was without or exceeded its statutory
22 authority; the order is arbitrary, or capricious; or the order
23 was procured by fraud, collusion or other similar and unlawful
24 means. Such petitions for review must be filed with the
25 appropriate circuit court within 90 days following the issuance
26 of the arbitration order. The pendency of such proceeding for

1 review shall not automatically stay the order of the
2 arbitration panel. The party against whom the final decision of
3 any such court shall be adverse, if such court finds such
4 appeal or petition to be frivolous, shall pay reasonable
5 attorneys' fees and costs to the successful party as determined
6 by said court in its discretion. If said court's decision
7 affirms the award of money, such award, if retroactive, shall
8 bear interest at the rate of 12 percent per annum from the
9 effective retroactive date.

10 (l) During the pendency of proceedings before the
11 arbitration panel, existing wages, hours, and other conditions
12 of employment shall not be changed by action of either party
13 without the consent of the other but a party may so consent
14 without prejudice to his rights or position under this Act. The
15 proceedings are deemed to be pending before the arbitration
16 panel upon the initiation of arbitration procedures under this
17 Act.

18 (m) Security officers of public employers, and Peace
19 Officers, Fire Fighters and fire department and fire protection
20 district paramedics, covered by this Section may not withhold
21 services, nor may public employers lock out or prevent such
22 employees from performing services at any time.

23 (n) All of the terms decided upon by the arbitration panel
24 shall be included in an agreement to be submitted to the public
25 employer's governing body for ratification and adoption by law,
26 ordinance or the equivalent appropriate means.

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

25 (o) If the governing body of the employer votes to reject
26 the panel's decision, the parties shall return to the panel

1 within 30 days from the issuance of the reasons for rejection
2 for further proceedings and issuance of a supplemental
3 decision. All reasonable costs of such supplemental proceeding
4 including the exclusive representative's reasonable attorney's
5 fees, as established by the Board, shall be paid by the
6 employer.

7 (p) Notwithstanding the provisions of this Section the
8 employer and exclusive representative may agree to submit
9 unresolved disputes concerning wages, hours, terms and
10 conditions of employment to an alternative form of impasse
11 resolution.

12 (Source: P.A. 89-195, eff. 7-21-95; 90-202, eff. 7-24-97;
13 90-385, eff. 8-15-97; 90-655, eff. 7-30-98.)

14 Section 10. The Illinois Educational Labor Relations Act is
15 amended by changing Sections 5 and 7 as follows:

16 (115 ILCS 5/5) (from Ch. 48, par. 1705)

17 Sec. 5. Illinois Educational Labor Relations Board.

18 (a) There is hereby created the Illinois Educational Labor
19 Relations Board.

20 (a-5) Until July 1, 2003 or when all of the new members to
21 be initially appointed under this amendatory Act of the 93rd
22 General Assembly have been appointed by the Governor, whichever
23 occurs later, the Illinois Educational Labor Relations Board
24 shall consist of 7 members, no more than 4 of whom may be of the

1 same political party, who are residents of Illinois appointed
2 by the Governor with the advice and consent of the Senate.

3 The term of each appointed member of the Board who is in
4 office on June 30, 2003 shall terminate at the close of
5 business on that date or when all of the new members to be
6 initially appointed under this amendatory Act of the 93rd
7 General Assembly have been appointed by the Governor, whichever
8 occurs later.

9 (b) Beginning on July 1, 2003 or when all of the new
10 members to be initially appointed under this amendatory Act of
11 the 93rd General Assembly have been appointed by the Governor,
12 whichever occurs later, the Illinois Educational Labor
13 Relations Board shall consist of 5 members appointed by the
14 Governor with the advice and consent of the Senate. No more
15 than 3 members may be of the same political party.

16 The Governor shall appoint to the Board only persons who
17 are residents of Illinois and have had a minimum of 5 years of
18 experience directly related to labor and employment relations
19 in representing educational employers or educational employees
20 in collective bargaining matters. One appointed member shall be
21 designated at the time of his or her appointment to serve as
22 chairman.

