



Sen. Don Harmon

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09900HB1285sam001

LRB099 05155 AMC 36299 a

1 AMENDMENT TO HOUSE BILL 1285

2 AMENDMENT NO. _____. Amend House Bill 1285 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Labor Relations Act is
5 amended by changing Section 7 as follows:

6 (5 ILCS 315/7) (from Ch. 48, par. 1607)

7 Sec. 7. Duty to bargain. A public employer and the
8 exclusive representative have the authority and the duty to
9 bargain collectively set forth in this Section.

10 For the purposes of this Act, "to bargain collectively"
11 means the performance of the mutual obligation of the public
12 employer or his designated representative and the
13 representative of the public employees to meet at reasonable
14 times, including meetings in advance of the budget-making
15 process, and to negotiate in good faith with respect to wages,
16 hours, and other conditions of employment, not excluded by

1 Section 4 of this Act, or the negotiation of an agreement, or
2 any question arising thereunder and the execution of a written
3 contract incorporating any agreement reached if requested by
4 either party, but such obligation does not compel either party
5 to agree to a proposal or require the making of a concession.

6 The duty "to bargain collectively" shall also include an
7 obligation to negotiate over any matter with respect to wages,
8 hours and other conditions of employment, not specifically
9 provided for in any other law or not specifically in violation
10 of the provisions of any law. If any other law pertains, in
11 part, to a matter affecting the wages, hours and other
12 conditions of employment, such other law shall not be construed
13 as limiting the duty "to bargain collectively" and to enter
14 into collective bargaining agreements containing clauses which
15 either supplement, implement, or relate to the effect of such
16 provisions in other laws.

17 The duty "to bargain collectively" shall also include
18 negotiations as to the terms of a collective bargaining
19 agreement. The parties may, by mutual agreement, provide for
20 arbitration of impasses resulting from their inability to agree
21 upon wages, hours and terms and conditions of employment to be
22 included in a collective bargaining agreement. Such
23 arbitration provisions shall be subject to the Illinois
24 "Uniform Arbitration Act" unless agreed by the parties.

25 The duty "to bargain collectively" shall also mean that no
26 party to a collective bargaining contract shall terminate or

1 modify such contract, unless the party desiring such
2 termination or modification:

3 (1) serves a written notice upon the other party to the
4 contract of the proposed termination or modification 60
5 days prior to the expiration date thereof, or in the event
6 such contract contains no expiration date, 60 days prior to
7 the time it is proposed to make such termination or
8 modification;

9 (2) offers to meet and confer with the other party for
10 the purpose of negotiating a new contract or a contract
11 containing the proposed modifications;

12 (3) notifies the Board within 30 days after such notice
13 of the existence of a dispute, provided no agreement has
14 been reached by that time; and

15 (4) continues in full force and effect, without
16 resorting to strike or lockout, all the terms and
17 conditions of the existing contract for a period of 60 days
18 after such notice is given to the other party or until the
19 expiration date of such contract, whichever occurs later.

20 The duties imposed upon employers, employees and labor
21 organizations by paragraphs (2), (3) and (4) shall become
22 inapplicable upon an intervening certification of the Board,
23 under which the labor organization, which is a party to the
24 contract, has been superseded as or ceased to be the exclusive
25 representative of the employees pursuant to the provisions of
26 subsection (a) of Section 9, and the duties so imposed shall

1 not be construed as requiring either party to discuss or agree
2 to any modification of the terms and conditions contained in a
3 contract for a fixed period, if such modification is to become
4 effective before such terms and conditions can be reopened
5 under the provisions of the contract.

6 Collective bargaining for home care and home health workers
7 who function as personal assistants and individual maintenance
8 home health workers under the Home Services Program shall be
9 limited to the terms and conditions of employment under the
10 State's control, as defined in Public Act 93-204 or this
11 amendatory Act of the 97th General Assembly, as applicable.

12 Collective bargaining for child and day care home providers
13 under the child care assistance program shall be limited to the
14 terms and conditions of employment under the State's control,
15 as defined in this amendatory Act of the 94th General Assembly.

16 Notwithstanding any other provision of this Section,
17 whenever collective bargaining is for the purpose of
18 establishing an initial agreement following original
19 certification of units with fewer than 35 employees, with
20 respect to public employees other than peace officers, fire
21 fighters, and security employees, the following apply:

22 (1) Not later than 10 days after receiving a written
23 request for collective bargaining from a labor
24 organization that has been newly certified as a
25 representative as defined in Section 6(c), or within such
26 further period as the parties agree upon, the parties shall

1 meet and commence to bargain collectively and shall make
2 every reasonable effort to conclude and sign a collective
3 bargaining agreement.

4 (2) If anytime after the expiration of the 90-day
5 period beginning on the date on which bargaining is
6 commenced the parties have failed to reach an agreement,
7 either party may notify the Illinois Public Labor Relations
8 Board of the existence of a dispute and request mediation
9 in accordance with the provisions of Section 14 of this
10 Act.

11 (3) If after the expiration of the 30-day period
12 beginning on the date on which mediation commenced, or such
13 additional period as the parties may agree upon, the
14 mediator is not able to bring the parties to agreement by
15 conciliation, either the exclusive representative of the
16 employees or the employer may request of the other, in
17 writing, arbitration and shall submit a copy of the request
18 to the board. Upon submission of the request for
19 arbitration, the parties shall be required to participate
20 in the impasse arbitration procedures set forth in Section
21 14 of this Act, except the right to strike shall not be
22 considered waived pursuant to Section 17 of this Act, until
23 the actual convening of the arbitration hearing.

24 With respect to collective bargaining agreements, expiring
25 on or after June 30, 2015 but on or before June 30, 2019,
26 between the State of Illinois and a unit or units of employees

1 of State agencies which are not resolved by the expiration date
2 of the agreement, mediation of the outstanding issues shall be
3 initiated within 30 days from the expiration of the agreement
4 or the effective date of this amendatory Act of the 99th
5 General Assembly. Should a mediator be unable to bring the
6 parties to agreement through conciliation within 30 days of the
7 commencement of mediation, or such additional period as the
8 parties may mutually agree on, either party may initiate the
9 impasse arbitration procedures pursuant to Section 14 of this
10 Act except that for the purpose of determining the jurisdiction
11 or authority of the arbitration panel, arbitration procedures
12 shall be deemed to have been initiated prior to the
13 commencement of any fiscal year occurring after the expiration
14 of the agreement. The provisions of an expired agreement shall
15 be in full force and effect and conditions of employment shall
16 not be changed by action of either party without the consent of
17 the other until a successor agreement is adopted. The right to
18 strike shall not be considered waived pursuant to Section 17 of
19 this Act until the actual convening of the arbitration hearing.
20 (Source: P.A. 97-1158, eff. 1-29-13; 98-1004, eff. 8-18-14.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."