



Sen. Heather A. Steans

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1 AMENDMENT TO SENATE BILL 404

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 404 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 5 and 15.1 and by adding Section  
6 5.2 as follows:

7 (5 ILCS 315/5) (from Ch. 48, par. 1605)

8 Sec. 5. Illinois Labor Relations Board; State Panel; Local  
9 Panel.

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

13 (a-5) The State Panel shall have jurisdiction over  
14 collective bargaining matters between employee organizations  
15 and the State of Illinois, excluding the General Assembly of  
16 the State of Illinois, between employee organizations and units

1 of local government and school districts with a population not  
2 in excess of 2 million persons, ~~and~~ between employee  
3 organizations and the Regional Transportation Authority, and  
4 as provided under the Illinois Educational Labor Relations Act.

5 The State Panel shall consist of 5 members appointed by the  
6 Governor, with the advice and consent of the Senate. The  
7 Governor shall appoint to the State Panel only persons who have  
8 had a minimum of 5 years of experience directly related to  
9 labor and employment relations in representing public  
10 employers or ~~7~~ private employers, including, but not limited  
11 to, educational employers, or labor organizations, including,  
12 but not limited to, those representing educational employees;  
13 or teaching labor or employment relations; or administering  
14 executive orders or regulations applicable to labor or  
15 employment relations. At the time of his or her appointment,  
16 each member of the State Panel shall be an Illinois resident.  
17 The Governor shall designate one member to serve as the  
18 Chairman of the State Panel and the Board.

19 Notwithstanding any other provision of this Section, the  
20 term of each member of the State Panel who was appointed by the  
21 Governor and is in office on June 30, 2003 shall terminate at  
22 the close of business on that date or when all of the successor  
23 members to be appointed pursuant to this amendatory Act of the  
24 93rd General Assembly have been appointed by the Governor,  
25 whichever occurs later. As soon as possible, the Governor shall  
26 appoint persons to fill the vacancies created by this

1 amendatory Act.

2       The initial appointments under this amendatory Act of the  
3 93rd General Assembly shall be for terms as follows: The  
4 Chairman shall initially be appointed for a term ending on the  
5 4th Monday in January, 2007; 2 members shall be initially  
6 appointed for terms ending on the 4th Monday in January, 2006;  
7 one member shall be initially appointed for a term ending on  
8 the 4th Monday in January, 2005; and one member shall be  
9 initially appointed for a term ending on the 4th Monday in  
10 January, 2004. Each subsequent member shall be appointed for a  
11 term of 4 years, commencing on the 4th Monday in January. Upon  
12 expiration of the term of office of any appointive member, that  
13 member shall continue to serve until a successor shall be  
14 appointed and qualified. In case of a vacancy, a successor  
15 shall be appointed to serve for the unexpired portion of the  
16 term. If the Senate is not in session at the time the initial  
17 appointments are made, the Governor shall make temporary  
18 appointments in the same manner successors are appointed to  
19 fill vacancies. A temporary appointment shall remain in effect  
20 no longer than 20 calendar days after the commencement of the  
21 next Senate session.

22       (b) The Local Panel shall have jurisdiction over collective  
23 bargaining agreement matters between employee organizations  
24 and units of local government with a population in excess of 2  
25 million persons, but excluding the Regional Transportation  
26 Authority.

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

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

1           The initial appointments under this amendatory Act of the  
2 91st General Assembly shall be for terms as follows: The member  
3 appointed by the Governor shall initially be appointed for a  
4 term ending on the 4th Monday in January, 2001; the member  
5 appointed by the President of the Cook County Board shall be  
6 initially appointed for a term ending on the 4th Monday in  
7 January, 2003; and the member appointed by the Mayor of the  
8 City of Chicago shall be initially appointed for a term ending  
9 on the 4th Monday in January, 2004. Each subsequent member  
10 shall be appointed for a term of 4 years, commencing on the 4th  
11 Monday in January. Upon expiration of the term of office of any  
12 appointive member, the member shall continue to serve until a  
13 successor shall be appointed and qualified. In the case of a  
14 vacancy, a successor shall be appointed by the applicable  
15 appointive authority to serve for the unexpired portion of the  
16 term.