23 Of the initial members appointed pursuant to this
24 amendatory Act of the 93rd General Assembly, 2 shall be
25 designated at the time of appointment to serve a term of 6
26 years, 2 shall be designated at the time of appointment to

1 serve a term of 4 years, and the other shall be designated at
2 the time of his or her appointment to serve a term of 4 years,
3 with each to serve until his or her successor is appointed and
4 qualified.

5 Each subsequent member shall be appointed in like manner
6 for a term of 6 years and until his or her successor is
7 appointed and qualified. Each member of the Board is eligible
8 for reappointment. Vacancies shall be filled in the same manner
9 as original appointments for the balance of the unexpired term.

10 (c) The chairman shall be paid \$50,000 per year, or an
11 amount set by the Compensation Review Board, whichever is
12 greater. Other members of the Board shall each be paid \$45,000
13 per year, or an amount set by the Compensation Review Board,
14 whichever is greater. They shall be entitled to reimbursement
15 for necessary traveling and other official expenditures
16 necessitated by their official duties.

17 Each member shall devote his entire time to the duties of
18 the office, and shall hold no other office or position of
19 profit, nor engage in any other business, employment or
20 vocation.

21 (d) Three members of the Board constitute a quorum and a
22 vacancy on the Board does not impair the right of the remaining
23 members to exercise all of the powers of the Board.

24 (e) Any member of the Board may be removed by the Governor,
25 upon notice, for neglect of duty or malfeasance in office, but
26 for no other cause.

1 (f) The Board may appoint or employ an executive director,
2 attorneys, hearing officers, and such other employees as it
3 deems necessary to perform its functions, except that the Board
4 shall employ a minimum of 8 attorneys and 5 investigators. The
5 Board shall prescribe the duties and qualifications of such
6 persons appointed and, subject to the annual appropriation, fix
7 their compensation and provide for reimbursement of actual and
8 necessary expenses incurred in the performance of their duties.

9 (g) The Board may promulgate rules and regulations which
10 allow parties in proceedings before the Board to be represented
11 by counsel or any other person knowledgeable in the matters
12 under consideration.

13 (h) To accomplish the objectives and to carry out the
14 duties prescribed by this Act, the Board may subpoena
15 witnesses, subpoena the production of books, papers, records
16 and documents which may be needed as evidence on any matter
17 under inquiry and may administer oaths and affirmations.

18 In cases of neglect or refusal to obey a subpoena issued to
19 any person, the circuit court in the county in which the
20 investigation or the public hearing is taking place, upon
21 application by the Board, may issue an order requiring such
22 person to appear before the Board or any member or agent of the
23 Board to produce evidence or give testimony. A failure to obey
24 such order may be punished by the court as in civil contempt.

25 Any subpoena, notice of hearing, or other process or notice
26 of the Board issued under the provisions of this Act may be

1 served personally, by registered mail or by leaving a copy at
2 the principal office of the respondent required to be served. A
3 return, made and verified by the individual making such service
4 and setting forth the manner of such service, is proof of
5 service. A post office receipt, when registered mail is used,
6 is proof of service. All process of any court to which
7 application may be made under the provisions of this Act may be
8 served in the county where the persons required to be served
9 reside or may be found.

10 (i) The Board shall adopt, promulgate, amend, or rescind
11 rules and regulations in accordance with the Illinois
12 Administrative Procedure Act as it deems necessary and feasible
13 to carry out this Act.

14 (j) The Board at the end of every State fiscal year shall
15 make a report in writing to the Governor and the General
16 Assembly, stating in detail the work it has done in hearing and
17 deciding cases and otherwise.

18 (Source: P.A. 93-509, eff. 8-11-03.)

19 (115 ILCS 5/7) (from Ch. 48, par. 1707)

20 Sec. 7. Recognition of exclusive bargaining
21 representatives - unit determination. The Board is empowered to
22 administer the recognition of bargaining representatives of
23 employees of public school districts, including employees of
24 districts which have entered into joint agreements, or
25 employees of public community college districts, or any State

1 college or university, and any State agency whose major
2 function is providing educational services, making certain
3 that each bargaining unit contains employees with an
4 identifiable community of interest and that no unit includes
5 both professional employees and nonprofessional employees
6 unless a majority of employees in each group vote for inclusion
7 in the unit.

