Rep. John E. Bradley

Filed: 6/30/2015

AMENDMENT TO HOUSE BILL 693

AMENDMENT NO. _____. Amend House Bill 693, AS AMENDED, by inserting the following Sections in their proper numeric sequence as follows:

"Section 1. Short title. This Act may be cited as the Local Government Taxpayer Protection Act of 2015.

Section 2. Legislative intent. As of 2015, Illinois taxpayers are paying the second highest median property taxes in the United States. While property taxes are a critical source of revenue for units of local government, school districts, and other local governmental entities, the high property tax burden hinders economic growth. The General Assembly finds that freezing property tax extensions until voters, acting by referendum, approve an increase in the tax extension will return control of local tax and spending policy to voters and, as property values begin to grow, reduce

property tax rates.

To ensure that units of local government, school districts, and other governmental entities that depend upon property tax revenue are able to continue providing critical services to their residents notwithstanding this property tax freeze, the General Assembly further finds that it is necessary to reduce the State-imposed mandates on local governments that have increased the cost of providing these services. These mandates include the following:

(1) According to the United States Census Bureau's 2012 report on state and local government finance, employee wages and benefits are the largest operational expense of local governments in Illinois. Although the Illinois Public Labor Relations Act and the Illinois Educational Labor Relations Act are intended to afford local governments with discretion over their budgets, employee costs remain a significant expense. The changes made by this amendatory Act of the 99th General Assembly to the Illinois Public Labor Relations Act and the Illinois Educational Labor Relations Act are intended to empower local governments to contain these costs.

(2) Despite critical infrastructure and capital needs, the cost of capital projects is often higher for local governments than for the private sector. In particular, labor costs are higher due to the State's mandated prevailing wage, which often exceeds the wage required for

federally funded projects and the wage that actually prevails in the market, and the use of project labor agreements.

The purpose of this amendatory Act of the 99th General Assembly is to alleviate the property tax burden. To offset the property tax freeze, it is necessary to reduce labor and capital costs incurred by units of local government, school districts, and other local governmental entities as a result of State mandates.

Section 3. The Illinois Public Labor Relations Act is amended by changing Section 4 and by adding Section 4.5 as follows:

(5 ILCS 315/4) (from Ch. 48, par. 1604)

(Text of Section WITH the changes made by P.A. 98-599, which has been held unconstitutional)

Sec. 4. Management Rights.

(a) Employers shall not be required to bargain over matters of inherent managerial policy, which shall include such areas of discretion or policy as the functions of the employer, standards of services, its overall budget, the organizational structure and selection of new employees, examination techniques and direction of employees. Employers, however, shall be required to bargain collectively with regard to policy matters directly affecting wages, hours and terms and

conditions of employment as well as the impact thereon upon request by employee representatives, except as provided in this Section or Section 7.5.

To preserve the rights of employers and exclusive representatives which have established collective bargaining relationships or negotiated collective bargaining agreements prior to the effective date of this Act, employers shall be required to bargain collectively with regard to any matter concerning wages, hours or conditions of employment about which they have bargained for and agreed to in a collective bargaining agreement prior to the effective date of this Act, except as provided in this Section or Section 7.5.

The chief judge of the judicial circuit that employs a public employee who is a court reporter, as defined in the Court Reporters Act, has the authority to hire, appoint, promote, evaluate, discipline, and discharge court reporters within that judicial circuit.

Nothing in this amendatory Act of the 94th General Assembly shall be construed to intrude upon the judicial functions of any court. This amendatory Act of the 94th General Assembly applies only to nonjudicial administrative matters relating to the collective bargaining rights of court reporters.

