

1 AN ACT concerning employment.

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
6 construed as limiting the duty "to bargain collectively" and
7 to enter into collective bargaining agreements containing
8 clauses which either supplement, implement, or relate to the
9 effect of such 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
14 agree upon wages, hours and terms and conditions of employment
15 to be 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
23 the contract of the proposed termination or modification
24 60 days prior to the expiration date thereof, or in the
25 event such contract contains no expiration date, 60 days
26 prior to the time it is proposed to make such termination

1 or 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
6 notice of the existence of a dispute, provided no
7 agreement has 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
11 days after such notice is given to the other party or until
12 the expiration date of such contract, whichever occurs
13 later.

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18 contract, has been superseded as or ceased to be the exclusive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

26 Collective bargaining for home care and home health

1 workers who function as personal assistants and individual
2 maintenance home health workers under the Home Services
3 Program shall be limited to the terms and conditions of
4 employment under the State's control, as defined in Public Act
5 93-204 or this amendatory Act of the 97th General Assembly, as
6 applicable.

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

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

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

26 (2) If anytime after the expiration of the 90-day

1 period beginning on the date on which bargaining is
2 commenced the parties have failed to reach an agreement,
3 either party may notify the Illinois Public Labor
4 Relations Board of the existence of a dispute and request
5 mediation in accordance with the provisions of Section 14
6 of this Act.

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

20 (Source: P.A. 97-1158, eff. 1-29-13; 98-1004, eff. 8-18-14.)

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