8 (a) In determining the appropriateness of a unit, the Board
9 shall decide in each case, in order to ensure employees the
10 fullest freedom in exercising the rights guaranteed by this
11 Act, the unit appropriate for the purpose of collective
12 bargaining, based upon but not limited to such factors as
13 historical pattern of recognition, community of interest,
14 including employee skills and functions, degree of functional
15 integration, interchangeability and contact among employees,
16 common supervision, wages, hours and other working conditions
17 of the employees involved, and the desires of the employees.
18 Nothing in this Act, except as herein provided, shall interfere
19 with or negate the current representation rights or patterns
20 and practices of employee organizations which have
21 historically represented employees for the purposes of
22 collective bargaining, including but not limited to the
23 negotiations of wages, hours and working conditions,
24 resolutions of employees' grievances, or resolution of
25 jurisdictional disputes, or the establishment and maintenance
26 of prevailing wage rates, unless a majority of the employees so

1 represented expresses a contrary desire under the procedures
2 set forth in this Act. This Section, however, does not prohibit
3 multi-unit bargaining. Notwithstanding the above factors,
4 where the majority of public employees of a craft so decide,
5 the Board shall designate such craft as a unit appropriate for
6 the purposes of collective bargaining.

7 The sole appropriate bargaining unit for tenured and
8 tenure-track academic faculty at each campus of the University
9 of Illinois shall be a unit that is comprised of
10 non-supervisory academic faculty employed more than half-time
11 and that includes all tenured and tenure-track faculty of that
12 University campus employed by the board of trustees in all of
13 the campus's undergraduate, graduate, and professional schools
14 and degree and non-degree programs (with the exception of the
15 college of medicine, the college of pharmacy, the college of
16 dentistry, the college of law, and the college of veterinary
17 medicine, each of which shall have its own separate unit),
18 regardless of current or historical representation rights or
19 patterns or the application of any other factors. Any decision,
20 rule, or regulation promulgated by the Board to the contrary
21 shall be null and void.

22 (b) An educational employer shall voluntarily recognize a
23 labor organization for collective bargaining purposes if that
24 organization appears to represent a majority of employees in
25 the unit. The employer shall post notice of its intent to so
26 recognize for a period of at least 20 school days on bulletin

1 boards or other places used or reserved for employee notices.
2 Thereafter, the employer, if satisfied as to the majority
3 status of the employee organization, shall send written
4 notification of such recognition to the Board for
5 certification. Any dispute regarding the majority status of a
6 labor organization shall be resolved by the Board which shall
7 make the determination of majority status.

8 Within the 20 day notice period, however, any other
9 interested employee organization may petition the Board to seek
10 recognition as the exclusive representative of the unit in the
11 manner specified by rules and regulations prescribed by the
12 Board, if such interested employee organization has been
13 designated by at least 15% of the employees in an appropriate
14 bargaining unit which includes all or some of the employees in
15 the unit intended to be recognized by the employer. In such
16 event, the Board shall proceed with the petition in the same
17 manner as provided in paragraph (c) of this Section.

18 (c) A labor organization may also gain recognition as the
19 exclusive representative by an election of the employees in the
20 unit. Petitions requesting an election may be filed with the
21 Board:

22 (1) by an employee or group of employees or any labor
23 organizations acting on their behalf alleging and
24 presenting evidence that 30% or more of the employees in a
25 bargaining unit wish to be represented for collective
26 bargaining or that the labor organization which has been

1 acting as the exclusive bargaining representative is no
2 longer representative of a majority of the employees in the
3 unit; or

4 (2) by an employer alleging that one or more labor
5 organizations have presented a claim to be recognized as an
6 exclusive bargaining representative of a majority of the
7 employees in an appropriate unit and that it doubts the
8 majority status of any of the organizations or that it
9 doubts the majority status of an exclusive bargaining
10 representative.

11 The Board shall investigate the petition and if it has
12 reasonable cause to suspect that a question of representation
13 exists, it shall give notice and conduct a hearing. If it finds
14 upon the record of the hearing that a question of
15 representation exists, it shall direct an election, which shall
16 be held no later than 90 days after the date the petition was
17 filed. Nothing prohibits the waiving of hearings by the parties
18 and the conduct of consent elections.

