

1 AN ACT concerning State 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 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  
17 Section 4 of this Act, or the negotiation of an agreement, or  
18 any question arising thereunder and the execution of a written  
19 contract incorporating any agreement reached if requested by  
20 either party, but such obligation does not compel either party  
21 to agree to a proposal or require the making of a concession.

22 The duty "to bargain collectively" shall also include an  
23 obligation to negotiate over any matter with respect to wages,

1 hours and other conditions of employment, not specifically  
2 provided for in any other law or not specifically in violation  
3 of the provisions of any law. If any other law pertains, in  
4 part, to a matter affecting the wages, hours and other  
5 conditions of employment, such other law shall not be construed  
6 as limiting the duty "to bargain collectively" and to enter  
7 into collective bargaining agreements containing clauses which  
8 either supplement, implement, or relate to the effect of such  
9 provisions in other laws.

10 The duty "to bargain collectively" shall also include  
11 negotiations as to the terms of a collective bargaining  
12 agreement. The parties may, by mutual agreement, provide for  
13 arbitration of impasses resulting from their inability to agree  
14 upon wages, hours and terms and conditions of employment to be  
15 included in a collective bargaining agreement. Such  
16 arbitration provisions shall be subject to the Illinois  
17 "Uniform Arbitration Act" unless agreed by the parties.

18 The duty "to bargain collectively" shall also mean that no  
19 party to a collective bargaining contract shall terminate or  
20 modify such contract, unless the party desiring such  
21 termination or modification:

22 (1) serves a written notice upon the other party to the  
23 contract of the proposed termination or modification 60  
24 days prior to the expiration date thereof, or in the event  
25 such contract contains no expiration date, 60 days prior to  
26 the time it is proposed to make such termination or

1 modification;

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

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

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

13 The duties imposed upon employers, employees and labor  
14 organizations by paragraphs (2), (3) and (4) shall become  
15 inapplicable upon an intervening certification of the Board,  
16 under which the labor organization, which is a party to the  
17 contract, has been superseded as or ceased to be the exclusive  
18 representative of the employees pursuant to the provisions of  
19 subsection (a) of Section 9, and the duties so imposed shall  
20 not be construed as requiring either party to discuss or agree  
21 to any modification of the terms and conditions contained in a  
22 contract for a fixed period, if such modification is to become  
23 effective before such terms and conditions can be reopened  
24 under the provisions of the contract.

25 Collective bargaining for home care and home health workers  
26 who function as personal assistants and individual maintenance

1 home health workers under the Home Services Program shall be  
2 limited to the terms and conditions of employment under the  
3 State's control, as defined in Public Act 93-204 or this  
4 amendatory Act of the 97th General Assembly, as applicable.

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

9 Notwithstanding any other provision of this Section,  
10 whenever collective bargaining is for the purpose of  
11 establishing an initial agreement following original  
12 certification of units with fewer than 35 employees, with  
13 respect to public employees other than peace officers, fire  
14 fighters, and security employees, the following apply:

15 (1) Not later than 10 days after receiving a written  
16 request for collective bargaining from a labor  
17 organization that has been newly certified as a  
18 representative as defined in Section 6(c), or within such  
19 further period as the parties agree upon, the parties shall  
20 meet and commence to bargain collectively and shall make  
21 every reasonable effort to conclude and sign a collective  
22 bargaining agreement.

23 (2) If anytime after the expiration of the 90-day  
24 period beginning on the date on which bargaining is  
25 commenced the parties have failed to reach an agreement,  
26 either party may notify the Illinois Public Labor Relations

1 Board of the existence of a dispute and request mediation  
2 in accordance with the provisions of Section 14 of this  
3 Act.

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

17 With respect to collective bargaining agreements, expiring  
18 on or after June 30, 2015 but on or before June 30, 2019,  
19 between the State of Illinois and a unit or units of employees  
20 of State agencies which are not resolved by the expiration date  
21 of the agreement, mediation of the outstanding issues shall be  
22 initiated within 30 days from the expiration of the agreement  
23 or the effective date of this amendatory Act of the 99th  
24 General Assembly. Should a mediator be unable to bring the  
25 parties to agreement through conciliation within 30 days of the  
26 commencement of mediation, or such additional period as the

1 parties may mutually agree on, either party may initiate the  
2 impasse arbitration procedures pursuant to Section 14 of this  
3 Act except that for the purpose of determining the jurisdiction  
4 or authority of the arbitration panel, arbitration procedures  
5 shall be deemed to have been initiated prior to the  
6 commencement of any fiscal year occurring after the expiration  
7 of the agreement. The provisions of an expired agreement shall  
8 be in full force and effect and conditions of employment shall  
9 not be changed by action of either party without the consent of  
10 the other until a successor agreement is adopted. The right to  
11 strike shall not be considered waived pursuant to Section 17 of  
12 this Act until the actual convening of the arbitration hearing.  
13 (Source: P.A. 97-1158, eff. 1-29-13; 98-1004, eff. 8-18-14.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.