

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 12 and 14 as follows:

6 (5 ILCS 315/12) (from Ch. 48, par. 1612)

7 Sec. 12. Mediation.

8 (a) The State and Local Panels in joint session shall  
9 establish a Public Employees Mediation Roster, the services of  
10 which shall be available to public employers and to labor  
11 organizations upon request of the parties for the purposes of  
12 mediation of grievances or contract disputes. Upon the request  
13 of either party, services of the Public Employees Mediation  
14 Roster shall be available for purposes of arbitrating disputes  
15 over interpretation or application of the terms of an agreement  
16 pursuant to Section 8. The members of the Roster shall be  
17 appointed by majority vote of the members of both panels.  
18 Members shall be impartial, competent, and reputable citizens  
19 of the United States, residents of the State of Illinois, and  
20 shall qualify by taking and subscribing to the constitutional  
21 oath or affirmation of office. The function of the mediator  
22 shall be to communicate with the employer and exclusive  
23 representative or their representatives and to endeavor to

1 bring about an amicable and voluntary settlement. Compensation  
2 of Roster members for services performed as mediators shall be  
3 paid equally by the parties to a mediated labor dispute. The  
4 Board shall have authority but not the obligation to promulgate  
5 regulations setting compensation levels for members of the  
6 Roster, and establishing procedures for suspension or  
7 dismissal of mediators for good cause shown following hearing.

8 (b) A mediator in a mediated labor dispute shall be  
9 selected by the Board from among the members of the Roster.

10 (c) Nothing in this Act or any other law prohibits the use  
11 of other mediators selected by the parties for the resolution  
12 of disputes over interpretation or application of the terms or  
13 conditions of the collective bargaining agreements between a  
14 public employer and a labor organization.

15 (d) If requested by the parties to a labor dispute, a  
16 mediator may perform fact-finding as set forth in Section 13.

17 (Source: P.A. 91-798, eff. 7-9-00.)

18 (5 ILCS 315/14) (from Ch. 48, par. 1614)

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

21 (a) In the case of collective bargaining agreements  
22 involving units of security employees of a public employer,  
23 Peace Officer Units, or units of fire fighters or paramedics,  
24 and in the case of disputes under Section 18, unless the  
25 parties mutually agree to some other time limit, mediation

1 shall commence 30 days prior to the expiration date of such  
2 agreement or at such later time as the mediation services  
3 chosen under subsection (b) of Section 12 can be provided to  
4 the parties. In the case of negotiations for an initial  
5 collective bargaining agreement, mediation shall commence upon  
6 15 days notice from either party or at such later time as the  
7 mediation services chosen pursuant to subsection (b) of Section  
8 12 can be provided to the parties. In mediation under this  
9 Section, if either party requests the use of mediation services  
10 from the Federal Mediation and Conciliation Service, the other  
11 party shall either join in such request or bear the additional  
12 cost of mediation services from another source. The mediator  
13 shall have a duty to keep the Board informed on the progress of  
14 the mediation. If any dispute has not been resolved within 15  
15 days after the first meeting of the parties and the mediator,  
16 or within such other time limit as may be mutually agreed upon  
17 by the parties, either the exclusive representative or employer  
18 may request of the other, in writing, arbitration, and shall  
19 submit a copy of the request to the Board.

20 (b) Within 10 days after such a request for arbitration has  
21 been made, the employer shall choose a delegate and the  
22 employees' exclusive representative shall choose a delegate to  
23 a panel of arbitration as provided in this Section. The  
24 employer and employees shall forthwith advise the other and the  
25 Board of their selections.

26 (c) Within 7 days after the request of either party, the

1 parties shall request a panel of impartial arbitrators from  
2 which they shall select the neutral chairman according to the  
3 procedures provided in this Section. If the parties have agreed  
4 to a contract that contains a grievance resolution procedure as  
5 provided in Section 8, the chairman shall be selected using  
6 their agreed contract procedure unless they mutually agree to  
7 another procedure. If the parties fail to notify the Board of  
8 their selection of neutral chairman within 7 days after receipt  
9 of the list of impartial arbitrators, the Board shall appoint,  
10 at random, a neutral chairman from the list. In the absence of  
11 an agreed contract procedure for selecting an impartial  
12 arbitrator, either party may request a panel from the Board.  
13 Within 7 days of the request of either party, the Board shall  
14 select from the Public Employees Labor Mediation Roster 7  
15 persons who are on the labor arbitration panels of either the  
16 American Arbitration Association or the Federal Mediation and  
17 Conciliation Service, or who are members of the National  
18 Academy of Arbitrators, as nominees for impartial arbitrator of  
19 the arbitration panel. The parties may select an individual on  
20 the list provided by the Board or any other individual mutually  
21 agreed upon by the parties. Within 7 days following the receipt  
22 of the list, the parties shall notify the Board of the person  
23 they have selected. Unless the parties agree on an alternate  
24 selection procedure, they shall alternatively strike one name  
25 from the list provided by the Board until only one name  
26 remains. A coin toss shall determine which party shall strike

1 the first name. If the parties fail to notify the Board in a  
2 timely manner of their selection for neutral chairman, the  
3 Board shall appoint a neutral chairman from the Illinois Public  
4 Employees Mediation/Arbitration Roster.

