



Rep. David McSweeney

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10000HB0349ham001

LRB100 04338 RJF 23532 a

1 AMENDMENT TO HOUSE BILL 349

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 349 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Educational Labor Relations Act is  
5 amended by changing Section 10 as follows:

6 (115 ILCS 5/10) (from Ch. 48, par. 1710)

7 Sec. 10. Duty to bargain.

8 (a) An educational employer and the exclusive  
9 representative have the authority and the duty to bargain  
10 collectively as set forth in this Section. Collective  
11 bargaining is the performance of the mutual obligations of the  
12 educational employer and the representative of the educational  
13 employees to meet at reasonable times and confer in good faith  
14 with respect to wages, hours and other terms and conditions of  
15 employment, and to execute a written contract incorporating any  
16 agreement reached by such obligation, provided such obligation

1 does not compel either party to agree to a proposal or require  
2 the making of a concession.

3 (b) The parties to the collective bargaining process shall  
4 not effect or implement a provision in a collective bargaining  
5 agreement if the implementation of that provision would be in  
6 violation of, or inconsistent with, or in conflict with any  
7 statute or statutes enacted by the General Assembly of  
8 Illinois. The parties to the collective bargaining process may  
9 effect or implement a provision in a collective bargaining  
10 agreement if the implementation of that provision has the  
11 effect of supplementing any provision in any statute or  
12 statutes enacted by the General Assembly of Illinois pertaining  
13 to wages, hours or other conditions of employment; provided  
14 however, no provision in a collective bargaining agreement may  
15 be effected or implemented if such provision has the effect of  
16 negating, abrogating, replacing, reducing, diminishing, or  
17 limiting in any way any employee rights, guarantees or  
18 privileges pertaining to wages, hours or other conditions of  
19 employment provided in such statutes. Any provision in a  
20 collective bargaining agreement which has the effect of  
21 negating, abrogating, replacing, reducing, diminishing or  
22 limiting in any way any employee rights, guarantees or  
23 privileges provided in an Illinois statute or statutes shall be  
24 void and unenforceable, but shall not affect the validity,  
25 enforceability and implementation of other permissible  
26 provisions of the collective bargaining agreement.

1 (c) The collective bargaining agreement negotiated between  
2 representatives of the educational employees and the  
3 educational employer shall contain a grievance resolution  
4 procedure which shall apply to all employees in the unit and  
5 shall provide for binding arbitration of disputes concerning  
6 the administration or interpretation of the agreement. The  
7 agreement shall also contain appropriate language prohibiting  
8 strikes for the duration of the agreement. The costs of such  
9 arbitration shall be borne equally by the educational employer  
10 and the employee organization.

11 (d) Once an agreement is reached between representatives of  
12 the educational employees and the educational employer and is  
13 ratified by both parties, the agreement shall be reduced to  
14 writing and signed by the parties. In addition to any approval  
15 action that has previously been ratified, the final language of  
16 the written contract must be approved by the governing board of  
17 the educational employer and posted on a publicly accessible  
18 website at least 48 hours prior to such approval.

19 (Source: P.A. 84-832.)

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