



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 1715

2 AMENDMENT NO. _____. Amend Senate Bill 1715, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Public Labor Relations Act is
6 amended by changing Section 7 as follows:

7 (5 ILCS 315/7) (from Ch. 48, par. 1607)

8 Sec. 7. Duty to bargain. A public employer and the
9 exclusive representative have the authority and the duty to
10 bargain collectively set forth in this Section.

11 For the purposes of this Act, "to bargain collectively"
12 means the performance of the mutual obligation of the public
13 employer or his designated representative and the
14 representative of the public employees to meet at reasonable
15 times, including meetings in advance of the budget-making
16 process, and to negotiate in good faith with respect to wages,

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

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

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

26 The duty "to bargain collectively" shall also mean that no

1 party to a collective bargaining contract shall terminate or
2 modify such contract, unless the party desiring such
3 termination or modification:

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

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

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

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

20 The duties imposed upon employers, employees and labor
21 organizations by paragraphs (2), (3) and (4) shall become
22 inapplicable upon an intervening certification of the Board,
23 under which the labor organization, which is a party to the
24 contract, has been superseded as or ceased to be the exclusive
25 representative of the employees pursuant to the provisions of
26 subsection (a) of Section 9, and the duties so imposed shall

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

6 Collective bargaining for personal care attendants and
7 personal assistants under the Home Services Program shall be
8 limited to the terms and conditions of employment under the
9 State's control, as defined in the amendatory Act of the 93rd
10 General Assembly.

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

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

21 (1) Not later than 10 days after receiving a written
22 request for collective bargaining from a labor
23 organization that has been newly certified as a
24 representative as defined in Section 6(c), or within such
25 further period as the parties agree upon, the parties shall
26 meet and commence to bargain collectively and shall make

1 every reasonable effort to conclude and sign a collective
2 bargaining agreement.

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

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

23 (Source: P.A. 93-204, eff. 7-16-03; 94-320, eff. 1-1-06.)".