(b) In any unit of local government or school district to which this subsection applies, as provided in Section 4.5 of this Act, public employees or a labor organization may not bargain collectively on:

(1) the decision of the employer to contract with a third party for any services, the process for bidding on such a contract, the identity of the provider of such services, or the effect of any such contract on bargaining unit members, provided that this subsection does not limit the ability of employees or a labor organization to bid on any such contract;

(2) any pay increase, either through changes to the pay schedule or as a result of accumulated years of service, in excess of the amount specified by ordinance or resolution of the governing authority of the public employer;

(3) the provision of any health insurance, including the payment of premiums, the extent of coverage, or the identity of the insurer;

(4) the use of employee time for business of the labor organization, other than reasonable time provided to an employee to attend a grievance hearing when his or her rights are substantially affected by the hearing or his or her testimony is needed for the determination of any substantial factual question;

(5) required levels of staffing for departments, divisions, shifts, stations, or assignments; or

(6) procedures, processes, forms, and criteria for personnel evaluations, or the use of evaluations or seniority in assignments, promotions, layoffs, and reductions-in-force.

(c) Any agreement, understanding, or practice, whether written or oral, and whether express or implied, between any labor organization and any public employer made in violation of this Section is hereby declared to be unlawful, null and void, and of no legal effect.

(Source: P.A. 98-599, eff. 6-1-14.)

(Text of Section WITHOUT the changes made by P.A. 98-599, which has been held unconstitutional)

Sec. 4. Management Rights.

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To preserve the rights of employers and exclusive representatives which have established collective bargaining relationships or negotiated collective bargaining agreements prior to the effective date of this Act, employers shall be required to bargain collectively with regard to any matter

concerning wages, hours or conditions of employment about which they have bargained for and agreed to in a collective bargaining agreement prior to the effective date of this Act, except as provided in this Section.

The chief judge of the judicial circuit that employs a public employee who is a court reporter, as defined in the Court Reporters Act, has the authority to hire, appoint, promote, evaluate, discipline, and discharge court reporters within that judicial circuit.

Nothing in this amendatory Act of the 94th General Assembly shall be construed to intrude upon the judicial functions of any court. This amendatory Act of the 94th General Assembly applies only to nonjudicial administrative matters relating to the collective bargaining rights of court reporters.

(b) In any unit of local government or school district to which this subsection applies, as provided in Section 4.5 of this Act, public employees or a labor organization may not bargain collectively on:

(1) the decision of the employer to contract with a third party for any services, the process for bidding on such a contract, the identity of the provider of such services, or the effect of any such contract on bargaining unit members, provided that this subsection does not limit the ability of employees or a labor organization to bid on any such contract;

(2) any pay increase, either through changes to the pay

schedule or as a result of accumulated years of service, in excess of the amount specified by ordinance or resolution of the governing authority of the public employer;

(3) the provision of any health insurance, including the payment of premiums, the extent of coverage, or the identity of the insurer;

(4) the use of employee time for business of the labor organization, other than reasonable time provided to an employee to attend a grievance hearing when his or her rights are substantially affected by the hearing or his or her testimony is needed for the determination of any substantial factual question;

(5) required levels of staffing for departments, divisions, shifts, stations, or assignments; or

(6) procedures, processes, forms, and criteria for personnel evaluations, or the use of evaluations or seniority in assignments, promotions, layoffs, and reductions-in-force.

(c) Any agreement, understanding, or practice, whether written or oral, and whether express or implied, between any labor organization and any public employer made in violation of this Section is hereby declared to be unlawful, null and void, and of no legal effect.

(Source: P.A. 94-98, eff. 7-1-05.)

(5 ILCS 315/4.5 new)

Sec. 4.5. Adoption of limitations on subjects of collective bargaining.

(a) The county board or board of county commissioners of a county may by ordinance elect to apply the limitations under subsection (b) of Section 4 to bargaining with that county and with any other public employer whose boundaries are entirely within that county.

(b) The corporate authorities of a municipality may by ordinance elect to apply the limitations under subsection (b) of Section 4 to bargaining with that municipality and with any other public employer whose boundaries are entirely within that municipality.

(c) The governing authority of a unit of local government or school district, including a county or municipality, may by ordinance or resolution elect to apply the limitations under subsection (b) of Section 4 to bargaining with that unit of local government or school district.

