

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 1. Purpose. The General Assembly finds and
5 declares that:

6 (1) "An Act in relation to governmental functions,
7 amending named Acts", Public Act 90-385, approved August 15,
8 1997, contained provisions amending the Illinois Public Labor
9 Relations Act. Public Act 90-385 also contained other
10 provisions.

11 (2) It is the purpose of this Act to re-enact the
12 provisions of Public Act 90-385 amending the Illinois Public
13 Labor Relations Act, including subsequent amendments. This
14 re-enactment is intended to remove any question as to the
15 validity or content of those provisions.

16 (3) This Act re-enacts various provisions of Public Act
17 90-385 amending the Illinois Public Labor Relations Act,
18 including subsequent amendments, to remove any question as to
19 the validity or content of those provisions; it is not
20 intended to supersede any other Public Act that amends the
21 text of the Sections as set forth in this Act. The material
22 is shown as existing text (i.e., without underscoring).

23 Section 5. The Illinois Public Labor Relations Act is
24 amended by re-enacting Section 14 as follows:

25 (5 ILCS 315/14) (from Ch. 48, par. 1614)

26 Sec. 14. Security Employee, Peace Officer and Fire
27 Fighter Disputes.

28 (a) In the case of collective bargaining agreements
29 involving units of security employees of a public employer,
30 Peace Officer Units, or units of fire fighters or paramedics,

1 and in the case of disputes under Section 18, unless the
2 parties mutually agree to some other time limit, mediation
3 shall commence 30 days prior to the expiration date of such
4 agreement or at such later time as the mediation services
5 chosen under subsection (b) of Section 12 can be provided to
6 the parties. In the case of negotiations for an initial
7 collective bargaining agreement, mediation shall commence
8 upon 15 days notice from either party or at such later time
9 as the mediation services chosen pursuant to subsection (b)
10 of Section 12 can be provided to the parties. In mediation
11 under this Section, if either party requests the use of
12 mediation services from the Federal Mediation and
13 Conciliation Service, the other party shall either join in
14 such request or bear the additional cost of mediation
15 services from another source. The mediator shall have a duty
16 to keep the Board informed on the progress of the mediation.
17 If any dispute has not been resolved within 15 days after the
18 first meeting of the parties and the mediator, or within such
19 other time limit as may be mutually agreed upon by the
20 parties, either the exclusive representative or employer may
21 request of the other, in writing, arbitration, and shall
22 submit a copy of the request to the Board.

23 (b) Within 10 days after such a request for arbitration
24 has been made, the employer shall choose a delegate and the
25 employees' exclusive representative shall choose a delegate
26 to a panel of arbitration as provided in this Section. The
27 employer and employees shall forthwith advise the other and
28 the Board of their selections.

29 (c) Within 7 days of the request of either party, the
30 Board shall select from the Public Employees Labor Mediation
31 Roster 7 persons who are on the labor arbitration panels of
32 either the American Arbitration Association or the Federal
33 Mediation and Conciliation Service, or who are members of the
34 National Academy of Arbitrators, as nominees for impartial

1 arbitrator of the arbitration panel. The parties may select
2 an individual on the list provided by the Board or any other
3 individual mutually agreed upon by the parties. Within 7
4 days following the receipt of the list, the parties shall
5 notify the Board of the person they have selected. Unless
6 the parties agree on an alternate selection procedure, they
7 shall alternatively strike one name from the list provided by
8 the Board until only one name remains. A coin toss shall
9 determine which party shall strike the first name. If the
10 parties fail to notify the Board in a timely manner of their
11 selection for neutral chairman, the Board shall appoint a
12 neutral chairman from the Illinois Public Employees
13 Mediation/Arbitration Roster.

