



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1301

Introduced 2/9/2007, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

5 ILCS 315/3	from Ch. 48, par. 1603
5 ILCS 315/14	from Ch. 48, par. 1614
5 ILCS 315/17	from Ch. 48, par. 1617

Amends the Illinois Public Labor Relations Act. With respect to the Act's provisions applicable to security employees, peace officers, fire fighters, and paramedics, includes emergency service support staff.

LRB095 08543 JAM 28724 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Labor Relations Act is
5 amended by changing Sections 3, 14, and 17 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.

17 (c) "Confidential employee" means an employee who, in the
18 regular course of his or her duties, assists and acts in a
19 confidential capacity to persons who formulate, determine, and
20 effectuate management policies with regard to labor relations
21 or who, in the regular course of his or her duties, has
22 authorized access to information relating to the effectuation
23 or review of the employer's collective bargaining policies.

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

3 (d-1) "Emergency service support staff" means, for the
4 purposes of this Act only, any persons who have been or are
5 hereafter employed as a clerk, dispatcher, or telecommunicator
6 of a police, sheriff, or fire department, community service
7 officer, bailiff, deputy coroner, or court security officer,
8 excluding part-time employees.

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

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

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

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

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

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

23 (g-1) "Fire fighter" means, for the purposes of this Act
24 only, any person who has been or is hereafter appointed to a
25 fire department or fire protection district or employed by a
26 state university and sworn or commissioned to perform fire

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

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

19 (h) "Governing body" means, in the case of the State, the
20 State Panel of the Illinois Labor Relations Board, the Director
21 of the Department of Central Management Services, and the
22 Director of the Department of Labor; the county board in the
23 case of a county; the corporate authorities in the case of a
24 municipality; and the appropriate body authorized to provide
25 for expenditures of its funds in the case of any other unit of
26 government.

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

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

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

1 to effect arrests, or elected officials.

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

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

1 in this subsection (m).

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

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

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

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

25 Notwithstanding Section 9, subsection (c), or any other
26 provisions of this Act, all peace officers above the rank of

1 captain in municipalities with more than 1,000,000 inhabitants
2 shall be excluded from this Act.

3 (o) Except as otherwise in subsection (o-5), "public
4 employer" or "employer" means the State of Illinois; any
5 political subdivision of the State, unit of local government or
6 school district; authorities including departments, divisions,
7 bureaus, boards, commissions, or other agencies of the
8 foregoing entities; and any person acting within the scope of
9 his or her authority, express or implied, on behalf of those
10 entities in dealing with its employees. As of the effective
11 date of the amendatory Act of the 93rd General Assembly, but
12 not before, the State of Illinois shall be considered the
13 employer of the personal care attendants and personal
14 assistants working under the Home Services Program under
15 Section 3 of the Disabled Persons Rehabilitation Act, subject
16 to the limitations set forth in this Act and in the Disabled
17 Persons Rehabilitation Act. The State shall not be considered
18 to be the employer of personal care attendants and personal
19 assistants for any purposes not specifically provided for in
20 this amendatory Act of the 93rd General Assembly, including but
21 not limited to, purposes of vicarious liability in tort and
22 purposes of statutory retirement or health insurance benefits.
23 Personal care attendants and personal assistants shall not be
24 covered by the State Employees Group Insurance Act of 1971 (5
25 ILCS 375/). As of the effective date of this amendatory Act of
26 the 94th General Assembly but not before, the State of Illinois

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

13 "Public employer" or "employer" as used in this Act,
14 however, does not mean and shall not include the General
15 Assembly of the State of Illinois, the Executive Ethics
16 Commission, the Offices of the Executive Inspectors General,
17 the Legislative Ethics Commission, the Office of the
18 Legislative Inspector General, the Office of the Auditor
19 General's Inspector General, and educational employers or
20 employers as defined in the Illinois Educational Labor
21 Relations Act, except with respect to a state university in its
22 employment of firefighters and peace officers. County boards
23 and county sheriffs shall be designated as joint or
24 co-employers of county peace officers appointed under the
25 authority of a county sheriff. Nothing in this subsection (o)
26 shall be construed to prevent the State Panel or the Local

1 Panel from determining that employers are joint or
2 co-employers.

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

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

12 (2) For court reporters employed by the 12th, 18th,
13 19th, and, on and after December 4, 2006, the 22nd judicial
14 circuits, a group consisting of the chief judges of those
15 circuits, acting jointly by majority vote, is the public
16 employer and employer representative.

