

1 AN ACT in relation to public employee benefits and
2 conditions of employment.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 5. The Illinois Public Labor Relations Act is
6 amended by changing Section 14 as follows:

7 (5 ILCS 315/14) (from Ch. 48, par. 1614)

8 Sec. 14. Security Employee, Peace Officer and Fire
9 Fighter Disputes.

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

1 parties, either the exclusive representative or employer may
2 request of the other, in writing, arbitration, and shall
3 submit a copy of the request to the Board.

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

10 (c) Within 7 days of the request of either party, the
11 Board shall select from the Public Employees Labor Mediation
12 Roster 7 persons who are on the labor arbitration panels of
13 either the American Arbitration Association or the Federal
14 Mediation and Conciliation Service, or who are members of the
15 National Academy of Arbitrators, as nominees for impartial
16 arbitrator of the arbitration panel. The parties may select
17 an individual on the list provided by the Board or any other
18 individual mutually agreed upon by the parties. Within 7
19 days following the receipt of the list, the parties shall
20 notify the Board of the person they have selected. Unless
21 the parties agree on an alternate selection procedure, they
22 shall alternatively strike one name from the list provided by
23 the Board until only one name remains. A coin toss shall
24 determine which party shall strike the first name. If the
25 parties fail to notify the Board in a timely manner of their
26 selection for neutral chairman, the Board shall appoint a
27 neutral chairman from the Illinois Public Employees
28 Mediation/Arbitration Roster.

29 (d) The chairman shall call a hearing to begin within 15
30 days and give reasonable notice of the time and place of the
31 hearing. The hearing shall be held at the offices of the
32 Board or at such other location as the Board deems
33 appropriate. The chairman shall preside over the hearing and
34 shall take testimony. Any oral or documentary evidence and

1 other data deemed relevant by the arbitration panel may be
2 received in evidence. The proceedings shall be informal.
3 Technical rules of evidence shall not apply and the
4 competency of the evidence shall not thereby be deemed
5 impaired. A verbatim record of the proceedings shall be made
6 and the arbitrator shall arrange for the necessary recording
7 service. Transcripts may be ordered at the expense of the
8 party ordering them, but the transcripts shall not be
9 necessary for a decision by the arbitration panel. The
10 expense of the proceedings, including a fee for the chairman,
11 established in advance by the Board, shall be borne equally
12 by each of the parties to the dispute. The delegates, if
13 public officers or employees, shall continue on the payroll
14 of the public employer without loss of pay. The hearing
15 conducted by the arbitration panel may be adjourned from time
16 to time, but unless otherwise agreed by the parties, shall be
17 concluded within 30 days of the time of its commencement.
18 Majority actions and rulings shall constitute the actions and
19 rulings of the arbitration panel. Arbitration proceedings
20 under this Section shall not be interrupted or terminated by
21 reason of any unfair labor practice charge filed by either
22 party at any time.

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

1 order may be punished by the court as 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
4 that it would be useful or beneficial to do so, may remand
5 the dispute to the parties for further collective bargaining
6 for a period not to exceed 2 weeks. If the dispute is
7 remanded for further collective bargaining the time
8 provisions of this Act shall be extended for a time period
9 equal to that of the remand. The chairman of the panel of
10 arbitration shall notify 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
14 the parties to submit, within such time limit as the panel
15 shall prescribe, to the arbitration panel and to each other
16 its last offer of settlement on each economic issue. The
17 determination of the arbitration panel as to the issues in
18 dispute and as to which of these issues are economic shall be
19 conclusive. The arbitration panel, within 30 days after the
20 conclusion of the hearing, or such further additional periods
21 to which the parties may agree, shall make written findings
22 of fact and promulgate a written opinion and shall mail or
23 otherwise deliver a true copy thereof to the parties and
24 their representatives and to the Board. As to each economic
25 issue, the arbitration panel shall adopt the last offer of
26 settlement which, in the opinion of the arbitration panel,
27 more nearly complies with the applicable factors prescribed
28 in subsection (h). The findings, opinions and order as to
29 all other issues shall be based upon the applicable factors
30 prescribed in subsection (h).