14 (d) The chairman shall call a hearing to begin within 15
15 days and give reasonable notice of the time and place of the
16 hearing. The hearing shall be held at the offices of the
17 Board or at such other location as the Board deems
18 appropriate. The chairman shall preside over the hearing and
19 shall take testimony. Any oral or documentary evidence and
20 other data deemed relevant by the arbitration panel may be
21 received in evidence. The proceedings shall be informal.
22 Technical rules of evidence shall not apply and the
23 competency of the evidence shall not thereby be deemed
24 impaired. A verbatim record of the proceedings shall be made
25 and the arbitrator shall arrange for the necessary recording
26 service. Transcripts may be ordered at the expense of the
27 party ordering them, but the transcripts shall not be
28 necessary for a decision by the arbitration panel. The
29 expense of the proceedings, including a fee for the chairman,
30 established in advance by the Board, shall be borne equally
31 by each of the parties to the dispute. The delegates, if
32 public officers or employees, shall continue on the payroll
33 of the public employer without loss of pay. The hearing
34 conducted by the arbitration panel may be adjourned from time

1 to time, but unless otherwise agreed by the parties, shall be
2 concluded within 30 days of the time of its commencement.
3 Majority actions and rulings shall constitute the actions and
4 rulings of the arbitration panel. Arbitration proceedings
5 under this Section shall not be interrupted or terminated by
6 reason of any unfair labor practice charge filed by either
7 party at any time.

8 (e) The arbitration panel may administer oaths, require
9 the attendance of witnesses, and the production of such
10 books, papers, contracts, agreements and documents as may be
11 deemed by it material to a just determination of the issues
12 in dispute, and for such purpose may issue subpoenas. If any
13 person refuses to obey a subpoena, or refuses to be sworn or
14 to testify, or if any witness, party or attorney is guilty of
15 any contempt while in attendance at any hearing, the
16 arbitration panel may, or the attorney general if requested
17 shall, invoke the aid of any circuit court within the
18 jurisdiction in which the hearing is being held, which court
19 shall issue an appropriate order. Any failure to obey the
20 order may be punished by the court as contempt.

21 (f) At any time before the rendering of an award, the
22 chairman of the arbitration panel, if he is of the opinion
23 that it would be useful or beneficial to do so, may remand
24 the dispute to the parties for further collective bargaining
25 for a period not to exceed 2 weeks. If the dispute is
26 remanded for further collective bargaining the time
27 provisions of this Act shall be extended for a time period
28 equal to that of the remand. The chairman of the panel of
29 arbitration shall notify the Board of the remand.

30 (g) At or before the conclusion of the hearing held
31 pursuant to subsection (d), the arbitration panel shall
32 identify the economic issues in dispute, and direct each of
33 the parties to submit, within such time limit as the panel
34 shall prescribe, to the arbitration panel and to each other

1 its last offer of settlement on each economic issue. The
 2 determination of the arbitration panel as to the issues in
 3 dispute and as to which of these issues are economic shall be
 4 conclusive. The arbitration panel, within 30 days after the
 5 conclusion of the hearing, or such further additional periods
 6 to which the parties may agree, shall make written findings
 7 of fact and promulgate a written opinion and shall mail or
 8 otherwise deliver a true copy thereof to the parties and
 9 their representatives and to the Board. As to each economic
 10 issue, the arbitration panel shall adopt the last offer of
 11 settlement which, in the opinion of the arbitration panel,
 12 more nearly complies with the applicable factors prescribed
 13 in subsection (h). The findings, opinions and order as to
 14 all other issues shall be based upon the applicable factors
 15 prescribed in subsection (h).

16 (h) Where there is no agreement between the parties, or
 17 where there is an agreement but the parties have begun
 18 negotiations or discussions looking to a new agreement or
 19 amendment of the existing agreement, and wage rates or other
 20 conditions of employment under the proposed new or amended
 21 agreement are in dispute, the arbitration panel shall base
 22 its findings, opinions and order upon the following factors,
 23 as applicable:

- 24 (1) The lawful authority of the employer.
- 25 (2) Stipulations of the parties.
- 26 (3) The interests and welfare of the public and the
 27 financial ability of the unit of government to meet those
 28 costs.
- 29 (4) Comparison of the wages, hours and conditions
 30 of employment of the employees involved in the
 31 arbitration proceeding with the wages, hours and
 32 conditions of employment of other employees performing
 33 similar services and with other employees generally:

34 (A) In public employment in comparable

1 communities.

2 (B) In private employment in comparable
3 communities.

4 (5) The average consumer prices for goods and
5 services, commonly known as the cost of living.

