



Sen. Graciela Guzmán

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10400SB0453sam001

LRB104 06694 RTM 26800 a

1 AMENDMENT TO SENATE BILL 453

2 AMENDMENT NO. _____. Amend Senate Bill 453 by replacing
3 everything after the enacting clause with the following:

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

1 Section 4 of this Act, or the negotiation of an agreement, or
2 any question arising thereunder and the execution of a written
3 contract incorporating any agreement reached if requested by
4 either party, but such obligation does not compel either party
5 to agree to a proposal or require the making of a concession.

6 The duty "to bargain collectively" shall also include an
7 obligation to negotiate over any matter with respect to wages,
8 hours and other conditions of employment, not specifically
9 provided for in any other law or not specifically in violation
10 of the provisions of any law. If any other law pertains, in
11 part, to a matter affecting the wages, hours and other
12 conditions of employment, such other law shall not be
13 construed as limiting the duty "to bargain collectively" and
14 to enter into collective bargaining agreements containing
15 clauses which either supplement, implement, or relate to the
16 effect of such provisions in other laws.

17 The duty "to bargain collectively" shall also include
18 negotiations as to the terms of a collective bargaining
19 agreement. The parties may, by mutual agreement, provide for
20 arbitration of impasses resulting from their inability to
21 agree upon wages, hours and terms and conditions of employment
22 to be included in a collective bargaining agreement. Such
23 arbitration provisions shall be subject to the Illinois
24 "Uniform Arbitration Act" unless agreed by the parties.

25 The duty "to bargain collectively" shall also mean that no
26 party to a collective bargaining contract shall terminate or

1 modify such contract, unless the party desiring such
2 termination or modification:

3 (1) serves a written notice upon the other party to
4 the contract of the proposed termination or modification
5 60 days prior to the expiration date thereof, or in the
6 event such contract contains no expiration date, 60 days
7 prior to the time it is proposed to make such termination
8 or modification;

9 (2) offers to meet and confer with the other party for
10 the purpose of negotiating a new contract or a contract
11 containing the proposed modifications;

12 (3) notifies the Board within 30 days after such
13 notice of the existence of a dispute, provided no
14 agreement has been reached by that time; and

15 (4) continues in full force and effect, without
16 resorting to strike or lockout, all the terms and
17 conditions of the existing contract for a period of 60
18 days after such notice is given to the other party or until
19 the expiration date of such contract, whichever occurs
20 later.

21 The duties imposed upon employers, employees and labor
22 organizations by paragraphs (2), (3) and (4) shall become
23 inapplicable upon an intervening certification of the Board,
24 under which the labor organization, which is a party to the
25 contract, has been superseded as or ceased to be the exclusive
26 representative of the employees pursuant to the provisions of

1 subsection (a) of Section 9, and the duties so imposed shall
2 not be construed as requiring either party to discuss or agree
3 to any modification of the terms and conditions contained in a
4 contract for a fixed period, if such modification is to become
5 effective before such terms and conditions can be reopened
6 under the provisions of the contract.

7 Collective bargaining for home care and home health
8 workers who function as personal assistants and individual
9 maintenance home health workers under the Home Services
10 Program shall be limited to the terms and conditions of
11 employment under the State's control, as defined in Public Act
12 93-204 or this amendatory Act of the 97th General Assembly, as
13 applicable.

14 Collective bargaining for child and day care home
15 providers under the child care assistance program shall be
16 limited to the terms and conditions of employment under the
17 State's control, as defined in this amendatory Act of the 94th
18 General Assembly.

19 Notwithstanding any other provision of this Section,
20 whenever collective bargaining is for the purpose of
21 establishing an initial agreement following original
22 certification of units ~~with fewer than 35 employees~~, with
23 respect to public employees other than peace officers, fire
24 fighters, and security employees, the following apply:

25 (1) Not later than 10 days after receiving a written
26 request for collective bargaining from a labor

1 organization that has been newly certified as a
2 representative as defined in Section 6(c), or within such
3 further period as the parties agree upon, the parties
4 shall meet and commence to bargain collectively and shall
5 make every reasonable effort to conclude and sign a
6 collective bargaining agreement.

7 (2) If anytime after the expiration of the 90-day
8 period beginning on the date on which bargaining is
9 commenced the parties have failed to reach an agreement,
10 either party may notify the Illinois Public Labor
11 Relations Board of the existence of a dispute and request
12 mediation in accordance with the provisions of Section 14
13 of this Act.

14 (3) If after the expiration of the 30-day period
15 beginning on the date on which mediation commenced, or
16 such additional period as the parties may agree upon, the
17 mediator is not able to bring the parties to agreement by
18 conciliation, either the exclusive representative of the
19 employees or the employer may request of the other, in
20 writing, arbitration and shall submit a copy of the
21 request to the board. Upon submission of the request for
22 arbitration, the parties shall be required to participate
23 in the impasse arbitration procedures set forth in Section
24 14 of this Act, except the right to strike shall not be
25 considered waived pursuant to Section 17 of this Act,
26 until the actual convening of the arbitration hearing.

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

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.".