19 (c-5) The Board shall designate an exclusive
20 representative for purposes of collective bargaining when the
21 representative demonstrates a showing of majority interest by
22 employees in the unit. If the parties to a dispute are without
23 agreement on the means to ascertain the choice, if any, of
24 employee organization as their representative, the Board shall
25 ascertain the employees' choice of employee organization, on
26 the basis of dues deduction authorization or ~~and~~ other

1 evidence, or, if necessary, by conducting an election. All
2 evidence submitted by an employee organization to the Board to
3 ascertain an employee's choice of an employee organization is
4 confidential and shall not be submitted to the employer for
5 review. The Board shall ascertain the employee's choice of
6 employee organization within 120 days after the filing of the
7 majority interest petition; however, the Board may extend time
8 by an additional 60 days, upon its own motion or upon the
9 motion of a party to the proceeding. If either party provides
10 to the Board, before the designation of a representative, clear
11 and convincing evidence that the dues deduction
12 authorizations, and other evidence upon which the Board would
13 otherwise rely to ascertain the employees' choice of
14 representative, are fraudulent or were obtained through
15 coercion, the Board shall promptly thereafter conduct an
16 election. The Board shall also investigate and consider a
17 party's allegations that the dues deduction authorizations and
18 other evidence submitted in support of a designation of
19 representative without an election were subsequently changed,
20 altered, withdrawn, or withheld as a result of employer fraud,
21 coercion, or any other unfair labor practice by the employer.
22 If the Board determines that a labor organization would have
23 had a majority interest but for an employer's fraud, coercion,
24 or unfair labor practice, it shall designate the labor
25 organization as an exclusive representative without conducting
26 an election. If a hearing is necessary to resolve any issues of

1 representation under this Section, the Board shall conclude its
2 hearing process and issue a certification of the entire
3 appropriate unit not later than 120 days after the date the
4 petition was filed. The 120-day period may be extended one or
5 more times by the agreement of all parties to a hearing to a
6 date certain.

7 (c-6) A labor organization or an employer may file a unit
8 clarification petition seeking to clarify an existing
9 bargaining unit. The Board shall conclude its investigation,
10 including any hearing process deemed necessary, and issue a
11 certification of clarified unit or dismiss the petition not
12 later than 120 days after the date the petition was filed. The
13 120-day period may be extended one or more times by the
14 agreement of all parties to a hearing to a date certain.

15 (d) An order of the Board dismissing a representation
16 petition, determining and certifying that a labor organization
17 has been fairly and freely chosen by a majority of employees in
18 an appropriate bargaining unit, determining and certifying
19 that a labor organization has not been fairly and freely chosen
20 by a majority of employees in the bargaining unit or certifying
21 a labor organization as the exclusive representative of
22 employees in an appropriate bargaining unit because of a
23 determination by the Board that the labor organization is the
24 historical bargaining representative of employees in the
25 bargaining unit, is a final order. Any person aggrieved by any
26 such order issued on or after the effective date of this

1 amendatory Act of 1987 may apply for and obtain judicial review
2 in accordance with provisions of the Administrative Review Law,
3 as now or hereafter amended, except that such review shall be
4 afforded directly in the Appellate Court of a judicial district
5 in which the Board maintains an office. Any direct appeal to
6 the Appellate Court shall be filed within 35 days from the date
7 that a copy of the decision sought to be reviewed was served
8 upon the party affected by the decision.

9 No election may be conducted in any bargaining unit during
10 the term of a collective bargaining agreement covering such
11 unit or subdivision thereof, except the Board may direct an
12 election after the filing of a petition between January 15 and
13 March 1 of the final year of a collective bargaining agreement.
14 Nothing in this Section prohibits the negotiation of a
15 collective bargaining agreement covering a period not
16 exceeding 3 years. A collective bargaining agreement of less
17 than 3 years may be extended up to 3 years by the parties if the
18 extension is agreed to in writing before the filing of a
19 petition under this Section. In such case, the final year of
20 the extension is the final year of the collective bargaining
21 agreement. No election may be conducted in a bargaining unit,
22 or subdivision thereof, in which a valid election has been held
23 within the preceding 12 month period.

24 (Source: P.A. 95-331, eff. 8-21-07.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.