6 (6) The overall compensation presently received by
7 the employees, including direct wage compensation,
8 vacations, holidays and other excused time, insurance and
9 pensions, medical and hospitalization benefits, the
10 continuity and stability of employment and all other
11 benefits received.

12 (7) Changes in any of the foregoing circumstances
13 during the pendency of the arbitration proceedings.

14 (8) Such other factors, not confined to the
15 foregoing, which are normally or traditionally taken into
16 consideration in the determination of wages, hours and
17 conditions of employment through voluntary collective
18 bargaining, mediation, fact-finding, arbitration or
19 otherwise between the parties, in the public service or
20 in private employment.

21 (i) In the case of peace officers, the arbitration
22 decision shall be limited to wages, hours, and conditions of
23 employment (which may include residency requirements in
24 municipalities with a population under 1,000,000, but those
25 residency requirements shall not allow residency outside of
26 Illinois) and shall not include the following: i) residency
27 requirements in municipalities with a population of at least
28 1,000,000; ii) the type of equipment, other than uniforms,
29 issued or used; iii) manning; iv) the total number of
30 employees employed by the department; v) mutual aid and
31 assistance agreements to other units of government; and vi)
32 the criterion pursuant to which force, including deadly
33 force, can be used; provided, nothing herein shall preclude
34 an arbitration decision regarding equipment or manning levels

1 if such decision is based on a finding that the equipment or
2 manning considerations in a specific work assignment involve
3 a serious risk to the safety of a peace officer beyond that
4 which is inherent in the normal performance of police duties.
5 Limitation of the terms of the arbitration decision pursuant
6 to this subsection shall not be construed to limit the
7 factors upon which the decision may be based, as set forth in
8 subsection (h).

9 In the case of fire fighter, and fire department or fire
10 district paramedic matters, the arbitration decision shall be
11 limited to wages, hours, and conditions of employment (which
12 may include residency requirements in municipalities with a
13 population under 1,000,000, but those residency requirements
14 shall not allow residency outside of Illinois) and shall not
15 include the following matters: i) residency requirements in
16 municipalities with a population of at least 1,000,000; ii)
17 the type of equipment (other than uniforms and fire fighter
18 turnout gear) issued or used; iii) the total number of
19 employees employed by the department; iv) mutual aid and
20 assistance agreements to other units of government; and v)
21 the criterion pursuant to which force, including deadly
22 force, can be used; provided, however, nothing herein shall
23 preclude an arbitration decision regarding equipment levels
24 if such decision is based on a finding that the equipment
25 considerations in a specific work assignment involve a
26 serious risk to the safety of a fire fighter beyond that
27 which is inherent in the normal performance of fire fighter
28 duties. Limitation of the terms of the arbitration decision
29 pursuant to this subsection shall not be construed to limit
30 the facts upon which the decision may be based, as set forth
31 in subsection (h).

32 The changes to this subsection (i) made by Public Act
33 90-385 (relating to residency requirements) do not apply to
34 persons who are employed by a combined department that

1 performs both police and firefighting services; these persons
2 shall be governed by the provisions of this subsection (i)
3 relating to peace officers, as they existed before the
4 amendment by Public Act 90-385.

5 To preserve historical bargaining rights, this subsection
6 shall not apply to any provision of a fire fighter collective
7 bargaining agreement in effect and applicable on the
8 effective date of this Act; provided, however, nothing herein
9 shall preclude arbitration with respect to any such
10 provision.

11 (j) Arbitration procedures shall be deemed to be
12 initiated by the filing of a letter requesting mediation as
13 required under subsection (a) of this Section. The
14 commencement of a new municipal fiscal year after the
15 initiation of arbitration procedures under this Act, but
16 before the arbitration decision, or its enforcement, shall
17 not be deemed to render a dispute moot, or to otherwise
18 impair the jurisdiction or authority of the arbitration panel
19 or its decision. Increases in rates of compensation awarded
20 by the arbitration panel may be effective only at the start
21 of the fiscal year next commencing after the date of the
22 arbitration award. If a new fiscal year has commenced either
23 since the initiation of arbitration procedures under this Act
24 or since any mutually agreed extension of the statutorily
25 required period of mediation under this Act by the parties to
26 the labor dispute causing a delay in the initiation of
27 arbitration, the foregoing limitations shall be inapplicable,
28 and such awarded increases may be retroactive to the
29 commencement of the fiscal year, any other statute or charter
30 provisions to the contrary, notwithstanding. At any time the
31 parties, by stipulation, may amend or modify an award of
32 arbitration.

