



Labor Committee

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09500HB4525ham001

LRB095 16862 RLJ 51619 a

1 AMENDMENT TO HOUSE BILL 4525

2 AMENDMENT NO. _____. Amend House Bill 4525 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 Sections 3, 5, 6, 9, and 14 as follows:

6 (5 ILCS 315/3) (from Ch. 48, par. 1603)

7 Sec. 3. Definitions. As used in this Act, unless the
8 context otherwise requires:

9 (a) "Board" means the Illinois Labor Relations Board or,
10 with respect to a matter over which the jurisdiction of the
11 Board is assigned to the State Panel or the Local Panel under
12 Section 5, the panel having jurisdiction over the matter.

13 (b) "Collective bargaining" means bargaining over terms
14 and conditions of employment, including hours, wages, and other
15 conditions of employment, as detailed in Section 7 and which
16 are not excluded by Section 4.

1 (c) "Confidential employee" means an employee who, in the
2 regular course of his or her duties, assists and acts in a
3 confidential capacity to persons who formulate, determine, and
4 effectuate management policies with regard to labor relations
5 or who, in the regular course of his or her duties, has
6 authorized access to information relating to the effectuation
7 or review of the employer's collective bargaining policies.

8 (d) "Craft employees" means skilled journeymen, crafts
9 persons, and their apprentices and helpers.

10 (e) "Essential services employees" means those public
11 employees performing functions so essential that the
12 interruption or termination of the function will constitute a
13 clear and present danger to the health and safety of the
14 persons in the affected community.

15 (f) "Exclusive representative", except with respect to
16 non-State fire fighters and paramedics employed by fire
17 departments and fire protection districts, non-State peace
18 officers, and peace officers in the Department of State Police,
19 means the labor organization that has been (i) designated by
20 the Board as the representative of a majority of public
21 employees in an appropriate bargaining unit in accordance with
22 the procedures contained in this Act, (ii) historically
23 recognized by the State of Illinois or any political
24 subdivision of the State before July 1, 1984 (the effective
25 date of this Act) as the exclusive representative of the
26 employees in an appropriate bargaining unit, (iii) after July

1 1, 1984 (the effective date of this Act) recognized by an
2 employer upon evidence, acceptable to the Board, that the labor
3 organization has been designated as the exclusive
4 representative by a majority of the employees in an appropriate
5 bargaining unit; (iv) recognized as the exclusive
6 representative of personal care attendants or personal
7 assistants under Executive Order 2003-8 prior to the effective
8 date of this amendatory Act of the 93rd General Assembly, and
9 the organization shall be considered to be the exclusive
10 representative of the personal care attendants or personal
11 assistants as defined in this Section; or (v) recognized as the
12 exclusive representative of child and day care home providers,
13 including licensed and license exempt providers, pursuant to an
14 election held under Executive Order 2005-1 prior to the
15 effective date of this amendatory Act of the 94th General
16 Assembly, and the organization shall be considered to be the
17 exclusive representative of the child and day care home
18 providers as defined in this Section.

19 With respect to non-State fire fighters and paramedics
20 employed by fire departments and fire protection districts,
21 non-State peace officers, and peace officers in the Department
22 of State Police, "exclusive representative" means the labor
23 organization that has been (i) designated by the Board as the
24 representative of a majority of peace officers or fire fighters
25 in an appropriate bargaining unit in accordance with the
26 procedures contained in this Act, (ii) historically recognized

1 by the State of Illinois or any political subdivision of the
2 State before January 1, 1986 (the effective date of this
3 amendatory Act of 1985) as the exclusive representative by a
4 majority of the peace officers or fire fighters in an
5 appropriate bargaining unit, or (iii) after January 1, 1986
6 (the effective date of this amendatory Act of 1985) recognized
7 by an employer upon evidence, acceptable to the Board, that the
8 labor organization has been designated as the exclusive
9 representative by a majority of the peace officers or fire
10 fighters in an appropriate bargaining unit.

11 (g) "Fair share agreement" means an agreement between the
12 employer and an employee organization under which all or any of
13 the employees in a collective bargaining unit are required to
14 pay their proportionate share of the costs of the collective
15 bargaining process, contract administration, and pursuing
16 matters affecting wages, hours, and other conditions of
17 employment, including organizing expenses, but not to exceed
18 the amount of dues uniformly required of members. The amount
19 certified by the exclusive representative shall not include any
20 fees for contributions related to the election or support of
21 any candidate for political office. Nothing in this subsection
22 (g) shall preclude an employee from making voluntary political
23 contributions in conjunction with his or her fair share
24 payment.

25 (g-1) "Fire fighter" means, for the purposes of this Act
26 only, any person who has been or is hereafter appointed to a

1 fire department or fire protection district or employed by a
2 state university and sworn or commissioned to perform fire
3 fighter duties or paramedic duties, except that the following
4 persons are not included: part-time fire fighters, auxiliary,
5 reserve or voluntary fire fighters, including paid on-call fire
6 fighters, clerks and dispatchers or other civilian employees of
7 a fire department or fire protection district who are not
8 routinely expected to perform fire fighter duties, or elected
9 officials.

10 (g-2) "General Assembly of the State of Illinois" means the
11 legislative branch of the government of the State of Illinois,
12 as provided for under Article IV of the Constitution of the
13 State of Illinois, and includes but is not limited to the House
14 of Representatives, the Senate, the Speaker of the House of
15 Representatives, the Minority Leader of the House of
16 Representatives, the President of the Senate, the Minority
17 Leader of the Senate, the Joint Committee on Legislative
18 Support Services and any legislative support services agency
19 listed in the Legislative Commission Reorganization Act of
20 1984.

21 (h) "Governing body" means, in the case of the State, the
22 State Panel of the Illinois Labor Relations Board, the Director
23 of the Department of Central Management Services, and the
24 Director of the Department of Labor; the county board in the
25 case of a county; the corporate authorities in the case of a
26 municipality; and the appropriate body authorized to provide

1 for expenditures of its funds in the case of any other unit of
2 government.

3 (i) "Labor organization" means any organization in which
4 public employees participate and that exists for the purpose,
5 in whole or in part, of dealing with a public employer
6 concerning wages, hours, and other terms and conditions of
7 employment, including the settlement of grievances.

8 (j) "Managerial employee" means an individual who is
9 engaged predominantly in executive and management functions
10 and is charged with the responsibility of directing the
11 effectuation of management policies and practices.

12 (k) "Peace officer" means, for the purposes of this Act
13 only, any persons who have been or are hereafter appointed to a
14 police force, department, or agency and sworn or commissioned
15 to perform police duties, except that the following persons are
16 not included: part-time police officers, special police
17 officers, auxiliary police as defined by Section 3.1-30-20 of
18 the Illinois Municipal Code, night watchmen, "merchant
19 police", court security officers as defined by Section 3-6012.1
20 of the Counties Code, temporary employees, traffic guards or
21 wardens, civilian parking meter and parking facilities
22 personnel or other individuals specially appointed to aid or
23 direct traffic at or near schools or public functions or to aid
24 in civil defense or disaster, parking enforcement employees who
25 are not commissioned as peace officers and who are not armed
26 and who are not routinely expected to effect arrests, parking

1 lot attendants, clerks and dispatchers or other civilian
2 employees of a police department who are not routinely expected
3 to effect arrests, or elected officials.

4 (l) "Person" includes one or more individuals, labor
5 organizations, public employees, associations, corporations,
6 legal representatives, trustees, trustees in bankruptcy,
7 receivers, or the State of Illinois or any political
8 subdivision of the State or governing body, but does not
9 include the General Assembly of the State of Illinois or any
10 individual employed by the General Assembly of the State of
11 Illinois.