(d) If a petition, signed by a number of registered voters equal in number to at least 5% of the total number of registered voters in a county or municipality, asking to apply the limitations under subsection (b) of Section 4 to collective bargaining in that county or municipality is presented to the clerk of that county or municipality, the clerk shall certify the question of whether to apply such limitations in that county or municipality to the proper election authority, who shall submit the question at the next election in accordance

with the general election law.

The question of whether to apply the limitations under subsection (b) of Section 4 shall be presented in substantially the following form:

Shall each unit of local government and school district located within (legal name of the county or municipality) be free to determine certain matters without negotiating with employee unions, such as the use of service providers, the decision to provide health benefits, caps on total payroll, employees' use of government time for union matters, required staffing levels, evaluation procedures, and, in the case of schools, curriculum?

The votes must be recorded as "Yes" or "No". If a majority of voters voting on the question are in favor of applying such limitations, subsection (b) of Section 4 shall apply to bargaining with that county or municipality and with any other public employer whose boundaries are entirely within that county or municipality.

(e) If a petition, signed by a number of registered voters equal in number to at least 5% of the total number of registered voters in a unit of local government or school district, asking to apply the limitations under subsection (b) of Section 4 to collective bargaining with that unit of local government or school district is presented to the clerk of that unit of local government or school district, the clerk shall certify the question of whether to apply such limitations to

that unit of local government or school district to the proper election authority, who shall submit the question at the next election in accordance with the general election law.

The question of whether to apply the limitations under subsection (b) of Section 4 shall be presented in substantially the following form:

Shall (the legal name of the unit of local government or school district) be free to determine certain matters without negotiating with employee unions, such as the use of service providers, the decision to provide health benefits, caps on total payroll, employees' use of government time for union matters, required staffing levels, evaluation procedures, and, in the case of schools, curriculum?

The votes must be recorded as "Yes" or "No". If a majority of voters voting on the question are in favor of applying such limitations, subsection (b) of Section 4 shall apply to bargaining with that unit of local government or school district.

Section 10. The Local Government Energy Conservation Act is amended by changing Section 3 as follows:

(50 ILCS 515/3)

Sec. 3. Applicable laws. Other State laws and related administrative requirements apply to this Act, including, but

not limited to, the following laws and related administrative requirements: the Illinois Human Rights Act, ~~the Prevailing Wage Act,~~ the Public Construction Bond Act, the Public Works Preference Act (repealed on June 16, 2010 by Public Act 96-929), the Employment of Illinois Workers on Public Works Act, the Freedom of Information Act, the Open Meetings Act, the Illinois Architecture Practice Act of 1989, the Professional Engineering Practice Act of 1989, the Structural Engineering Practice Act of 1989, the Local Government Professional Services Selection Act, and the Contractor Unified License and Permit Bond Act.

(Source: P.A. 97-333, eff. 8-12-11.)

Section 15. The Local Government Facility Lease Act is amended by changing Section 35 as follows:

(50 ILCS 615/35)

Sec. 35. Wage requirements. In order to protect the wages, working conditions, and job opportunities of employees employed by the lessee of leased facility property used for airport purposes to perform work on the site of the leased premises previously performed by employees of the lessor on the site of the leased premises and who were in recognized bargaining units at the time of the lease, the lessee, and any subcontractor retained by the lessee to perform such work on the site of the leased premises, shall be required to pay to

those employees an amount not less than the economic equivalent of the standard of wages and benefits enjoyed by the lessor's employees who previously performed that work. The lessor shall certify to the lessee the amount of wages and benefits (or their equivalent) as of the time of the lease, and any changes to those amounts as they may occur during the term of the lease. ~~All projects at the leased facility property used for airport purposes shall be considered public works for purposes of the Prevailing Wage Act.~~

(Source: P.A. 94-750, eff. 5-9-06.)

Section 20. The Counties Code is amended by changing Section 5-1134 as follows:

(55 ILCS 5/5-1134)

Sec. 5-1134. Project labor agreements.

(a) ~~Any sports, arts, or entertainment facilities that receive revenue from a tax imposed under subsection (b) of Section 5-1030 of this Code shall be considered to be public works within the meaning of the Prevailing Wage Act.~~ The county authorities responsible for the construction, renovation, modification, or alteration of the sports, arts, or entertainment facilities shall enter into project labor agreements with labor organizations as defined in the National Labor Relations Act to assure that no labor dispute interrupts or interferes with the construction, renovation, modification,

or alteration of the projects.