33 (k) Orders of the arbitration panel shall be reviewable,
34 upon appropriate petition by either the public employer or

1 the exclusive bargaining representative, by the circuit court
2 for the county in which the dispute arose or in which a
3 majority of the affected employees reside, but only for
4 reasons that the arbitration panel was without or exceeded
5 its statutory authority; the order is arbitrary, or
6 capricious; or the order was procured by fraud, collusion or
7 other similar and unlawful means. Such petitions for review
8 must be filed with the appropriate circuit court within 90
9 days following the issuance of the arbitration order. The
10 pendency of such proceeding for review shall not
11 automatically stay the order of the arbitration panel. The
12 party against whom the final decision of any such court shall
13 be adverse, if such court finds such appeal or petition to be
14 frivolous, shall pay reasonable attorneys' fees and costs to
15 the successful party as determined by said court in its
16 discretion. If said court's decision affirms the award of
17 money, such award, if retroactive, shall bear interest at the
18 rate of 12 percent per annum from the effective retroactive
19 date.

20 (l) During the pendency of proceedings before the
21 arbitration panel, existing wages, hours, and other
22 conditions of employment shall not be changed by action of
23 either party without the consent of the other but a party may
24 so consent without prejudice to his rights or position under
25 this Act. The proceedings are deemed to be pending before
26 the arbitration panel upon the initiation of arbitration
27 procedures under this Act.

28 (m) Security officers of public employers, and Peace
29 Officers, Fire Fighters and fire department and fire
30 protection district paramedics, covered by this Section may
31 not withhold services, nor may public employers lock out or
32 prevent such employees from performing services at any time.

33 (n) All of the terms decided upon by the arbitration
34 panel shall be included in an agreement to be submitted to

1 the public employer's governing body for ratification and
2 adoption by law, ordinance or the equivalent appropriate
3 means.

4 The governing body shall review each term decided by the
5 arbitration panel. If the governing body fails to reject one
6 or more terms of the arbitration panel's decision by a 3/5
7 vote of those duly elected and qualified members of the
8 governing body, within 20 days of issuance, or in the case of
9 firefighters employed by a state university, at the next
10 regularly scheduled meeting of the governing body after
11 issuance, such term or terms shall become a part of the
12 collective bargaining agreement of the parties. If the
13 governing body affirmatively rejects one or more terms of the
14 arbitration panel's decision, it must provide reasons for
15 such rejection with respect to each term so rejected, within
16 20 days of such rejection and the parties shall return to the
17 arbitration panel for further proceedings and issuance of a
18 supplemental decision with respect to the rejected terms.
19 Any supplemental decision by an arbitration panel or other
20 decision maker agreed to by the parties shall be submitted to
21 the governing body for ratification and adoption in
22 accordance with the procedures and voting requirements set
23 forth in this Section. The voting requirements of this
24 subsection shall apply to all disputes submitted to
25 arbitration pursuant to this Section notwithstanding any
26 contrary voting requirements contained in any existing
27 collective bargaining agreement between the parties.

28 (o) If the governing body of the employer votes to
29 reject the panel's decision, the parties shall return to the
30 panel within 30 days from the issuance of the reasons for
31 rejection for further proceedings and issuance of a
32 supplemental decision. All reasonable costs of such
33 supplemental proceeding including the exclusive
34 representative's reasonable attorney's fees, as established

1 by the Board, shall be paid by the employer.

2 (p) Notwithstanding the provisions of this Section the
3 employer and exclusive representative may agree to submit
4 unresolved disputes concerning wages, hours, terms and
5 conditions of employment to an alternative form of impasse
6 resolution.

7 (Source: P.A. 89-195, eff. 7-21-95; 90-202, eff. 7-24-97;
8 90-385, eff. 8-15-97; 90-655, eff. 7-30-98.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.