12 (m) "Professional employee" means any employee engaged in
13 work predominantly intellectual and varied in character rather
14 than routine mental, manual, mechanical or physical work;
15 involving the consistent exercise of discretion and adjustment
16 in its performance; of such a character that the output
17 produced or the result accomplished cannot be standardized in
18 relation to a given period of time; and requiring advanced
19 knowledge in a field of science or learning customarily
20 acquired by a prolonged course of specialized intellectual
21 instruction and study in an institution of higher learning or a
22 hospital, as distinguished from a general academic education or
23 from apprenticeship or from training in the performance of
24 routine mental, manual, or physical processes; or any employee
25 who has completed the courses of specialized intellectual
26 instruction and study prescribed in this subsection (m) and is

1 performing related work under the supervision of a professional
2 person to qualify to become a professional employee as defined
3 in this subsection (m).

4 (n) "Public employee" or "employee", for the purposes of
5 this Act, means any individual employed by a public employer,
6 including (i) interns and residents at public hospitals, (ii)
7 as of the effective date of this amendatory Act of the 93rd
8 General Assembly, but not before, personal care attendants and
9 personal assistants working under the Home Services Program
10 under Section 3 of the Disabled Persons Rehabilitation Act,
11 subject to the limitations set forth in this Act and in the
12 Disabled Persons Rehabilitation Act, and (iii) as of the
13 effective date of this amendatory Act of the 94th General
14 Assembly, but not before, child and day care home providers
15 participating in the child care assistance program under
16 Section 9A-11 of the Illinois Public Aid Code, subject to the
17 limitations set forth in this Act and in Section 9A-11 of the
18 Illinois Public Aid Code, but excluding all of the following:
19 employees of the General Assembly of the State of Illinois;
20 elected officials; executive heads of a department; members of
21 boards or commissions; the Executive Inspectors General; any
22 special Executive Inspectors General; employees of each Office
23 of an Executive Inspector General; commissioners and employees
24 of the Executive Ethics Commission; the Auditor General's
25 Inspector General; employees of the Office of the Auditor
26 General's Inspector General; the Legislative Inspector

1 General; any special Legislative Inspectors General; employees
2 of the Office of the Legislative Inspector General;
3 commissioners and employees of the Legislative Ethics
4 Commission; employees of any agency, board or commission
5 created by this Act; employees appointed to State positions of
6 a temporary or emergency nature; all employees of school
7 districts and higher education institutions except
8 firefighters and peace officers employed by a state university;
9 managerial employees; short-term employees; confidential
10 employees; independent contractors; and supervisors except as
11 provided in this Act.

12 Personal care attendants and personal assistants shall not
13 be considered public employees for any purposes not
14 specifically provided for in the amendatory Act of the 93rd
15 General Assembly, including but not limited to, purposes of
16 vicarious liability in tort and purposes of statutory
17 retirement or health insurance benefits. Personal care
18 attendants and personal assistants shall not be covered by the
19 State Employees Group Insurance Act of 1971 (5 ILCS 375/).

20 Child and day care home providers shall not be considered
21 public employees for any purposes not specifically provided for
22 in this amendatory Act of the 94th General Assembly, including
23 but not limited to, purposes of vicarious liability in tort and
24 purposes of statutory retirement or health insurance benefits.
25 Child and day care home providers shall not be covered by the
26 State Employees Group Insurance Act of 1971.

1 Notwithstanding Section 9, subsection (c), or any other
2 provisions of this Act, all peace officers above the rank of
3 captain in municipalities with more than 1,000,000 inhabitants
4 shall be excluded from this Act.

5 (o) Except as otherwise in subsection (o-5), "public
6 employer" or "employer" means the State of Illinois; any
7 political subdivision of the State, unit of local government or
8 school district; authorities including departments, divisions,
9 bureaus, boards, commissions, or other agencies of the
10 foregoing entities; and any person acting within the scope of
11 his or her authority, express or implied, on behalf of those
12 entities in dealing with its employees. As of the effective
13 date of the amendatory Act of the 93rd General Assembly, but
14 not before, the State of Illinois shall be considered the
15 employer of the personal care attendants and personal
16 assistants working under the Home Services Program under
17 Section 3 of the Disabled Persons Rehabilitation Act, subject
18 to the limitations set forth in this Act and in the Disabled
19 Persons Rehabilitation Act. The State shall not be considered
20 to be the employer of personal care attendants and personal
21 assistants for any purposes not specifically provided for in
22 this amendatory Act of the 93rd General Assembly, including but
23 not limited to, purposes of vicarious liability in tort and
24 purposes of statutory retirement or health insurance benefits.
25 Personal care attendants and personal assistants shall not be
26 covered by the State Employees Group Insurance Act of 1971 (5

1 ILCS 375/). As of the effective date of this amendatory Act of
2 the 94th General Assembly but not before, the State of Illinois
3 shall be considered the employer of the day and child care home
4 providers participating in the child care assistance program
5 under Section 9A-11 of the Illinois Public Aid Code, subject to
6 the limitations set forth in this Act and in Section 9A-11 of
7 the Illinois Public Aid Code. The State shall not be considered
8 to be the employer of child and day care home providers for any
9 purposes not specifically provided for in this amendatory Act
10 of the 94th General Assembly, including but not limited to,
11 purposes of vicarious liability in tort and purposes of
12 statutory retirement or health insurance benefits. Child and
13 day care home providers shall not be covered by the State
14 Employees Group Insurance Act of 1971.

15 "Public employer" or "employer" as used in this Act,
16 however, does not mean and shall not include the General
17 Assembly of the State of Illinois, the Executive Ethics
18 Commission, the Offices of the Executive Inspectors General,
19 the Legislative Ethics Commission, the Office of the
20 Legislative Inspector General, the Office of the Auditor
21 General's Inspector General, and educational employers or
22 employers as defined in the Illinois Educational Labor
23 Relations Act, except with respect to a state university in its
24 employment of firefighters and peace officers. County boards
25 and county sheriffs shall be designated as joint or
26 co-employers of county peace officers appointed under the

1 authority of a county sheriff. Nothing in this subsection (o)
2 shall be construed to prevent the State Panel or the Local
3 Panel from determining that employers are joint or
4 co-employers.

5 (o-5) With respect to wages, fringe benefits, hours,
6 holidays, vacations, proficiency examinations, sick leave, and
7 other conditions of employment, the public employer of public
8 employees who are court reporters, as defined in the Court
9 Reporters Act, shall be determined as follows:

10 (1) For court reporters employed by the Cook County
11 Judicial Circuit, the chief judge of the Cook County
12 Circuit Court is the public employer and employer
13 representative.

14 (2) For court reporters employed by the 12th, 18th,
15 19th, and, on and after December 4, 2006, the 22nd judicial
16 circuits, a group consisting of the chief judges of those
17 circuits, acting jointly by majority vote, is the public
18 employer and employer representative.

19 (3) For court reporters employed by all other judicial
20 circuits, a group consisting of the chief judges of those
21 circuits, acting jointly by majority vote, is the public
22 employer and employer representative.

23 (p) "Security employee" means an employee who is
24 responsible for the supervision and control of inmates at
25 correctional facilities. The term also includes other
26 non-security employees in bargaining units having the majority

1 of employees being responsible for the supervision and control
2 of inmates at correctional facilities.

3 (q) "Short-term employee" means an employee who is employed
4 for less than 2 consecutive calendar quarters during a calendar
5 year and who does not have a reasonable assurance that he or
6 she will be rehired by the same employer for the same service
7 in a subsequent calendar year.

8 (r) "Supervisor" is an employee whose principal work is
9 substantially different from that of his or her subordinates
10 and who has authority, in the interest of the employer, to
11 hire, transfer, suspend, lay off, recall, promote, discharge,
12 direct, reward, or discipline employees, to adjust their
13 grievances, or to effectively recommend any of those actions,
14 if the exercise of that authority is not of a merely routine or
15 clerical nature, but requires the consistent use of independent
16 judgment. Except with respect to police employment, the term
17 "supervisor" includes only those individuals who devote a
18 preponderance of their employment time to exercising that
19 authority, State supervisors notwithstanding. In addition, in
20 determining supervisory status in police employment, rank
21 shall not be determinative. The Board shall consider, as
22 evidence of bargaining unit inclusion or exclusion, the common
23 law enforcement policies and relationships between police
24 officer ranks and certification under applicable civil service
25 law, ordinances, personnel codes, or Division 2.1 of Article 10
26 of the Illinois Municipal Code, but these factors shall not be

1 the sole or predominant factors considered by the Board in
2 determining police supervisory status.