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

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

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

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

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

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

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

22 (2) Notwithstanding the exclusion of supervisors from
23 bargaining units as provided in paragraph (1) of this
24 subsection (s), a public employer may agree to permit its
25 supervisory employees to form bargaining units and may
26 bargain with those units. This Act shall apply if the

1 public employer chooses to bargain under this subsection.

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

10 (Source: P.A. 93-204, eff. 7-16-03; 93-617, eff. 12-9-03;
11 94-98, eff. 7-1-05; 94-320, eff. 1-1-06; revised 8-19-05.)

12 (5 ILCS 315/14) (from Ch. 48, par. 1614)

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

15 (a) In the case of collective bargaining agreements
16 involving units of security employees of a public employer,
17 Peace Officer Units, ~~or~~ units of fire fighters or paramedics,
18 or units of emergency service support staff, and in the case of
19 disputes under Section 18, unless the parties mutually agree to
20 some other time limit, mediation shall commence 30 days prior
21 to the expiration date of such agreement or at such later time
22 as the mediation services chosen under subsection (b) of
23 Section 12 can be provided to the parties. In the case of
24 negotiations for an initial collective bargaining agreement,
25 mediation shall commence upon 15 days notice from either party

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

15 (b) Within 10 days after such a request for arbitration has
16 been made, the employer shall choose a delegate and the
17 employees' exclusive representative shall choose a delegate to
18 a panel of arbitration as provided in this Section. The
19 employer and employees shall forthwith advise the other and the
20 Board of their selections.

21 (c) Within 7 days of the request of either party, the Board
22 shall select from the Public Employees Labor Mediation Roster 7
23 persons who are on the labor arbitration panels of either the
24 American Arbitration Association or the Federal Mediation and
25 Conciliation Service, or who are members of the National
26 Academy of Arbitrators, as nominees for impartial arbitrator of

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

13 (d) The chairman shall call a hearing to begin within 15
14 days and give reasonable notice of the time and place of the
15 hearing. The hearing shall be held at the offices of the Board
16 or at such other location as the Board deems appropriate. The
17 chairman shall preside over the hearing and shall take
18 testimony. Any oral or documentary evidence and other data
19 deemed relevant by the arbitration panel may be received in
20 evidence. The proceedings shall be informal. Technical rules of
21 evidence shall not apply and the competency of the evidence
22 shall not thereby be deemed impaired. A verbatim record of the
23 proceedings shall be made and the arbitrator shall arrange for
24 the necessary recording service. Transcripts may be ordered at
25 the expense of the party ordering them, but the transcripts
26 shall not be necessary for a decision by the arbitration panel.

1 The expense of the proceedings, including a fee for the
2 chairman, established in advance by the Board, shall be borne
3 equally by each of the parties to the dispute. The delegates,
4 if public officers or employees, shall continue on the payroll
5 of the public employer without loss of pay. The hearing
6 conducted by the arbitration panel may be adjourned from time
7 to time, but unless otherwise agreed by the parties, shall be
8 concluded within 30 days of the time of its commencement.
9 Majority actions and rulings shall constitute the actions and
10 rulings of the arbitration panel. Arbitration proceedings
11 under this Section shall not be interrupted or terminated by
12 reason of any unfair labor practice charge filed by either
13 party at any time.

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

1 (f) At any time before the rendering of an award, the
2 chairman of the arbitration panel, if he is of the opinion that
3 it would be useful or beneficial to do so, may remand the
4 dispute to the parties for further collective bargaining for a
5 period not to exceed 2 weeks. If the dispute is remanded for
6 further collective bargaining the time provisions of this Act
7 shall be extended for a time period equal to that of the
8 remand. The chairman of the panel of arbitration shall notify
9 the Board of the remand.

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

1 (h). The findings, opinions and order as to all other issues
2 shall be based upon the applicable factors prescribed in
3 subsection (h).

4 (h) Where there is no agreement between the parties, or
5 where there is an agreement but the parties have begun
6 negotiations or discussions looking to a new agreement or
7 amendment of the existing agreement, and wage rates or other
8 conditions of employment under the proposed new or amended
9 agreement are in dispute, the arbitration panel shall base its
10 findings, opinions and order upon the following factors, as
11 applicable:

12 (1) The lawful authority of the employer.

