



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0613

Introduced 1/28/2005, by Rep. William Delgado

SYNOPSIS AS INTRODUCED:

115 ILCS 5/4.5
30 ILCS 805/8.29 new

Amends the Illinois Educational Labor Relations Act. Provides that the list of subjects of collective bargaining between the Chicago School District and the exclusive bargaining representative of its employees that is now permissive is instead mandatory. Amends the State Mandates Act to require implementation without reimbursement.

LRB094 06176 NHT 36241 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 Section 4.5 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 whose territorial boundaries are
11 coterminous with those of a city having a population in excess
12 of 500,000 and an exclusive representative of its employees
13 must ~~may~~ include all ~~any~~ of the following subjects:

14 (1) (Blank).

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

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

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

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

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

1 ~~ever the impact of a decision concerning such subject or matter~~
2 ~~on the bargaining unit upon request by the exclusive~~
3 ~~representative. During this bargaining, the educational~~
4 ~~employer shall not be precluded from implementing its decision.~~

5 If, after a reasonable period of bargaining, a dispute or
6 impasse exists between the educational employer and the
7 exclusive representative, the dispute or impasse shall be
8 resolved exclusively as set forth in subsection (b) of Section
9 12 of this Act in lieu of a strike under Section 13 of this Act.

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

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

22 Section 90. The State Mandates Act is amended by adding
23 Section 8.29 as follows:

24 (30 ILCS 805/8.29 new)

25 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
26 of this Act, no reimbursement by the State is required for the
27 implementation of any mandate created by this amendatory Act of
28 the 94th General Assembly.