5 (d) The chairman shall call a hearing to begin within 15  
6 days and give reasonable notice of the time and place of the  
7 hearing. The hearing shall be held at the offices of the Board  
8 or at such other location as the Board deems appropriate. The  
9 chairman shall preside over the hearing and shall take  
10 testimony. Any oral or documentary evidence and other data  
11 deemed relevant by the arbitration panel may be received in  
12 evidence. The proceedings shall be informal. Technical rules of  
13 evidence shall not apply and the competency of the evidence  
14 shall not thereby be deemed impaired. A verbatim record of the  
15 proceedings shall be made and the arbitrator shall arrange for  
16 the necessary recording service. Transcripts may be ordered at  
17 the expense of the party ordering them, but the transcripts  
18 shall not be necessary for a decision by the arbitration panel.  
19 The expense of the proceedings, including a fee for the  
20 chairman, ~~established in advance by the Board,~~ shall be borne  
21 equally by each of the parties to the dispute. The delegates,  
22 if public officers or employees, shall continue on the payroll  
23 of the public employer without loss of pay. The hearing  
24 conducted by the arbitration panel may be adjourned from time  
25 to time, but unless otherwise agreed by the parties, shall be  
26 concluded within 30 days of the time of its commencement.

1 Majority actions and rulings shall constitute the actions and  
2 rulings of the arbitration panel. Arbitration proceedings  
3 under this Section shall not be interrupted or terminated by  
4 reason of any unfair labor practice charge filed by either  
5 party at any time.

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

19 (f) At any time before the rendering of an award, the  
20 chairman of the arbitration panel, if he is of the opinion that  
21 it would be useful or beneficial to do so, may remand the  
22 dispute to the parties for further collective bargaining for a  
23 period not to exceed 2 weeks. If the dispute is remanded for  
24 further collective bargaining the time provisions of this Act  
25 shall be extended for a time period equal to that of the  
26 remand. The chairman of the panel of arbitration shall notify

1 the Board of the remand.

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

22 (h) Where there is no agreement between the parties, or  
23 where there is an agreement but the parties have begun  
24 negotiations or discussions looking to a new agreement or  
25 amendment of the existing agreement, and wage rates or other  
26 conditions of employment under the proposed new or amended

1 agreement are in dispute, the arbitration panel shall base its  
2 findings, opinions and order upon the following factors, as  
3 applicable:

4 (1) The lawful authority of the employer.

5 (2) Stipulations of the parties.

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

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

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

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

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

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

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



1           (8) Such other factors, not confined to the foregoing,  
2           which are normally or traditionally taken into  
3           consideration in the determination of wages, hours and  
4           conditions of employment through voluntary collective  
5           bargaining, mediation, fact-finding, arbitration or  
6           otherwise between the parties, in the public service or in  
7           private employment.

8           (i) In the case of peace officers, the arbitration decision  
9           shall be limited to wages, hours, and conditions of employment  
10          (which may include residency requirements in municipalities  
11          with a population under 1,000,000, but those residency  
12          requirements shall not allow residency outside of Illinois) and  
13          shall not include the following: i) residency requirements in  
14          municipalities with a population of at least 1,000,000; ii) the  
15          type of equipment, other than uniforms, issued or used; iii)  
16          manning; iv) the total number of employees employed by the  
17          department; v) mutual aid and assistance agreements to other  
18          units of government; and vi) the criterion pursuant to which  
19          force, including deadly force, can be used; provided, nothing  
20          herein shall preclude an arbitration decision regarding  
21          equipment or manning levels if such decision is based on a  
22          finding that the equipment or manning considerations in a  
23          specific work assignment involve a serious risk to the safety  
24          of a peace officer beyond that which is inherent in the normal  
25          performance of police duties. Limitation of the terms of the  
26          arbitration decision pursuant to this subsection shall not be

1 construed to limit the factors upon which the decision may be  
2 based, as set forth in subsection (h).

