



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB1474

Introduced 02/10/05, by Rep. William Delgado

SYNOPSIS AS INTRODUCED:

115 ILCS 5/4.5

115 ILCS 5/12

from Ch. 48, par. 1712

Amends the Illinois Educational Labor Relations Act. Provides that collective bargaining between an educational employer other than a public community college district (now, any educational employer) whose territorial boundaries are coterminous with those of a city having a population in excess of 500,000 and an exclusive representative of its employees may include certain subjects. Provides that an educational employer other than a public community college district (now, any educational employer) whose territorial boundaries are coterminous with those of a city having a population in excess of 500,000 shall submit a dispute or impasse with the exclusive bargaining representative over one of those subjects to the dispute resolution procedure agreed to between the parties. Effective immediately.

LRB094 09243 LJB 39477 b

1 AN ACT concerning education.

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

4 Section 5. The Illinois Educational Labor Relations Act is
5 amended by changing Sections 4.5 and 12 as follows:

6 (115 ILCS 5/4.5)

7 Sec. 4.5. Subjects of collective bargaining.

8 (a) Notwithstanding the existence of any other provision in
9 this Act or other law, collective bargaining between an
10 educational employer, other than a public community college
11 district, whose territorial boundaries are coterminous with
12 those of a city having a population in excess of 500,000 and an
13 exclusive representative of its employees may include any of
14 the following subjects:

15 (1) (Blank).

16 (2) Decisions to contract with a third party for one or
17 more services otherwise performed by employees in a
18 bargaining unit and the procedures for obtaining such
19 contract or the identity of the third party.

20 (3) Decisions to layoff or reduce in force employees.

21 (4) Decisions to determine class size, class staffing
22 and assignment, class schedules, academic calendar, hours
23 and places of instruction, or pupil assessment policies.

24 (5) Decisions concerning use and staffing of
25 experimental or pilot programs and decisions concerning
26 use of technology to deliver educational programs and
27 services and staffing to provide the technology.

28 (b) The subject or matters described in subsection (a) are
29 permissive subjects of bargaining between an educational
30 employer and an exclusive representative of its employees and,
31 for the purpose of this Act, are within the sole discretion of
32 the educational employer to decide to bargain, provided that

1 the educational employer is required to bargain over the impact
2 of a decision concerning such subject or matter on the
3 bargaining unit upon request by the exclusive representative.
4 During this bargaining, the educational employer shall not be
5 precluded from implementing its decision. If, after a
6 reasonable period of bargaining, a dispute or impasse exists
7 between the educational employer and the exclusive
8 representative, the dispute or impasse shall be resolved
9 exclusively as set forth in subsection (b) of Section 12 of
10 this Act in lieu of a strike under Section 13 of this Act.

11 (c) A provision in a collective bargaining agreement that
12 was rendered null and void because it involved a prohibited
13 subject of collective bargaining under this subsection (c) as
14 this subsection (c) existed before the effective date of this
15 amendatory Act of the 93rd General Assembly remains null and
16 void and shall not otherwise be reinstated in any successor
17 agreement unless the educational employer and exclusive
18 representative otherwise agree to include an agreement reached
19 on a subject or matter described in subsection (a) of this
20 Section as subsection (a) existed before this amendatory Act of
21 the 93rd General Assembly.

22 (Source: P.A. 93-3, eff. 4-16-03.)

23 (115 ILCS 5/12) (from Ch. 48, par. 1712)

24 Sec. 12. Impasse procedures.

25 (a) If the parties engaged in collective bargaining have
26 not reached an agreement by 90 days before the scheduled start
27 of the forthcoming school year, the parties shall notify the
28 Illinois Educational Labor Relations Board concerning the
29 status of negotiations.

30 Upon demand of either party, collective bargaining between
31 the employer and an exclusive bargaining representative must
32 begin within 60 days of the date of certification of the
33 representative by the Board, or in the case of an existing
34 exclusive bargaining representative, within 60 days of the
35 receipt by a party of a demand to bargain issued by the other

1 party. Once commenced, collective bargaining must continue for
2 at least a 60 day period, unless a contract is entered into.

3 Except as otherwise provided in subsection (b) of this
4 Section, if after a reasonable period of negotiation and within
5 45 days of the scheduled start of the forth-coming school year,
6 the parties engaged in collective bargaining have reached an
7 impasse, either party may petition the Board to initiate
8 mediation. Alternatively, the Board on its own motion may
9 initiate mediation during this period. However, mediation
10 shall be initiated by the Board at any time when jointly
11 requested by the parties and the services of the mediators
12 shall continuously be made available to the employer and to the
13 exclusive bargaining representative for purposes of
14 arbitration of grievances and mediation or arbitration of
15 contract disputes. If requested by the parties, the mediator
16 may perform fact-finding and in so doing conduct hearings and
17 make written findings and recommendations for resolution of the
18 dispute. Such mediation shall be provided by the Board and
19 shall be held before qualified impartial individuals. Nothing
20 prohibits the use of other individuals or organizations such as
21 the Federal Mediation and Conciliation Service or the American
22 Arbitration Association selected by both the exclusive
23 bargaining representative and the employer.

24 If the parties engaged in collective bargaining fail to
25 reach an agreement within 15 days of the scheduled start of the
26 forthcoming school year and have not requested mediation, the
27 Illinois Educational Labor Relations Board shall invoke
28 mediation.

29 Whenever mediation is initiated or invoked under this
30 subsection (a), the parties may stipulate to defer selection of
31 a mediator in accordance with rules adopted by the Board.

32 (b) If, after a period of bargaining of at least 60 days, a
33 dispute or impasse exists between an employer, other than a
34 public community college district, whose territorial
35 boundaries are coterminous with those of a city having a
36 population in excess of 500,000 and the exclusive bargaining

1 representative over a subject or matter set forth in Section
2 4.5 of this Act, the parties shall submit the dispute or
3 impasse to the dispute resolution procedure agreed to between
4 the parties. The procedure shall provide for mediation of
5 disputes by a rotating mediation panel and may, at the request
6 of either party, include the issuance of advisory findings of
7 fact and recommendations.

8 (c) The costs of fact finding and mediation shall be shared
9 equally between the employer and the exclusive bargaining
10 agent, provided that, for purposes of mediation under this Act,
11 if either party requests the use of mediation services from the
12 Federal Mediation and Conciliation Service, the other party
13 shall either join in such request or bear the additional cost
14 of mediation services from another source.

15 (d) Nothing in this Act prevents an employer and an
16 exclusive bargaining representative from mutually submitting
17 to final and binding impartial arbitration unresolved issues
18 concerning the terms of a new collective bargaining agreement.
19 (Source: P.A. 93-3, eff. 4-16-03.)

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