3 Notwithstanding the provisions of the preceding paragraph,
4 in determining supervisory status in fire fighter employment,
5 no fire fighter shall be excluded as a supervisor who has
6 established representation rights under Section 9 of this Act.
7 Further, in new fire fighter units, employees shall consist of
8 fire fighters of the rank of company officer and below. If a
9 company officer otherwise qualifies as a supervisor under the
10 preceding paragraph, however, he or she shall not be included
11 in the fire fighter unit. If there is no rank between that of
12 chief and the highest company officer, the employer may
13 designate a position on each shift as a Shift Commander, and
14 the persons occupying those positions shall be supervisors. All
15 other ranks above that of company officer shall be supervisors.

16 (s) (1) "Unit" means a class of jobs or positions that are
17 held by employees whose collective interests may suitably
18 be represented by a labor organization for collective
19 bargaining. Except with respect to non-State fire fighters
20 and paramedics employed by fire departments and fire
21 protection districts, non-State peace officers, and peace
22 officers in the Department of State Police, a bargaining
23 unit determined by the Board shall not include both
24 employees and supervisors, or supervisors only, except as
25 provided in paragraph (2) of this subsection (s) and except
26 for bargaining units in existence on July 1, 1984 (the

1 effective date of this Act). With respect to non-State fire
2 fighters and paramedics employed by fire departments and
3 fire protection districts, non-State peace officers, and
4 peace officers in the Department of State Police, a
5 bargaining unit determined by the Board shall not include
6 both supervisors and nonsupervisors, or supervisors only,
7 except as provided in paragraph (2) of this subsection (s)
8 and except for bargaining units in existence on January 1,
9 1986 (the effective date of this amendatory Act of 1985). A
10 bargaining unit determined by the Board to contain peace
11 officers shall contain no employees other than peace
12 officers unless otherwise agreed to by the employer and the
13 labor organization or labor organizations involved.
14 Notwithstanding any other provision of this Act, a
15 bargaining unit, including a historical bargaining unit,
16 containing sworn peace officers of the Department of
17 Natural Resources (formerly designated the Department of
18 Conservation) shall contain no employees other than such
19 sworn peace officers upon the effective date of this
20 amendatory Act of 1990 or upon the expiration date of any
21 collective bargaining agreement in effect upon the
22 effective date of this amendatory Act of 1990 covering both
23 such sworn peace officers and other employees.

24 (2) Notwithstanding the exclusion of supervisors from
25 bargaining units as provided in paragraph (1) of this
26 subsection (s), a public employer may agree to permit its

1 supervisory employees to form bargaining units and may
2 bargain with those units. This Act shall apply if the
3 public employer chooses to bargain under this subsection.

4 (3) Public employees who are court reporters, as
5 defined in the Court Reporters Act, shall be divided into 3
6 units for collective bargaining purposes. One unit shall be
7 court reporters employed by the Cook County Judicial
8 Circuit; one unit shall be court reporters employed by the
9 12th, 18th, 19th, and, on and after December 4, 2006, the
10 22nd judicial circuits; and one unit shall be court
11 reporters employed by all other judicial circuits.

12 (Source: P.A. 94-98, eff. 7-1-05; 94-320, eff. 1-1-06; 95-331,
13 eff. 8-21-07.)

14 (5 ILCS 315/5) (from Ch. 48, par. 1605)

15 Sec. 5. Illinois Labor Relations Board; State Panel; Local
16 Panel.

17 (a) There is created the Illinois Labor Relations Board.
18 The Board shall be comprised of 2 panels, to be known as the
19 State Panel and the Local Panel.

20 (a-5) The State Panel shall have jurisdiction over
21 collective bargaining matters between employee organizations
22 and the State of Illinois, excluding the General Assembly of
23 the State of Illinois, between employee organizations and units
24 of local government and school districts with a population not
25 in excess of 2 million persons, and between employee

1 organizations and the Regional Transportation Authority.

2 The State Panel shall consist of 5 members appointed by the
3 Governor, with the advice and consent of the Senate. The
4 Governor shall appoint to the State Panel only persons who have
5 had a minimum of 5 years of experience directly related to
6 labor and employment relations in representing public
7 employers, private employers or labor organizations; or
8 teaching labor or employment relations; or administering
9 executive orders or regulations applicable to labor or
10 employment relations. At the time of his or her appointment,
11 each member of the State Panel shall be an Illinois resident.
12 The Governor shall designate one member to serve as the
13 Chairman of the State Panel and the Board.

14 Notwithstanding any other provision of this Section, the
15 term of each member of the State Panel who was appointed by the
16 Governor and is in office on June 30, 2003 shall terminate at
17 the close of business on that date or when all of the successor
18 members to be appointed pursuant to this amendatory Act of the
19 93rd General Assembly have been appointed by the Governor,
20 whichever occurs later. As soon as possible, the Governor shall
21 appoint persons to fill the vacancies created by this
22 amendatory Act.

23 The initial appointments under this amendatory Act of the
24 93rd General Assembly shall be for terms as follows: The
25 Chairman shall initially be appointed for a term ending on the
26 4th Monday in January, 2007; 2 members shall be initially

1 appointed for terms ending on the 4th Monday in January, 2006;
2 one member shall be initially appointed for a term ending on
3 the 4th Monday in January, 2005; and one member shall be
4 initially appointed for a term ending on the 4th Monday in
5 January, 2004. Each subsequent member shall be appointed for a
6 term of 4 years, commencing on the 4th Monday in January. Upon
7 expiration of the term of office of any appointive member, that
8 member shall continue to serve until a successor shall be
9 appointed and qualified. In case of a vacancy, a successor
10 shall be appointed to serve for the unexpired portion of the
11 term. If the Senate is not in session at the time the initial
12 appointments are made, the Governor shall make temporary
13 appointments in the same manner successors are appointed to
14 fill vacancies. A temporary appointment shall remain in effect
15 no longer than 20 calendar days after the commencement of the
16 next Senate session.

17 (b) The Local Panel shall have jurisdiction over collective
18 bargaining agreement matters between employee organizations
19 and units of local government with a population in excess of 2
20 million persons, but excluding the Regional Transportation
21 Authority.

22 The Local Panel shall consist of one person appointed by
23 the Governor with the advice and consent of the Senate (or, if
24 no such person is appointed, the Chairman of the State Panel)
25 and two additional members, one appointed by the Mayor of the
26 City of Chicago and one appointed by the President of the Cook

1 County Board of Commissioners. Appointees to the Local Panel
2 must have had a minimum of 5 years of experience directly
3 related to labor and employment relations in representing
4 public employers, private employers or labor organizations; or
5 teaching labor or employment relations; or administering
6 executive orders or regulations applicable to labor or
7 employment relations. Each member of the Local Panel shall be
8 an Illinois resident at the time of his or her appointment. The
9 member appointed by the Governor (or, if no such person is
10 appointed, the Chairman of the State Panel) shall serve as the
11 Chairman of the Local Panel.

12 Notwithstanding any other provision of this Section, the
13 term of the member of the Local Panel who was appointed by the
14 Governor and is in office on June 30, 2003 shall terminate at
15 the close of business on that date or when his or her successor
16 has been appointed by the Governor, whichever occurs later. As
17 soon as possible, the Governor shall appoint a person to fill
18 the vacancy created by this amendatory Act. The initial
19 appointment under this amendatory Act of the 93rd General
20 Assembly shall be for a term ending on the 4th Monday in
21 January, 2007.