31 (h) Where there is no agreement between the parties, or
32 where there is an agreement but the parties have begun
33 negotiations or discussions looking to a new agreement or
34 amendment of the existing agreement, and wage rates or other

1 conditions of employment under the proposed new or amended
2 agreement are in dispute, the arbitration panel shall base
3 its findings, opinions and order upon the following factors,
4 as applicable:

5 (1) The lawful authority of the employer.

6 (2) Stipulations of the parties.

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

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

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

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

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

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

27 (7) Changes in any of the foregoing circumstances
28 during the pendency of the arbitration proceedings.

29 (8) Such other factors, not confined to the
30 foregoing, which are normally or traditionally taken into
31 consideration in the determination of wages, hours and
32 conditions of employment through voluntary collective
33 bargaining, mediation, fact-finding, arbitration or
34 otherwise between the parties, in the public service or

1 in private employment.

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

24 In the case of fire fighter, and fire department or fire
25 district paramedic matters, the arbitration decision shall be
26 limited to wages, hours, and conditions of employment (which
27 may include residency requirements in municipalities with a
28 population under 1,000,000, but those residency requirements
29 shall not allow residency outside of Illinois) and shall not
30 include the following matters: i) residency requirements in
31 municipalities with a population of at least 1,000,000; ii)
32 the type of equipment (other than uniforms and fire fighter
33 turnout gear) issued or used; iii) the total number of
34 employees employed by the department; iv) mutual aid and

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

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

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

26 (j) Arbitration procedures shall be deemed to be
27 initiated by the filing of a letter requesting mediation as
28 required under subsection (a) of this Section. The
29 commencement of a new municipal fiscal year after the
30 initiation of arbitration procedures under this Act, but
31 before the arbitration decision, or its enforcement, shall
32 not be deemed to render a dispute moot, or to otherwise
33 impair the jurisdiction or authority of the arbitration panel
34 or its decision. Increases in rates of compensation awarded

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

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

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

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

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

19 The governing body shall review each term decided by the
20 arbitration panel. If the governing body fails to reject one
21 or more terms of the arbitration panel's decision by a 3/5
22 vote of those duly elected and qualified members of the
23 governing body, within 20 days of issuance, or in the case of
24 firefighters employed by a state university, at the next
25 regularly scheduled meeting of the governing body after
26 issuance, such term or terms shall become a part of the
27 collective bargaining agreement of the parties. If the
28 governing body affirmatively rejects one or more terms of the
29 arbitration panel's decision, it must provide reasons for
30 such rejection with respect to each term so rejected, within
31 20 days of such rejection and the parties shall return to the
32 arbitration panel for further proceedings and issuance of a
33 supplemental decision with respect to the rejected terms.
34 Any supplemental decision by an arbitration panel or other

1 decision maker agreed to by the parties shall be submitted to
2 the governing body for ratification and adoption in
3 accordance with the procedures and voting requirements set
4 forth in this Section. The voting requirements of this
5 subsection shall apply to all disputes submitted to
6 arbitration pursuant to this Section notwithstanding any
7 contrary voting requirements contained in any existing
8 collective bargaining agreement between the parties.

9 (o) If the governing body of the employer votes to
10 reject the panel's decision, the parties shall return to the
11 panel within 30 days from the issuance of the reasons for
12 rejection for further proceedings and issuance of a
13 supplemental decision. All reasonable costs of such
14 supplemental proceeding including the exclusive
15 representative's reasonable attorney's fees, as established
16 by the Board, shall be paid by the employer.

17 (p) Notwithstanding the provisions of this Section the
18 employer and exclusive representative may agree to submit
19 unresolved disputes concerning wages, hours, terms and
20 conditions of employment to an alternative form of impasse
21 resolution.

22 (Source: P.A. 89-195, eff. 7-21-95; 90-202, eff. 7-24-97;
23 90-385, eff. 8-15-97; 90-655, eff. 7-30-98.)