(b) The project labor agreements must include the following:

(1) provisions establishing the minimum hourly wage for each class of labor organization employees;

(2) provisions establishing the benefits and other compensation for such class of labor organization; and

(3) provisions establishing that no strike or disputes will be engaged in by the labor organization employees.

The county, taxing bodies, municipalities, and the labor organizations shall have the authority to include other terms and conditions as they deem necessary.

(c) The project labor agreement shall be filed with the Director of the Illinois Department of Labor in accordance with procedures established by the Department. At a minimum, the project labor agreement must provide the names, addresses, and occupations of the owner of the facilities and the individuals representing the labor organization employees participating in the project labor agreement. The agreement must also specify the terms and conditions required in subsection (b) of this Section.

(d) In any agreement for the construction or rehabilitation of a facility using revenue generated under subsection (b) of Section 5-1030 of this Code, in connection with the prequalification of general contractors for construction or rehabilitation of the facility, it shall be required that a

commitment will be submitted detailing how the general contractor will expend 15% or more of the aggregate dollar value of the project as a whole with one or more minority-owned businesses, female-owned businesses, or businesses owned by a person with a disability, as these terms are defined in Section 2 of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

(Source: P.A. 98-313, eff. 8-12-13; 98-756, eff. 7-16-14.)

(60 ILCS 1/100-20 rep.)

Section 25. The Township Code is amended by repealing Section 100-20.

Section 30. The School Code is amended by changing Section 19b-15 as follows:

(105 ILCS 5/19b-15)

Sec. 19b-15. Applicable laws. Other State laws and related administrative requirements apply to this Article, including, but not limited to, the following laws and related administrative requirements: the Illinois Human Rights Act, ~~the Prevailing Wage Act,~~ the Public Construction Bond Act, the Public Works Preference Act (repealed on June 16, 2010 by Public Act 96-929), the Employment of Illinois Workers on Public Works Act, the Freedom of Information Act, the Open Meetings Act, the Illinois Architecture Practice Act of 1989,

the Professional Engineering Practice Act of 1989, the Structural Engineering Practice Act of 1989, the Local Government Professional Services Selection Act, and the Contractor Unified License and Permit Bond Act.

(Source: P.A. 97-333, eff. 8-12-11.)

Section 35. The Public Community College Act is amended by changing Section 1-3 as follows:

(110 ILCS 805/1-3)

Sec. 1-3. Applicable laws. Other State laws and related administrative requirements apply to this Act, including, but not limited to, the following laws and related administrative requirements: the Illinois Human Rights Act, ~~the Prevailing Wage Act,~~ the Public Construction Bond Act, the Employment of Illinois Workers on Public Works Act, the Freedom of Information Act, the Open Meetings Act, the Illinois Architecture Practice Act of 1989, the Professional Engineering Practice Act of 1989, the Structural Engineering Practice Act of 1989, the Local Government Professional Services Selection Act, and the Contractor Unified License and Permit Bond Act. The provisions of the Procurement of Domestic Products Act shall apply to this Act to the extent practicable, provided that the Procurement of Domestic Products Act must not be applied to this Act in a manner that is inconsistent with the requirements of this Act.

(Source: P.A. 97-333, eff. 8-12-11; 97-1105, eff. 8-27-12.)

Section 40. The Illinois Educational Labor Relations Act is amended by changing Sections 4.5 and 7 and by adding Section 4.7 as follows:

(115 ILCS 5/4.5)

Sec. 4.5. Subjects of collective bargaining.

(a) Notwithstanding the existence of any other provision in this Act or other law, collective bargaining between an 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 any of the following subjects:

(1) (Blank).

(2) Decisions to contract with a third party for one or more services otherwise performed by employees in a bargaining unit and the procedures for obtaining such contract or the identity of the third party<u>, except as provided in subsection (d)</u>.