22 The initial appointments under this amendatory Act of the
23 91st General Assembly shall be for terms as follows: The member
24 appointed by the Governor shall initially be appointed for a
25 term ending on the 4th Monday in January, 2001; the member
26 appointed by the President of the Cook County Board shall be

1 initially appointed for a term ending on the 4th Monday in
2 January, 2003; and the member appointed by the Mayor of the
3 City of Chicago shall be initially appointed for a term ending
4 on the 4th Monday in January, 2004. Each subsequent member
5 shall be appointed for a term of 4 years, commencing on the 4th
6 Monday in January. Upon expiration of the term of office of any
7 appointive member, the member shall continue to serve until a
8 successor shall be appointed and qualified. In the case of a
9 vacancy, a successor shall be appointed by the applicable
10 appointive authority to serve for the unexpired portion of the
11 term.

12 (c) Three members of the State Panel shall at all times
13 constitute a quorum. Two members of the Local Panel shall at
14 all times constitute a quorum. A vacancy on a panel does not
15 impair the right of the remaining members to exercise all of
16 the powers of that panel. Each panel shall adopt an official
17 seal which shall be judicially noticed. The salary of the
18 Chairman of the State Panel shall be \$82,429 per year, or as
19 set by the Compensation Review Board, whichever is greater, and
20 that of the other members of the State and Local Panels shall
21 be \$74,188 per year, or as set by the Compensation Review
22 Board, whichever is greater.

23 (d) Each member shall devote his or her entire time to the
24 duties of the office, and shall hold no other office or
25 position of profit, nor engage in any other business,
26 employment, or vocation. No member shall hold any other public

1 office or be employed as a labor or management representative
2 by the State or any political subdivision of the State or of
3 any department or agency thereof, or actively represent or act
4 on behalf of an employer or an employee organization or an
5 employer in labor relations matters. Any member of the State
6 Panel may be removed from office by the Governor for
7 inefficiency, neglect of duty, misconduct or malfeasance in
8 office, and for no other cause, and only upon notice and
9 hearing. Any member of the Local Panel may be removed from
10 office by the applicable appointive authority for
11 inefficiency, neglect of duty, misconduct or malfeasance in
12 office, and for no other cause, and only upon notice and
13 hearing.

14 (e) Each panel at the end of every State fiscal year shall
15 make a report in writing to the Governor and the General
16 Assembly, stating in detail the work it has done in hearing and
17 deciding cases and otherwise.

18 (f) In order to accomplish the objectives and carry out the
19 duties prescribed by this Act, a panel or its authorized
20 designees may hold elections to determine whether a labor
21 organization has majority status; investigate and attempt to
22 resolve or settle charges of unfair labor practices; hold
23 hearings in order to carry out its functions; develop and
24 effectuate appropriate impasse resolution procedures for
25 purposes of resolving labor disputes; require the appearance of
26 witnesses and the production of evidence on any matter under

1 inquiry; and administer oaths and affirmations. The panels
2 shall sign and report in full an opinion in every case which
3 they decide.

4 (g) Each panel may appoint or employ an executive director,
5 attorneys, hearing officers, mediators, fact-finders,
6 arbitrators, and such other employees as it may deem necessary
7 to perform its functions. The governing boards shall prescribe
8 the duties and qualifications of such persons appointed and,
9 subject to the annual appropriation, fix their compensation and
10 provide for reimbursement of actual and necessary expenses
11 incurred in the performance of their duties. The Board shall
12 employ a minimum of 16 attorneys and 6 investigators.

13 (h) Each panel shall exercise general supervision over all
14 attorneys which it employs and over the other persons employed
15 to provide necessary support services for such attorneys. The
16 panels shall have final authority in respect to complaints
17 brought pursuant to this Act.

18 (i) The following rules and regulations shall be adopted by
19 the panels meeting in joint session: (1) procedural rules and
20 regulations which shall govern all Board proceedings; (2)
21 procedures for election of exclusive bargaining
22 representatives pursuant to Section 9, except for the
23 determination of appropriate bargaining units; and (3)
24 appointment of counsel pursuant to subsection (k) of this
25 Section.

26 (j) Rules and regulations may be adopted, amended or

1 rescinded only upon a vote of 5 of the members of the State and
2 Local Panels meeting in joint session. The adoption, amendment
3 or rescission of rules and regulations shall be in conformity
4 with the requirements of the Illinois Administrative Procedure
5 Act.

6 (k) The panels in joint session shall promulgate rules and
7 regulations providing for the appointment of attorneys or other
8 Board representatives to represent persons in unfair labor
9 practice proceedings before a panel. The regulations governing
10 appointment shall require the applicant to demonstrate an
11 inability to pay for or inability to otherwise provide for
12 adequate representation before a panel. Such rules must also
13 provide: (1) that an attorney may not be appointed in cases
14 which, in the opinion of a panel, are clearly without merit;
15 (2) the stage of the unfair labor proceeding at which counsel
16 will be appointed; and (3) the circumstances under which a
17 client will be allowed to select counsel.

18 (1) The panels in joint session may promulgate rules and
19 regulations which allow parties in proceedings before a panel
20 to be represented by counsel or any other representative of the
21 party's choice.

22 (m) The Chairman of the State Panel shall serve as Chairman
23 of a joint session of the panels. Attendance of at least 2
24 members of the State Panel and at least one member of the Local
25 Panel, in addition to the Chairman, shall constitute a quorum
26 at a joint session. The panels shall meet in joint session at

1 least annually.

2 (Source: P.A. 93-509, eff. 8-11-03.)

3 (5 ILCS 315/6) (from Ch. 48, par. 1606)

4 Sec. 6. Right to organize and bargain collectively;
5 exclusive representation; and fair share arrangements.

6 (a) Employees of the State and any political subdivision of
7 the State, excluding employees of the General Assembly of the
8 State of Illinois, have, and are protected in the exercise of,
9 the right of self-organization, and may form, join or assist
10 any labor organization, to bargain collectively through
11 representatives of their own choosing on questions of wages,
12 hours and other conditions of employment, not excluded by
13 Section 4 of this Act, and to engage in other concerted
14 activities not otherwise prohibited by law for the purposes of
15 collective bargaining or other mutual aid or protection, free
16 from interference, restraint or coercion. Employees also have,
17 and are protected in the exercise of, the right to refrain from
18 participating in any such concerted activities. Employees may
19 be required, pursuant to the terms of a lawful fair share
20 agreement, to pay a fee which shall be their proportionate
21 share of the costs of the collective bargaining process,
22 contract administration and pursuing matters affecting wages,
23 hours and other conditions of employment as defined in Section
24 3(g).

25 (b) Nothing in this Act prevents an employee from

1 presenting a grievance to the employer and having the grievance
2 heard and settled without the intervention of an employee
3 organization; provided that the exclusive bargaining
4 representative is afforded the opportunity to be present at
5 such conference and that any settlement made shall not be
6 inconsistent with the terms of any agreement in effect between
7 the employer and the exclusive bargaining representative.

8 (c) A labor organization designated by the Board as the
9 representative of the majority of public employees in an
10 appropriate unit in accordance with the procedures herein or
11 recognized by a public employer as the representative of the
12 majority of public employees in an appropriate unit is the
13 exclusive representative for the employees of such unit for the
14 purpose of collective bargaining with respect to rates of pay,
15 wages, hours and other conditions of employment not excluded by
16 Section 4 of this Act. A public employer is required upon
17 request to furnish the exclusive bargaining representative
18 with a complete list of the names and addresses of the public
19 employees in the bargaining unit, provided that a public
20 employer shall not be required to furnish such a list more than
21 once per payroll period. The exclusive bargaining
22 representative shall use the list exclusively for bargaining
23 representation purposes and shall not disclose any information
24 contained in the list for any other purpose. Nothing in this
25 Section, however, shall prohibit a bargaining representative
26 from disseminating a list of its union members.