13 (2) Stipulations of the parties.

14 (3) The interests and welfare of the public and the
15 financial ability of the unit of government to meet those
16 costs.

17 (4) Comparison of the wages, hours and conditions of
18 employment of the employees involved in the arbitration
19 proceeding with the wages, hours and conditions of
20 employment of other employees performing similar services
21 and with other employees generally:

22 (A) In public employment in comparable
23 communities.

24 (B) In private employment in comparable
25 communities.

26 (5) The average consumer prices for goods and services,

1 commonly known as the cost of living.

2 (6) The overall compensation presently received by the
3 employees, including direct wage compensation, vacations,
4 holidays and other excused time, insurance and pensions,
5 medical and hospitalization benefits, the continuity and
6 stability of employment and all other benefits received.

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

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

16 (i) In the case of peace officers, the arbitration decision
17 shall be limited to wages, hours, and conditions of employment
18 (which may include residency requirements in municipalities
19 with a population under 1,000,000, but those residency
20 requirements shall not allow residency outside of Illinois) and
21 shall not include the following: i) residency requirements in
22 municipalities with a population of at least 1,000,000; ii) the
23 type of equipment, other than uniforms, issued or used; iii)
24 manning; iv) the total number of employees employed by the
25 department; v) mutual aid and assistance agreements to other
26 units of government; and vi) the criterion pursuant to which

1 force, including deadly force, can be used; provided, nothing
2 herein shall preclude an arbitration decision regarding
3 equipment or manning levels if such decision is based on a
4 finding that the equipment or manning considerations in a
5 specific work assignment involve a serious risk to the safety
6 of a peace officer beyond that which is inherent in the normal
7 performance of police duties. Limitation of the terms of the
8 arbitration decision pursuant to this subsection shall not be
9 construed to limit the factors upon which the decision may be
10 based, as set forth in subsection (h).

11 In the case of fire fighter, and fire department or fire
12 district paramedic matters, the arbitration decision shall be
13 limited to wages, hours, and conditions of employment (which
14 may include residency requirements in municipalities with a
15 population under 1,000,000, but those residency requirements
16 shall not allow residency outside of Illinois) and shall not
17 include the following matters: i) residency requirements in
18 municipalities with a population of at least 1,000,000; ii) the
19 type of equipment (other than uniforms and fire fighter turnout
20 gear) issued or used; iii) the total number of employees
21 employed by the department; iv) mutual aid and assistance
22 agreements to other units of government; and v) the criterion
23 pursuant to which force, including deadly force, can be used;
24 provided, however, nothing herein shall preclude an
25 arbitration decision regarding equipment levels if such
26 decision is based on a finding that the equipment

1 considerations in a specific work assignment involve a serious
2 risk to the safety of a fire fighter beyond that which is
3 inherent in the normal performance of fire fighter duties.
4 Limitation of the terms of the arbitration decision pursuant to
5 this subsection shall not be construed to limit the facts upon
6 which the decision may be based, as set forth in subsection
7 (h).

8 The changes to this subsection (i) made by Public Act
9 90-385 (relating to residency requirements) do not apply to
10 persons who are employed by a combined department that performs
11 both police and firefighting services; these persons shall be
12 governed by the provisions of this subsection (i) relating to
13 peace officers, as they existed before the amendment by Public
14 Act 90-385.

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

20 (j) Arbitration procedures shall be deemed to be initiated
21 by the filing of a letter requesting mediation as required
22 under subsection (a) of this Section. The commencement of a new
23 municipal fiscal year after the initiation of arbitration
24 procedures under this Act, but before the arbitration decision,
25 or its enforcement, shall not be deemed to render a dispute
26 moot, or to otherwise impair the jurisdiction or authority of

1 the arbitration panel or its decision. Increases in rates of
2 compensation awarded by the arbitration panel may be effective
3 only at the start of the fiscal year next commencing after the
4 date of the arbitration award. If a new fiscal year has
5 commenced either since the initiation of arbitration
6 procedures under this Act or since any mutually agreed
7 extension of the statutorily required period of mediation under
8 this Act by the parties to the labor dispute causing a delay in
9 the initiation of arbitration, the foregoing limitations shall
10 be inapplicable, and such awarded increases may be retroactive
11 to the commencement of the fiscal year, any other statute or
12 charter provisions to the contrary, notwithstanding. At any
13 time the parties, by stipulation, may amend or modify an award
14 of arbitration.