(3) Decisions to layoff or reduce in force employees<u>, except as provided in subsection (d) with respect to a layoff or reduction in force resulting from a service contract</u>.

(4) Decisions to determine class size, class staffing and assignment, class schedules, academic calendar, length

of the work and school day with respect to a public school district organized under Article 34 of the School Code only, length of the work and school year with respect to a public school district organized under Article 34 of the School Code only, hours and places of instruction, or pupil assessment policies.

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

(b) The subject or matters described in subsection (a) are permissive subjects of bargaining between an educational employer and an exclusive representative of its employees and, for the purpose of this Act, are within the sole discretion of the educational employer to decide to bargain, provided that the educational employer is required to bargain over the impact of a decision concerning such subject or matter on the bargaining unit upon request by the exclusive representative. During this bargaining, the educational employer shall not be precluded from implementing its decision. If, after a reasonable period of bargaining, a dispute or impasse exists between the educational employer and the exclusive representative, the dispute or impasse shall be resolved exclusively as set forth in subsection (b) of Section 12 of this Act in lieu of a strike under Section 13 of this Act. Neither the Board nor any mediator or fact-finder appointed

pursuant to subsection (a-10) of Section 12 of this Act shall have jurisdiction over such a dispute or impasse.

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

(d) In any public school district to which this subsection applies, as provided in Section 4.7, public employees or a labor organization may not bargain collectively on:

(1) the decision of the educational employer to contract with a third party for any services, the process for bidding on such a contract, the identity of the provider of such services, or the effect of any such contract on bargaining unit members, provided that this subsection does not limit the ability of educational employees or a labor organization to bid on any such contract;

(2) any pay increase, either through changes to the pay schedule or as a result of accumulated years of service, in

excess of the amount specified by resolution of the governing body of the public school district;

(3) the provision of any health insurance, including the payment of premiums, the extent of coverage, or the identity of the insurer;

(4) the use of educational employee time for business of the labor organization, other than reasonable time provided to an educational employee to attend a grievance hearing when his or her rights are substantially affected by the hearing or his or her testimony is needed for the determination of any substantial factual question;

(5) required levels of staffing for departments, divisions, shifts, stations, or assignments;

(6) procedures, processes, forms, and criteria for personnel evaluations, or the use of evaluations or seniority in assignments, promotions, layoffs, and reductions-in-force; or

(7) curriculum or standards of student academic performance, conduct, and discipline in school.

(e) If subsection (b) of Section 4 of the Illinois Public Labor Relations Act applies to a public school district, educational employees or a labor organization may not bargain collectively on the matters described in that subsection or on the matters described in paragraph (7) of subsection (d) of this Section.

(f) Any agreement, understanding, or practice, whether

written or oral, and whether express or implied, between any labor organization and any educational employer made in violation of this Section is hereby declared to be unlawful, null and void, and of no legal effect.

(Source: P.A. 97-7, eff. 6-13-11; 97-8, eff. 6-13-11.)

(115 ILCS 5/4.7 new)

Sec. 4.7. Adoption of limitations on subjects of collective bargaining.

(a) The governing body of a public school district may by resolution prohibit elect to apply the limitations under subsection (d) of Section 4.5 to bargaining with that public school district.

(b) If a petition, signed by a number of registered voters equal in number to at least 5% of the total number of registered voters in a public school district, asking to apply the limitations under subsection (d) of Section 4.5 to that public school district is presented to the clerk of that public school district, the clerk shall certify the question of whether to apply such limitations to that public school district to the proper election authority, who shall submit the question at the next election in accordance with the general election law.

The question of whether to apply the limitations under subsection (d) of Section 4.5 shall be presented in substantially the following form:

Shall (the legal name of the public school district) be free to determine certain matters without negotiating with employee unions, such as the use of service providers, the decision to provide health benefits, caps on total payroll, employees' use of government time for union matters, required staffing levels, evaluation procedures, and curriculum?

The votes must be recorded as "Yes" or "No". If a majority of voters voting on the question are in favor of applying such limitations, subsection (d) of Section 4.5 shall apply to bargaining with that public school district.