1 (d) Labor organizations recognized by a public employer as
2 the exclusive representative or so designated in accordance
3 with the provisions of this Act are responsible for
4 representing the interests of all public employees in the unit.
5 Nothing herein shall be construed to limit an exclusive
6 representative's right to exercise its discretion to refuse to
7 process grievances of employees that are unmeritorious.

8 (e) When a collective bargaining agreement is entered into
9 with an exclusive representative, it may include in the
10 agreement a provision requiring employees covered by the
11 agreement who are not members of the organization to pay their
12 proportionate share of the costs of the collective bargaining
13 process, contract administration and pursuing matters
14 affecting wages, hours and conditions of employment, as defined
15 in Section 3 (g), including organizing expenses, but not to
16 exceed the amount of dues uniformly required of members. The
17 organization shall certify to the employer the amount
18 constituting each nonmember employee's proportionate share
19 which shall not exceed dues uniformly required of members. In
20 such case, the proportionate share payment in this Section
21 shall be deducted by the employer from the earnings of the
22 nonmember employees and paid to the employee organization.

23 (f) Only the exclusive representative may negotiate
24 provisions in a collective bargaining agreement providing for
25 the payroll deduction of labor organization dues, fair share
26 payment, initiation fees and assessments. Except as provided in

1 subsection (e) of this Section, any such deductions shall only
2 be made upon an employee's written authorization, and continued
3 until revoked in writing in the same manner or until the
4 termination date of an applicable collective bargaining
5 agreement. Such payments shall be paid to the exclusive
6 representative.

7 Where a collective bargaining agreement is terminated, or
8 continues in effect beyond its scheduled expiration date
9 pending the negotiation of a successor agreement or the
10 resolution of an impasse under Section 14, the employer shall
11 continue to honor and abide by any dues deduction or fair share
12 clause contained therein until a new agreement is reached
13 including dues deduction or a fair share clause. For the
14 benefit of any successor exclusive representative certified
15 under this Act, this provision shall be applicable, provided
16 the successor exclusive representative:

17 (i) certifies to the employer the amount constituting
18 each non-member's proportionate share under subsection
19 (e); or

20 (ii) presents the employer with employee written
21 authorizations for the deduction of dues, assessments, and
22 fees under this subsection.

23 Failure to so honor and abide by dues deduction or fair
24 share clauses for the benefit of any exclusive representative,
25 including a successor, shall be a violation of the duty to
26 bargain and an unfair labor practice.

1 (g) Agreements containing a fair share agreement must
2 safeguard the right of nonassociation of employees based upon
3 bona fide religious tenets or teachings of a church or
4 religious body of which such employees are members. Such
5 employees may be required to pay an amount equal to their fair
6 share, determined under a lawful fair share agreement, to a
7 nonreligious charitable organization mutually agreed upon by
8 the employees affected and the exclusive bargaining
9 representative to which such employees would otherwise pay such
10 service fee. If the affected employees and the bargaining
11 representative are unable to reach an agreement on the matter,
12 the Board may establish an approved list of charitable
13 organizations to which such payments may be made.

14 (Source: P.A. 93-854, eff. 1-1-05; 94-472, eff. 1-1-06.)

15 (5 ILCS 315/9) (from Ch. 48, par. 1609)

16 Sec. 9. Elections; recognition.

17 (a) Whenever in accordance with such regulations as may be
18 prescribed by the Board a petition has been filed:

19 (1) by a public employee or group of public employees
20 or any labor organization acting in their behalf
21 demonstrating that 30% of the public employees in an
22 appropriate unit (A) wish to be represented for the
23 purposes of collective bargaining by a labor organization
24 as exclusive representative, or (B) asserting that the
25 labor organization which has been certified or is currently

1 recognized by the public employer as bargaining
2 representative is no longer the representative of the
3 majority of public employees in the unit; or

4 (2) by a public employer alleging that one or more
5 labor organizations have presented to it a claim that they
6 be recognized as the representative of a majority of the
7 public employees in an appropriate unit,

8 the Board shall investigate such petition, and if it has
9 reasonable cause to believe that a question of representation
10 exists, shall provide for an appropriate hearing upon due
11 notice. Such hearing shall be held at the offices of the Board
12 or such other location as the Board deems appropriate. If it
13 finds upon the record of the hearing that a question of
14 representation exists, it shall direct an election in
15 accordance with subsection (d) of this Section, which election
16 shall be held not later than 120 days after the date the
17 petition was filed regardless of whether that petition was
18 filed before or after the effective date of this amendatory Act
19 of 1987; provided, however, the Board may extend the time for
20 holding an election by an additional 60 days if, upon motion by
21 a person who has filed a petition under this Section or is the
22 subject of a petition filed under this Section and is a party
23 to such hearing, or upon the Board's own motion, the Board
24 finds that good cause has been shown for extending the election
25 date; provided further, that nothing in this Section shall
26 prohibit the Board, in its discretion, from extending the time

1 for holding an election for so long as may be necessary under
2 the circumstances, where the purpose for such extension is to
3 permit resolution by the Board of an unfair labor practice
4 charge filed by one of the parties to a representational
5 proceeding against the other based upon conduct which may
6 either affect the existence of a question concerning
7 representation or have a tendency to interfere with a fair and
8 free election, where the party filing the charge has not filed
9 a request to proceed with the election; and provided further
10 that prior to the expiration of the total time allotted for
11 holding an election, a person who has filed a petition under
12 this Section or is the subject of a petition filed under this
13 Section and is a party to such hearing or the Board, may move
14 for and obtain the entry of an order in the circuit court of
15 the county in which the majority of the public employees sought
16 to be represented by such person reside, such order extending
17 the date upon which the election shall be held. Such order
18 shall be issued by the circuit court only upon a judicial
19 finding that there has been a sufficient showing that there is
20 good cause to extend the election date beyond such period and
21 shall require the Board to hold the election as soon as is
22 feasible given the totality of the circumstances. Such 120 day
23 period may be extended one or more times by the agreement of
24 all parties to the hearing to a date certain without the
25 necessity of obtaining a court order. Nothing in this Section
26 prohibits the waiving of hearings by stipulation for the

1 purpose of a consent election in conformity with the rules and
2 regulations of the Board or an election in a unit agreed upon
3 by the parties. Other interested employee organizations may
4 intervene in the proceedings in the manner and within the time
5 period specified by rules and regulations of the Board.
6 Interested parties who are necessary to the proceedings may
7 also intervene in the proceedings in the manner and within the
8 time period specified by the rules and regulations of the
9 Board.

10 (a-5) The Board shall designate an exclusive
11 representative for purposes of collective bargaining when the
12 representative demonstrates a showing of majority interest by
13 employees in the unit. If the parties to a dispute are without
14 agreement on the means to ascertain the choice, if any, of
15 employee organization as their representative, the Board shall
16 ascertain the employees' choice of employee organization, on
17 the basis of dues deduction authorization or ~~and~~ other
18 evidence, or, if necessary, by conducting an election. All
19 evidence submitted by an employee organization to the Board to
20 ascertain an employee's choice of an employee organization is
21 confidential and shall not be submitted to the employer for
22 review. The Board shall ascertain the employee's choice of
23 employee organization within 120 days after the filing of the
24 majority interest petition; however, the Board may extend time
25 by an additional 60 days, upon its own motion or upon the
26 motion of a party to the proceeding. If either party provides

1 to the Board, before the designation of a representative, clear
2 and convincing evidence that the dues deduction
3 authorizations, and other evidence upon which the Board would
4 otherwise rely to ascertain the employees' choice of
5 representative, are fraudulent or were obtained through
6 coercion, the Board shall promptly thereafter conduct an
7 election. The Board shall also investigate and consider a
8 party's allegations that the dues deduction authorizations and
9 other evidence submitted in support of a designation of
10 representative without an election were subsequently changed,
11 altered, withdrawn, or withheld as a result of employer fraud,
12 coercion, or any other unfair labor practice by the employer.
13 If the Board determines that a labor organization would have
14 had a majority interest but for an employer's fraud, coercion,
15 or unfair labor practice, it shall designate the labor
16 organization as an exclusive representative without conducting
17 an election. If a hearing is necessary to resolve any issues of
18 representation under this Section, the Board shall conclude its
19 hearing process and issue a certification of the entire
20 appropriate unit not later than 120 days after the date the
21 petition was filed. The 120-day period may be extended one or
22 more times by the agreement of all parties to a hearing to a
23 date certain.