3 In the case of fire fighter, and fire department or fire  
4 district paramedic matters, the arbitration decision shall be  
5 limited to wages, hours, and conditions of employment (which  
6 may include residency requirements in municipalities with a  
7 population under 1,000,000, but those residency requirements  
8 shall not allow residency outside of Illinois) and shall not  
9 include the following matters: i) residency requirements in  
10 municipalities with a population of at least 1,000,000; ii) the  
11 type of equipment (other than uniforms and fire fighter turnout  
12 gear) issued or used; iii) the total number of employees  
13 employed by the department; iv) mutual aid and assistance  
14 agreements to other units of government; and v) the criterion  
15 pursuant to which force, including deadly force, can be used;  
16 provided, however, nothing herein shall preclude an  
17 arbitration decision regarding equipment levels if such  
18 decision is based on a finding that the equipment  
19 considerations in a specific work assignment involve a serious  
20 risk to the safety of a fire fighter beyond that which is  
21 inherent in the normal performance of fire fighter duties.  
22 Limitation of the terms of the arbitration decision pursuant to  
23 this subsection shall not be construed to limit the facts upon  
24 which the decision may be based, as set forth in subsection  
25 (h).

26 The changes to this subsection (i) made by Public Act

1 90-385 (relating to residency requirements) do not apply to  
2 persons who are employed by a combined department that performs  
3 both police and firefighting services; these persons shall be  
4 governed by the provisions of this subsection (i) relating to  
5 peace officers, as they existed before the amendment by Public  
6 Act 90-385.

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

12 (j) Arbitration procedures shall be deemed to be initiated  
13 by the filing of a letter requesting mediation as required  
14 under subsection (a) of this Section. The commencement of a new  
15 municipal fiscal year after the initiation of arbitration  
16 procedures under this Act, but before the arbitration decision,  
17 or its enforcement, shall not be deemed to render a dispute  
18 moot, or to otherwise impair the jurisdiction or authority of  
19 the arbitration panel or its decision. Increases in rates of  
20 compensation awarded by the arbitration panel may be effective  
21 only at the start of the fiscal year next commencing after the  
22 date of the arbitration award. If a new fiscal year has  
23 commenced either since the initiation of arbitration  
24 procedures under this Act or since any mutually agreed  
25 extension of the statutorily required period of mediation under  
26 this Act by the parties to the labor dispute causing a delay in

1 the initiation of arbitration, the foregoing limitations shall  
2 be inapplicable, and such awarded increases may be retroactive  
3 to the commencement of the fiscal year, any other statute or  
4 charter provisions to the contrary, notwithstanding. At any  
5 time the parties, by stipulation, may amend or modify an award  
6 of arbitration.

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

1           (1) During the pendency of proceedings before the  
2 arbitration panel, existing wages, hours, and other conditions  
3 of employment shall not be changed by action of either party  
4 without the consent of the other but a party may so consent  
5 without prejudice to his rights or position under this Act. The  
6 proceedings are deemed to be pending before the arbitration  
7 panel upon the initiation of arbitration procedures under this  
8 Act.

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

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

18           The governing body shall review each term decided by the  
19 arbitration panel. If the governing body fails to reject one or  
20 more terms of the arbitration panel's decision by a 3/5 vote of  
21 those duly elected and qualified members of the governing body,  
22 within 20 days of issuance, or in the case of firefighters  
23 employed by a state university, at the next regularly scheduled  
24 meeting of the governing body after issuance, such term or  
25 terms shall become a part of the collective bargaining  
26 agreement of the parties. If the governing body affirmatively

1 rejects one or more terms of the arbitration panel's decision,  
2 it must provide reasons for such rejection with respect to each  
3 term so rejected, within 20 days of such rejection and the  
4 parties shall return to the arbitration panel for further  
5 proceedings and issuance of a supplemental decision with  
6 respect to the rejected terms. Any supplemental decision by an  
7 arbitration panel or other decision maker agreed to by the  
8 parties shall be submitted to the governing body for  
9 ratification and adoption in accordance with the procedures and  
10 voting requirements set forth in this Section. The voting  
11 requirements of this subsection shall apply to all disputes  
12 submitted to arbitration pursuant to this Section  
13 notwithstanding any contrary voting requirements contained in  
14 any existing collective bargaining agreement between the  
15 parties.

16 (o) If the governing body of the employer votes to reject  
17 the panel's decision, the parties shall return to the panel  
18 within 30 days from the issuance of the reasons for rejection  
19 for further proceedings and issuance of a supplemental  
20 decision. All reasonable costs of such supplemental proceeding  
21 including the exclusive representative's reasonable attorney's  
22 fees, as established by the Board, shall be paid by the  
23 employer.

24 (p) Notwithstanding the provisions of this Section the  
25 employer and exclusive representative may agree to submit  
26 unresolved disputes concerning wages, hours, terms and

1 conditions of employment to an alternative form of impasse  
2 resolution.

3 (Source: P.A. 96-813, eff. 10-30-09.)