(115 ILCS 5/7) (from Ch. 48, par. 1707)

Sec. 7. Recognition of exclusive bargaining representatives - unit determination. The Board is empowered to administer the recognition of bargaining representatives of employees of public school districts, including employees of districts which have entered into joint agreements, or employees of public community college districts, or any State college or university, and any State agency whose major function is providing educational services, making certain that each bargaining unit contains employees with an identifiable community of interest and that no unit includes both professional employees and nonprofessional employees unless a majority of employees in each group vote for inclusion in the unit.

(a) In determining the appropriateness of a unit, the Board shall decide in each case, in order to ensure employees the fullest freedom in exercising the rights guaranteed by this Act, the unit appropriate for the purpose of collective bargaining, based upon but not limited to such factors as historical pattern of recognition, community of interest, including employee skills and functions, degree of functional integration, interchangeability and contact among employees, common supervision, wages, hours and other working conditions of the employees involved, and the desires of the employees. Nothing in this Act, except as herein provided, shall interfere with or negate the current representation rights or patterns and practices of employee organizations which have historically represented employees for the purposes of collective bargaining, including but not limited to the negotiations of wages, hours and working conditions, resolutions of employees' grievances, or resolution of jurisdictional disputes, ~~or the establishment and maintenance of prevailing wage rates,~~ unless a majority of the employees so represented expresses a contrary desire under the procedures set forth in this Act. This Section, however, does not prohibit multi-unit bargaining. Notwithstanding the above factors, where the majority of public employees of a craft so decide, the Board shall designate such craft as a unit appropriate for the purposes of collective bargaining.

The sole appropriate bargaining unit for tenured and

tenure-track academic faculty at each campus of the University of Illinois shall be a unit that is comprised of non-supervisory academic faculty employed more than half-time and that includes all tenured and tenure-track faculty of that University campus employed by the board of trustees in all of the campus's undergraduate, graduate, and professional schools and degree and non-degree programs (with the exception of the college of medicine, the college of pharmacy, the college of dentistry, the college of law, and the college of veterinary medicine, each of which shall have its own separate unit), regardless of current or historical representation rights or patterns or the application of any other factors. Any decision, rule, or regulation promulgated by the Board to the contrary shall be null and void.

(b) An educational employer shall voluntarily recognize a labor organization for collective bargaining purposes if that organization appears to represent a majority of employees in the unit. The employer shall post notice of its intent to so recognize for a period of at least 20 school days on bulletin boards or other places used or reserved for employee notices. Thereafter, the employer, if satisfied as to the majority status of the employee organization, shall send written notification of such recognition to the Board for certification. Any dispute regarding the majority status of a labor organization shall be resolved by the Board which shall make the determination of majority status.

Within the 20 day notice period, however, any other interested employee organization may petition the Board to seek recognition as the exclusive representative of the unit in the manner specified by rules and regulations prescribed by the Board, if such interested employee organization has been designated by at least 15% of the employees in an appropriate bargaining unit which includes all or some of the employees in the unit intended to be recognized by the employer. In such event, the Board shall proceed with the petition in the same manner as provided in paragraph (c) of this Section.

(c) A labor organization may also gain recognition as the exclusive representative by an election of the employees in the unit. Petitions requesting an election may be filed with the Board:

(1) by an employee or group of employees or any labor organizations acting on their behalf alleging and presenting evidence that 30% or more of the employees in a bargaining unit wish to be represented for collective bargaining or that the labor organization which has been acting as the exclusive bargaining representative is no longer representative of a majority of the employees in the unit; or

(2) by an employer alleging that one or more labor organizations have presented a claim to be recognized as an exclusive bargaining representative of a majority of the employees in an appropriate unit and that it doubts the

majority status of any of the organizations or that it doubts the majority status of an exclusive bargaining representative.

The Board shall investigate the petition and if it has reasonable cause to suspect that a question of representation exists, it shall give notice and conduct a hearing. If it finds upon the record of the hearing that a question of representation exists, it shall direct an election, which shall be held no later than 90 days after the date the petition was filed. Nothing prohibits the waiving of hearings by the parties and the conduct of consent elections.