24 (a-6) A labor organization or an employer may file a unit
25 clarification petition seeking to clarify an existing
26 bargaining unit. The Board shall conclude its investigation,

1 including any hearing process deemed necessary, and issue a
2 certification of clarified unit or dismiss the petition not
3 later than 120 days after the date the petition was filed. The
4 120-day period may be extended one or more times by the
5 agreement of all parties to a hearing to a date certain.

6 (b) The Board shall decide in each case, in order to assure
7 public employees the fullest freedom in exercising the rights
8 guaranteed by this Act, a unit appropriate for the purpose of
9 collective bargaining, based upon but not limited to such
10 factors as: historical pattern of recognition; community of
11 interest including employee skills and functions; degree of
12 functional integration; interchangeability and contact among
13 employees; fragmentation of employee groups; common
14 supervision, wages, hours and other working conditions of the
15 employees involved; and the desires of the employees. For
16 purposes of this subsection, fragmentation shall not be the
17 sole or predominant factor used by the Board in determining an
18 appropriate bargaining unit. Except with respect to non-State
19 fire fighters and paramedics employed by fire departments and
20 fire protection districts, non-State peace officers and peace
21 officers in the State Department of State Police, a single
22 bargaining unit determined by the Board may not include both
23 supervisors and nonsupervisors, except for bargaining units in
24 existence on the effective date of this Act. With respect to
25 non-State fire fighters and paramedics employed by fire
26 departments and fire protection districts, non-State peace

1 officers and peace officers in the State Department of State
2 Police, a single bargaining unit determined by the Board may
3 not include both supervisors and nonsupervisors, except for
4 bargaining units in existence on the effective date of this
5 amendatory Act of 1985.

6 In cases involving an historical pattern of recognition,
7 and in cases where the employer has recognized the union as the
8 sole and exclusive bargaining agent for a specified existing
9 unit, the Board shall find the employees in the unit then
10 represented by the union pursuant to the recognition to be the
11 appropriate unit.

12 Notwithstanding the above factors, where the majority of
13 public employees of a craft so decide, the Board shall
14 designate such craft as a unit appropriate for the purposes of
15 collective bargaining.

16 The Board shall not decide that any unit is appropriate if
17 such unit includes both professional and nonprofessional
18 employees, unless a majority of each group votes for inclusion
19 in such unit.

20 (c) Nothing in this Act shall interfere with or negate the
21 current representation rights or patterns and practices of
22 labor organizations which have historically represented public
23 employees for the purpose of collective bargaining, including
24 but not limited to the negotiations of wages, hours and working
25 conditions, discussions of employees' grievances, resolution
26 of jurisdictional disputes, or the establishment and

1 maintenance of prevailing wage rates, unless a majority of
2 employees so represented express a contrary desire pursuant to
3 the procedures set forth in this Act.

4 (d) In instances where the employer does not voluntarily
5 recognize a labor organization as the exclusive bargaining
6 representative for a unit of employees, the Board shall
7 determine the majority representative of the public employees
8 in an appropriate collective bargaining unit by conducting a
9 secret ballot election, except as otherwise provided in
10 subsection (a-5). Within 7 days after the Board issues its
11 bargaining unit determination and direction of election or the
12 execution of a stipulation for the purpose of a consent
13 election, the public employer shall submit to the labor
14 organization the complete names and addresses of those
15 employees who are determined by the Board to be eligible to
16 participate in the election. When the Board has determined that
17 a labor organization has been fairly and freely chosen by a
18 majority of employees in an appropriate unit, it shall certify
19 such organization as the exclusive representative. If the Board
20 determines that a majority of employees in an appropriate unit
21 has fairly and freely chosen not to be represented by a labor
22 organization, it shall so certify. The Board may also revoke
23 the certification of the public employee organizations as
24 exclusive bargaining representatives which have been found by a
25 secret ballot election to be no longer the majority
26 representative.

1 (e) The Board shall not conduct an election in any
2 bargaining unit or any subdivision thereof within which a valid
3 election has been held in the preceding 12-month period. The
4 Board shall determine who is eligible to vote in an election
5 and shall establish rules governing the conduct of the election
6 or conduct affecting the results of the election. The Board
7 shall include on a ballot in a representation election a choice
8 of "no representation". A labor organization currently
9 representing the bargaining unit of employees shall be placed
10 on the ballot in any representation election. In any election
11 where none of the choices on the ballot receives a majority, a
12 runoff election shall be conducted between the 2 choices
13 receiving the largest number of valid votes cast in the
14 election. A labor organization which receives a majority of the
15 votes cast in an election shall be certified by the Board as
16 exclusive representative of all public employees in the unit.

17 (f) A labor organization shall be designated as the
18 exclusive representative by a public employer, provided that
19 the labor organization represents a majority of the public
20 employees in an appropriate unit. Any employee organization
21 which is designated or selected by the majority of public
22 employees, in a unit of the public employer having no other
23 recognized or certified representative, as their
24 representative for purposes of collective bargaining may
25 request recognition by the public employer in writing. The
26 public employer shall post such request for a period of at

1 least 20 days following its receipt thereof on bulletin boards
2 or other places used or reserved for employee notices.

3 (g) Within the 20-day period any other interested employee
4 organization may petition the Board in the manner specified by
5 rules and regulations of the Board, provided that such
6 interested employee organization has been designated by at
7 least 10% of the employees in an appropriate bargaining unit
8 which includes all or some of the employees in the unit
9 recognized by the employer. In such event, the Board shall
10 proceed with the petition in the same manner as provided by
11 paragraph (1) of subsection (a) of this Section.

12 (h) No election shall be directed by the Board in any
13 bargaining unit where there is in force a valid collective
14 bargaining agreement. The Board, however, may process an
15 election petition filed between 90 and 60 days prior to the
16 expiration of the date of an agreement, and may further refine,
17 by rule or decision, the implementation of this provision.
18 Where more than 4 years have elapsed since the effective date
19 of the agreement, the agreement shall continue to bar an
20 election, except that the Board may process an election
21 petition filed between 90 and 60 days prior to the end of the
22 fifth year of such an agreement, and between 90 and 60 days
23 prior to the end of each successive year of such agreement.

24 (i) An order of the Board dismissing a representation
25 petition, determining and certifying that a labor organization
26 has been fairly and freely chosen by a majority of employees in

1 an appropriate bargaining unit, determining and certifying
2 that a labor organization has not been fairly and freely chosen
3 by a majority of employees in the bargaining unit or certifying
4 a labor organization as the exclusive representative of
5 employees in an appropriate bargaining unit because of a
6 determination by the Board that the labor organization is the
7 historical bargaining representative of employees in the
8 bargaining unit, is a final order. Any person aggrieved by any
9 such order issued on or after the effective date of this
10 amendatory Act of 1987 may apply for and obtain judicial review
11 in accordance with provisions of the Administrative Review Law,
12 as now or hereafter amended, except that such review shall be
13 afforded directly in the Appellate Court for the district in
14 which the aggrieved party resides or transacts business. Any
15 direct appeal to the Appellate Court shall be filed within 35
16 days from the date that a copy of the decision sought to be
17 reviewed was served upon the party affected by the decision.

18 (Source: P.A. 95-331, eff. 8-21-07.)