15 (k) Orders of the arbitration panel shall be reviewable,
16 upon appropriate petition by either the public employer or the
17 exclusive bargaining representative, by the circuit court for
18 the county in which the dispute arose or in which a majority of
19 the affected employees reside, but only for reasons that the
20 arbitration panel was without or exceeded its statutory
21 authority; the order is arbitrary, or capricious; or the order
22 was procured by fraud, collusion or other similar and unlawful
23 means. Such petitions for review must be filed with the
24 appropriate circuit court within 90 days following the issuance
25 of the arbitration order. The pendency of such proceeding for
26 review shall not automatically stay the order of the

1 arbitration panel. The party against whom the final decision of
2 any such court shall be adverse, if such court finds such
3 appeal or petition to be frivolous, shall pay reasonable
4 attorneys' fees and costs to the successful party as determined
5 by said court in its discretion. If said court's decision
6 affirms the award of money, such award, if retroactive, shall
7 bear interest at the rate of 12 percent per annum from the
8 effective retroactive date.

9 (l) During the pendency of proceedings before the
10 arbitration panel, existing wages, hours, and other conditions
11 of employment shall not be changed by action of either party
12 without the consent of the other but a party may so consent
13 without prejudice to his rights or position under this Act. The
14 proceedings are deemed to be pending before the arbitration
15 panel upon the initiation of arbitration procedures under this
16 Act.

17 (m) Security officers of public employers, and Peace
18 Officers, Fire Fighters and fire department and fire protection
19 district paramedics, and units of emergency service support
20 staff, covered by this Section may not withhold services, nor
21 may public employers lock out or prevent such employees from
22 performing services at any time.

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

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

25 (o) If the governing body of the employer votes to reject
26 the panel's decision, the parties shall return to the panel

1 within 30 days from the issuance of the reasons for rejection
2 for further proceedings and issuance of a supplemental
3 decision. All reasonable costs of such supplemental proceeding
4 including the exclusive representative's reasonable attorney's
5 fees, as established by the Board, shall be paid by the
6 employer.

7 (p) Notwithstanding the provisions of this Section the
8 employer and exclusive representative may agree to submit
9 unresolved disputes concerning wages, hours, terms and
10 conditions of employment to an alternative form of impasse
11 resolution.

12 (Source: P.A. 89-195, eff. 7-21-95; 90-202, eff. 7-24-97;
13 90-385, eff. 8-15-97; 90-655, eff. 7-30-98.)

14 (5 ILCS 315/17) (from Ch. 48, par. 1617)

15 Sec. 17. Right to Strike. (a) Nothing in this Act shall
16 make it unlawful or make it an unfair labor practice for public
17 employees, other than security employees, as defined in Section
18 3(p), Peace Officers, Fire Fighters, and paramedics employed by
19 fire departments and fire protection districts, and emergency
20 service support staff, to strike except as otherwise provided
21 in this Act. Public employees who are permitted to strike may
22 strike only if:

23 (1) the employees are represented by an exclusive
24 bargaining representative;

25 (2) the collective bargaining agreement between the public

1 employer and the public employees, if any, has expired, or such
2 collective bargaining agreement does not prohibit the strike;

3 (3) the public employer and the labor organization have not
4 mutually agreed to submit the disputed issues to final and
5 binding arbitration;

6 (4) the exclusive representative has requested a mediator
7 pursuant to Section 12 for the purpose of mediation or
8 conciliation of a dispute between the public employer and the
9 exclusive representative and mediation has been used; and

10 (5) at least 5 days have elapsed after a notice of intent
11 to strike has been given by the exclusive bargaining
12 representative to the public employer.

13 In mediation under this Section, if either party requests
14 the use of mediation services from the Federal Mediation and
15 Conciliation Service, the other party shall either join in such
16 request or bear the additional cost of mediation services from
17 another source.

18 (b) An employee who participates in a strike, work stoppage
19 or slowdown, in violation of this Act shall be subject to
20 discipline by the employer. No employer may pay or cause such
21 employee to be paid any wages or other compensation for such
22 periods of participation, except for wages or compensation
23 earned before participation in such strike.

24 (Source: P.A. 86-412.)