(c-5) The Board shall designate an exclusive representative for purposes of collective bargaining when the representative demonstrates a showing of majority interest by employees in the unit. If the parties to a dispute are without agreement on the means to ascertain the choice, if any, of employee organization as their representative, the Board shall ascertain the employees' choice of employee organization, on the basis of dues deduction authorization or other evidence, or, if necessary, by conducting an election. All evidence submitted by an employee organization to the Board to ascertain an employee's choice of an employee organization is confidential and shall not be submitted to the employer for review. The Board shall ascertain the employee's choice of employee organization within 120 days after the filing of the majority interest petition; however, the Board may extend time

by an additional 60 days, upon its own motion or upon the motion of a party to the proceeding. If either party provides to the Board, before the designation of a representative, clear and convincing evidence that the dues deduction authorizations, and other evidence upon which the Board would otherwise rely to ascertain the employees' choice of representative, are fraudulent or were obtained through coercion, the Board shall promptly thereafter conduct an election. The Board shall also investigate and consider a party's allegations that the dues deduction authorizations and other evidence submitted in support of a designation of representative without an election were subsequently changed, altered, withdrawn, or withheld as a result of employer fraud, coercion, or any other unfair labor practice by the employer. If the Board determines that a labor organization would have had a majority interest but for an employer's fraud, coercion, or unfair labor practice, it shall designate the labor organization as an exclusive representative without conducting an election. If a hearing is necessary to resolve any issues of representation under this Section, the Board shall conclude its hearing process and issue a certification of the entire appropriate unit not later than 120 days after the date the petition was filed. The 120-day period may be extended one or more times by the agreement of all parties to a hearing to a date certain.

(c-6) A labor organization or an employer may file a unit

clarification petition seeking to clarify an existing bargaining unit. The Board shall conclude its investigation, including any hearing process deemed necessary, and issue a certification of clarified unit or dismiss the petition not later than 120 days after the date the petition was filed. The 120-day period may be extended one or more times by the agreement of all parties to a hearing to a date certain.

(d) An order of the Board dismissing a representation petition, determining and certifying that a labor organization has been fairly and freely chosen by a majority of employees in an appropriate bargaining unit, determining and certifying that a labor organization has not been fairly and freely chosen by a majority of employees in the bargaining unit or certifying a labor organization as the exclusive representative of employees in an appropriate bargaining unit because of a determination by the Board that the labor organization is the historical bargaining representative of employees in the bargaining unit, is a final order. Any person aggrieved by any such order issued on or after the effective date of this amendatory Act of 1987 may apply for and obtain judicial review in accordance with provisions of the Administrative Review Law, as now or hereafter amended, except that such review shall be afforded directly in the Appellate Court of a judicial district in which the Board maintains an office. Any direct appeal to the Appellate Court shall be filed within 35 days from the date that a copy of the decision sought to be reviewed was served

upon the party affected by the decision.

No election may be conducted in any bargaining unit during the term of a collective bargaining agreement covering such unit or subdivision thereof, except the Board may direct an election after the filing of a petition between January 15 and March 1 of the final year of a collective bargaining agreement. Nothing in this Section prohibits the negotiation of a collective bargaining agreement covering a period not exceeding 3 years. A collective bargaining agreement of less than 3 years may be extended up to 3 years by the parties if the extension is agreed to in writing before the filing of a petition under this Section. In such case, the final year of the extension is the final year of the collective bargaining agreement. No election may be conducted in a bargaining unit, or subdivision thereof, in which a valid election has been held within the preceding 12 month period.

(Source: P.A. 95-331, eff. 8-21-07; 96-813, eff. 10-30-09.)