19 (5 ILCS 315/14) (from Ch. 48, par. 1614)

20 Sec. 14. Security Employee, Peace Officer and Fire Fighter
21 Disputes.

22 (a) In the case of collective bargaining agreements
23 involving units of security employees of a public employer,
24 Peace Officer Units, or units of fire fighters or paramedics,
25 and in the case of disputes under Section 18, unless the

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

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

1 (c) Within 7 days after the request of either party, the
2 parties shall request a panel of impartial arbitrators from
3 which they shall select the neutral chairman according to the
4 procedures provided in this Section. If the parties have agreed
5 to a contract that contains a grievance resolution procedure as
6 provided in Section 8, the chairman shall be selected using
7 their agreed contract procedure unless they mutually agree to
8 another procedure. If the parties fail to notify the Board of
9 their selection of neutral chairman within 7 days after receipt
10 of the list of impartial arbitrators, the Board shall appoint,
11 at random, a neutral chairman from the list. In the absence of
12 an agreed contract procedure for selecting an impartial
13 arbitrator, either party may request a panel from the Board.
14 Within 7 days of the request of either party, the Board shall
15 select from the Public Employees Labor Mediation Roster 7
16 persons who are on the labor arbitration panels of either the
17 American Arbitration Association or the Federal Mediation and
18 Conciliation Service, or who are members of the National
19 Academy of Arbitrators, as nominees for impartial arbitrator of
20 the arbitration panel. The parties may select an individual on
21 the list provided by the Board or any other individual mutually
22 agreed upon by the parties. Within 7 days following the receipt
23 of the list, the parties shall notify the Board of the person
24 they have selected. Unless the parties agree on an alternate
25 selection procedure, they shall alternatively strike one name
26 from the list provided by the Board until only one name

1 remains. A coin toss shall determine which party shall strike
2 the first name. If the parties fail to notify the Board in a
3 timely manner of their selection for neutral chairman, the
4 Board shall appoint a neutral chairman from the Illinois Public
5 Employees Mediation/Arbitration Roster.

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

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

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

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

1 remand. The chairman of the panel of arbitration shall notify
2 the Board of the remand.

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

23 (h) Where there is no agreement between the parties, or
24 where there is an agreement but the parties have begun
25 negotiations or discussions looking to a new agreement or
26 amendment of the existing agreement, and wage rates or other

1 conditions of employment under the proposed new or amended
2 agreement are in dispute, the arbitration panel shall base its
3 findings, opinions and order upon the following factors, as
4 applicable:

5 (1) The lawful authority of the employer.

6 (2) Stipulations of the parties.

7 (3) The interests and welfare of the public and the
8 financial ability of the unit of government to meet those
9 costs.

10 (4) Comparison of the wages, hours and conditions of
11 employment of the employees involved in the arbitration
12 proceeding with the wages, hours and conditions of
13 employment of other employees performing similar services
14 and with other employees generally:

15 (A) In public employment in comparable
16 communities.

17 (B) In private employment in comparable
18 communities.

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

21 (6) The overall compensation presently received by the
22 employees, including direct wage compensation, vacations,
23 holidays and other excused time, insurance and pensions,
24 medical and hospitalization benefits, the continuity and
25 stability of employment and all other benefits received.

26 (7) Changes in any of the foregoing circumstances

1 during the pendency of the arbitration proceedings.

2 (8) Such other factors, not confined to the foregoing,
3 which are normally or traditionally taken into
4 consideration in the determination of wages, hours and
5 conditions of employment through voluntary collective
6 bargaining, mediation, fact-finding, arbitration or
7 otherwise between the parties, in the public service or in
8 private employment.

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

1 arbitration decision pursuant to this subsection shall not be
2 construed to limit the factors upon which the decision may be
3 based, as set forth in subsection (h).

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

1 The changes to this subsection (i) made by Public Act
2 90-385 (relating to residency requirements) do not apply to
3 persons who are employed by a combined department that performs
4 both police and firefighting services; these persons shall be
5 governed by the provisions of this subsection (i) relating to
6 peace officers, as they existed before the amendment by Public
7 Act 90-385.

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

13 (j) Arbitration procedures shall be deemed to be initiated
14 by the filing of a letter requesting mediation as required
15 under subsection (a) of this Section. The commencement of a new
16 municipal fiscal year after the initiation of arbitration
17 procedures under this Act, but before the arbitration decision,
18 or its enforcement, shall not be deemed to render a dispute
19 moot, or to otherwise impair the jurisdiction or authority of
20 the arbitration panel or its decision. Increases in rates of
21 compensation awarded by the arbitration panel may be effective
22 only at the start of the fiscal year next commencing after the
23 date of the arbitration award. If a new fiscal year has
24 commenced either since the initiation of arbitration
25 procedures under this Act or since any mutually agreed
26 extension of the statutorily required period of mediation under

1 this Act by the parties to the labor dispute causing a delay in
2 the initiation of arbitration, the foregoing limitations shall
3 be inapplicable, and such awarded increases may be retroactive
4 to the commencement of the fiscal year, any other statute or
5 charter provisions to the contrary, notwithstanding. At any
6 time the parties, by stipulation, may amend or modify an award
7 of arbitration.

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

1 effective retroactive date.

2 (l) During the pendency of proceedings before the
3 arbitration panel, existing wages, hours, and other conditions
4 of employment shall not be changed by action of either party
5 without the consent of the other but a party may so consent
6 without prejudice to his rights or position under this Act. The
7 proceedings are deemed to be pending before the arbitration
8 panel upon the initiation of arbitration procedures under this
9 Act.

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

15 (n) All of the terms decided upon by the arbitration panel
16 shall be included in an agreement to be submitted to the public
17 employer's governing body for ratification and adoption by law,
18 ordinance or the equivalent appropriate means.

19 The governing body shall review each term decided by the
20 arbitration panel. If the governing body fails to reject one or
21 more terms of the arbitration panel's decision by a 3/5 vote of
22 those duly elected and qualified members of the governing body,
23 within 20 days of issuance, or in the case of firefighters
24 employed by a state university, at the next regularly scheduled
25 meeting of the governing body after issuance, such term or
26 terms shall become a part of the collective bargaining

1 agreement of the parties. If the governing body affirmatively
2 rejects one or more terms of the arbitration panel's decision,
3 it must provide reasons for such rejection with respect to each
4 term so rejected, within 20 days of such rejection and the
5 parties shall return to the arbitration panel for further
6 proceedings and issuance of a supplemental decision with
7 respect to the rejected terms. Any supplemental decision by an
8 arbitration panel or other decision maker agreed to by the
9 parties shall be submitted to the governing body for
10 ratification and adoption in accordance with the procedures and
11 voting requirements set forth in this Section. The voting
12 requirements of this subsection shall apply to all disputes
13 submitted to arbitration pursuant to this Section
14 notwithstanding any contrary voting requirements contained in
15 any existing collective bargaining agreement between the
16 parties.

17 (o) If the governing body of the employer votes to reject
18 the panel's decision, the parties shall return to the panel
19 within 30 days from the issuance of the reasons for rejection
20 for further proceedings and issuance of a supplemental
21 decision. All reasonable costs of such supplemental proceeding
22 including the exclusive representative's reasonable attorney's
23 fees, as established by the Board, shall be paid by the
24 employer.

25 (p) Notwithstanding the provisions of this Section the
26 employer and exclusive representative may agree to submit

1 unresolved disputes concerning wages, hours, terms and
2 conditions of employment to an alternative form of impasse
3 resolution.

4 (Source: P.A. 89-195, eff. 7-21-95; 90-202, eff. 7-24-97;
5 90-385, eff. 8-15-97; 90-655, eff. 7-30-98.)