Section 45. The Prevailing Wage Act is amended by changing Section 2 as follows:

(820 ILCS 130/2) (from Ch. 48, par. 39s-2)

Sec. 2. This Act applies to the wages of laborers, mechanics and other workers employed in any public works, as hereinafter defined, by any public body and to anyone under contracts for public works. This includes any maintenance,

repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

As used in this Act, unless the context indicates otherwise:

"Public works" means all fixed works constructed or demolished by any public body, or paid for wholly or in part out of public funds. "Public works" as defined herein includes all projects financed in whole or in part with bonds, grants, loans, or other funds made available by or through the State or any of its political subdivisions, including but not limited to: bonds issued under the Industrial Project Revenue Bond Act (Article 11, Division 74 of the Illinois Municipal Code), the Industrial Building Revenue Bond Act, the Illinois Finance Authority Act, the Illinois Sports Facilities Authority Act, or the Build Illinois Bond Act; loans or other funds made available pursuant to the Build Illinois Act; loans or other funds made available pursuant to the Riverfront Development Fund under Section 10-15 of the River Edge Redevelopment Zone Act; or funds from the Fund for Illinois' Future under Section 6z-47 of the State Finance Act, ~~funds for school construction under Section 5 of the General Obligation Bond Act, funds authorized under Section 3 of the School Construction Bond Act, funds for school infrastructure under Section 6z-45 of the State Finance Act,~~ and funds for transportation purposes under Section 4 of the General Obligation Bond Act. "Public works" also includes (i) all projects financed in whole or in part

with funds from the Department of Commerce and Economic Opportunity under the Illinois Renewable Fuels Development Program Act for which there is no project labor agreement; (ii) all work performed pursuant to a public private agreement under the Public Private Agreements for the Illiana Expressway Act or the Public-Private Agreements for the South Suburban Airport Act; and (iii) all projects undertaken under a public-private agreement under the Public-Private Partnerships for Transportation Act. "Public works" also includes all projects at leased facility property used for airport purposes under Section 35 of the Local Government Facility Lease Act. "Public works" also includes the construction of a new wind power facility by a business designated as a High Impact Business under Section 5.5(a)(3)(E) of the Illinois Enterprise Zone Act. "Public works" does not include work done directly by any public utility company, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" also includes any corrective action performed pursuant to Title XVI of the Environmental Protection Act for which payment from the Underground Storage Tank Fund is requested. "Public works" does not include projects undertaken by the owner at an owner-occupied single-family residence or at an owner-occupied unit of a multi-family residence. "Public works" does not include work performed for soil and water conservation purposes on agricultural lands, whether or not done under public

supervision or paid for wholly or in part out of public funds, done directly by an owner or person who has legal control of those lands.

"Public works" does not include work done or projects performed by or on behalf of a unit of local government or school district whether or not done under public supervision or paid for wholly or in part with public funds and whether or not owned by a unit of local government or a school district.

"Construction" means all work on public works involving laborers, workers or mechanics. This includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

"Locality" means the county where the physical work upon public works is performed, except (1) that if there is not available in the county a sufficient number of competent skilled laborers, workers and mechanics to construct the public works efficiently and properly, "locality" includes any other county nearest the one in which the work or construction is to be performed and from which such persons may be obtained in sufficient numbers to perform the work and (2) that, with respect to contracts for highway work with the Department of Transportation of this State, "locality" may at the discretion of the Secretary of the Department of Transportation be construed to include two or more adjacent counties from which workers may be accessible for work on such construction.

"Public body" means the State or any officer, board or

commission of the State or any political subdivision or department thereof, or any institution supported in whole or in part by public funds; "public body" does not, however, include a unit of local government or a school district~~, and includes every county, city, town, village, township, school district, irrigation, utility, reclamation improvement or other district and every other political subdivision, district or municipality of the state whether such political subdivision, municipality or district operates under a special charter or not~~.

The terms "general prevailing rate of hourly wages", "general prevailing rate of wages" or "prevailing rate of wages" when used in this Act mean the hourly cash wages plus annualized fringe benefits for training and apprenticeship programs approved by the U.S. Department of Labor, Bureau of Apprenticeship and Training, health and welfare, insurance, vacations and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character on public works.

(Source: P.A. 97-502, eff. 8-23-11; 98-109, eff. 7-25-13; 98-482, eff. 1-1-14; 98-740, eff. 7-16-14; 98-756, eff. 7-16-14.)".