6 Section 10. The Illinois Educational Labor Relations Act is
7 amended by changing Sections 7 and 11 as follows:

8 (115 ILCS 5/7) (from Ch. 48, par. 1707)

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

22 (a) In determining the appropriateness of a unit, the Board
23 shall decide in each case, in order to ensure employees the
24 fullest freedom in exercising the rights guaranteed by this

1 Act, the unit appropriate for the purpose of collective
2 bargaining, based upon but not limited to such factors as
3 historical pattern of recognition, community of interest,
4 including employee skills and functions, degree of functional
5 integration, interchangeability and contact among employees,
6 common supervision, wages, hours and other working conditions
7 of the employees involved, and the desires of the employees.
8 Nothing in this Act, except as herein provided, shall interfere
9 with or negate the current representation rights or patterns
10 and practices of employee organizations which have
11 historically represented employees for the purposes of
12 collective bargaining, including but not limited to the
13 negotiations of wages, hours and working conditions,
14 resolutions of employees' grievances, or resolution of
15 jurisdictional disputes, or the establishment and maintenance
16 of prevailing wage rates, unless a majority of the employees so
17 represented expresses a contrary desire under the procedures
18 set forth in this Act. This Section, however, does not prohibit
19 multi-unit bargaining. Notwithstanding the above factors,
20 where the majority of public employees of a craft so decide,
21 the Board shall designate such craft as a unit appropriate for
22 the purposes of collective bargaining.

23 The sole appropriate bargaining unit for tenured and
24 tenure-track academic faculty at each campus of the University
25 of Illinois shall be a unit that is comprised of
26 non-supervisory academic faculty employed more than half-time

1 and that includes all tenured and tenure-track faculty of that
2 University campus employed by the board of trustees in all of
3 the campus's undergraduate, graduate, and professional schools
4 and degree and non-degree programs (with the exception of the
5 college of medicine, the college of pharmacy, the college of
6 dentistry, the college of law, and the college of veterinary
7 medicine, each of which shall have its own separate unit),
8 regardless of current or historical representation rights or
9 patterns or the application of any other factors. Any decision,
10 rule, or regulation promulgated by the Board to the contrary
11 shall be null and void.

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

24 Within the 20 day notice period, however, any other
25 interested employee organization may petition the Board to seek
26 recognition as the exclusive representative of the unit in the

1 manner specified by rules and regulations prescribed by the
2 Board, if such interested employee organization has been
3 designated by at least 15% of the employees in an appropriate
4 bargaining unit which includes all or some of the employees in
5 the unit intended to be recognized by the employer. In such
6 event, the Board shall proceed with the petition in the same
7 manner as provided in paragraph (c) of this Section.

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

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

20 (2) by an employer alleging that one or more labor
21 organizations have presented a claim to be recognized as an
22 exclusive bargaining representative of a majority of the
23 employees in an appropriate unit and that it doubts the
24 majority status of any of the organizations or that it
25 doubts the majority status of an exclusive bargaining
26 representative.

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

9 (c-5) The Board shall designate an exclusive
10 representative for purposes of collective bargaining when the
11 representative demonstrates a showing of majority interest by
12 employees in the unit. If the parties to a dispute are without
13 agreement on the means to ascertain the choice, if any, of
14 employee organization as their representative, the Board shall
15 ascertain the employees' choice of employee organization, on
16 the basis of dues deduction authorization or ~~and~~ other
17 evidence, or, if necessary, by conducting an election. All
18 evidence submitted by an employee organization to the Board to
19 ascertain an employee's choice of an employee organization is
20 confidential and shall not be submitted to the employer for
21 review. The Board shall ascertain the employee's choice of
22 employee organization within 120 days after the filing of the
23 majority interest petition; however, the Board may extend time
24 by an additional 60 days, upon its own motion or upon the
25 motion of a party to the proceeding. If either party provides
26 to the Board, before the designation of a representative, clear

1 and convincing evidence that the dues deduction
2 authorizations, and other evidence upon which the Board would
3 otherwise rely to ascertain the employees' choice of
4 representative, are fraudulent or were obtained through
5 coercion, the Board shall promptly thereafter conduct an
6 election. The Board shall also investigate and consider a
7 party's allegations that the dues deduction authorizations and
8 other evidence submitted in support of a designation of
9 representative without an election were subsequently changed,
10 altered, withdrawn, or withheld as a result of employer fraud,
11 coercion, or any other unfair labor practice by the employer.
12 If the Board determines that a labor organization would have
13 had a majority interest but for an employer's fraud, coercion,
14 or unfair labor practice, it shall designate the labor
15 organization as an exclusive representative without conducting
16 an election. If a hearing is necessary to resolve any issues of
17 representation under this Section, the Board shall conclude its
18 hearing process and issue a certification of the entire
19 appropriate unit not later than 120 days after the date the
20 petition was filed. The 120-day period may be extended one or
21 more times by the agreement of all parties to a hearing to a
22 date certain.

23 (c-6) A labor organization or an employer may file a unit
24 clarification petition seeking to clarify an existing
25 bargaining unit. The Board shall conclude its investigation,
26 including any hearing process deemed necessary, and issue a

1 certification of clarified unit or dismiss the petition not
2 later than 120 days after the date the petition was filed. The
3 120-day period may be extended one or more times by the
4 agreement of all parties to a hearing to a date certain.

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

25 No election may be conducted in any bargaining unit during
26 the term of a collective bargaining agreement covering such

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

14 (Source: P.A. 95-331, eff. 8-21-07.)

15 (115 ILCS 5/11) (from Ch. 48, par. 1711)

16 Sec. 11. Non-member fair share payments. When a collective
17 bargaining agreement is entered into with an exclusive
18 representative, it may include a provision requiring employees
19 covered by the agreement who are not members of the
20 organization to pay to the organization a fair share fee, including organizing expenses,
21 for services rendered. The
22 exclusive representative shall certify to the employer an
23 amount not to exceed the dues uniformly required of members
24 which shall constitute each non member employee's fair share
25 fee. The fair share fee payment shall be deducted by the

1 employer from the earnings of the non member employees and paid
2 to the exclusive representative.

3 The amount certified by the exclusive representative shall
4 not include any fees for contributions related to the election
5 or support of any candidate for political office. Nothing in
6 this Section shall preclude the non member employee from making
7 voluntary political contributions in conjunction with his or
8 her fair share payment.

9 If a collective bargaining agreement that includes a fair
10 share clause expires or continues in effect beyond its
11 scheduled expiration date pending the negotiation of a
12 successor agreement, then the employer shall continue to honor
13 and abide by the fair share clause until a new agreement that
14 includes a fair share clause is reached. Failure to honor and
15 abide by the fair share clause for the benefit of any exclusive
16 representative as set forth in this paragraph shall be a
17 violation of the duty to bargain and an unfair labor practice.

18 Agreements containing a fair share agreement must
19 safeguard the right of non-association of employees based upon
20 bonafide religious tenets or teaching of a church or religious
21 body of which such employees are members. Such employees may be
22 required to pay an amount equal to their proportionate share,
23 determined under a proportionate share agreement, to a
24 non-religious charitable organization mutually agreed upon by
25 the employees affected and the exclusive representative to
26 which such employees would otherwise pay such fee. If the

1 affected employees and the exclusive representative are unable
2 to reach an agreement on the matter, the Illinois Educational
3 Labor Relations Board may establish an approved list of
4 charitable organizations to which such payments may be made.

5 The Board shall by rule require that in cases where an
6 employee files an objection to the amount of the fair share
7 fee, the employer shall continue to deduct the employee's fair
8 share fee from the employee's pay, but shall transmit the fee,
9 or some portion thereof, to the Board for deposit in an escrow
10 account maintained by the Board; provided, however, that if the
11 exclusive representative maintains an escrow account for the
12 purpose of holding fair share fees to which an employee has
13 objected, the employer shall transmit the entire fair share fee
14 to the exclusive representative, and the exclusive
15 representative shall hold in escrow that portion of the fee
16 that the employer would otherwise have been required to
17 transmit to the Board for escrow, provided that the escrow
18 account maintained by the exclusive representative complies
19 with rules to be promulgated by the Board within 30 days of the
20 effective date of this amendatory Act of 1989 or that the
21 collective bargaining agreement requiring the payment of the
22 fair share fee contains an indemnification provision for the
23 purpose of indemnifying the employer with respect to the
24 employer's transmission of fair share fees to the exclusive
25 representative.

26 (Source: P.A. 94-210, eff. 7-14-05.)

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