17           (c) Three members of the State Panel shall at all times  
18 constitute a quorum. Two members of the Local Panel shall at  
19 all times constitute a quorum. A vacancy on a panel does not  
20 impair the right of the remaining members to exercise all of  
21 the powers of that panel. Each panel shall adopt an official  
22 seal which shall be judicially noticed. The salary of the  
23 Chairman of the State Panel shall be \$50,000 ~~\$82,429 per year,~~  
24 ~~or as set by the Compensation Review Board, whichever is~~  
25 ~~greater,~~ and that of the other members of the State and Local  
26 Panels shall be \$45,000 ~~\$74,188 per year,~~ ~~or as set by the~~

1 ~~Compensation Review Board, whichever is greater.~~

2 (d) ~~Each member shall devote his or her entire time to the~~  
3 ~~duties of the office, and shall hold no other office or~~  
4 ~~position of profit, nor engage in any other business,~~  
5 ~~employment, or vocation.~~ No member shall hold any other public  
6 office or be employed as a labor or management representative  
7 by the State or any political subdivision of the State or of  
8 any department or agency thereof or any public or private  
9 school, college, or university, or actively represent or act on  
10 behalf of an employer or an employee organization or an  
11 employer in labor relations matters. Any member of the State  
12 Panel may be removed from office by the Governor for  
13 inefficiency, neglect of duty, misconduct or malfeasance in  
14 office, and for no other cause, and only upon notice and  
15 hearing. Any member of the Local Panel may be removed from  
16 office by the applicable appointive authority for  
17 inefficiency, neglect of duty, misconduct or malfeasance in  
18 office, and for no other cause, and only upon notice and  
19 hearing.

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

24 (f) In order to accomplish the objectives and carry out the  
25 duties prescribed by this Act, a panel or its authorized  
26 designees may hold elections to determine whether a labor

1 organization has majority status; investigate and attempt to  
2 resolve or settle charges of unfair labor practices; hold  
3 hearings in order to carry out its functions; develop and  
4 effectuate appropriate impasse resolution procedures for  
5 purposes of resolving labor disputes; require the appearance of  
6 witnesses and the production of evidence on any matter under  
7 inquiry; and administer oaths and affirmations. The panels  
8 shall sign and report in full an opinion in every case which  
9 they decide.

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

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

24 (i) The following rules and regulations shall be adopted by  
25 the panels meeting in joint session: (1) procedural rules and  
26 regulations which shall govern all Board proceedings; (2)

1 procedures for election of exclusive bargaining  
2 representatives pursuant to Section 9, except for the  
3 determination of appropriate bargaining units; and (3)  
4 appointment of counsel pursuant to subsection (k) of this  
5 Section.

6 (j) Rules and regulations may be adopted, amended or  
7 rescinded only upon a vote of 5 of the members of the State and  
8 Local Panels meeting in joint session. The adoption, amendment  
9 or rescission of rules and regulations shall be in conformity  
10 with the requirements of the Illinois Administrative Procedure  
11 Act.

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

24 (1) The panels in joint session may promulgate rules and  
25 regulations which allow parties in proceedings before a panel  
26 to be represented by counsel or any other representative of the



1 party's choice.

2 (m) The Chairman of the State Panel shall serve as Chairman  
3 of a joint session of the panels. Attendance of at least 2  
4 members of the State Panel and at least one member of the Local  
5 Panel, in addition to the Chairman, shall constitute a quorum  
6 at a joint session. The panels shall meet in joint session at  
7 least annually.

8 (Source: P.A. 96-813, eff. 10-30-09.)

9 (5 ILCS 315/5.2 new)

10 Sec. 5.2. Transfer from Illinois Educational Labor  
11 Relations Board.

12 (a) On the effective date of this amendatory Act of the  
13 100th General Assembly, all powers, duties, rights, and  
14 responsibilities of the Illinois Educational Labor Relations  
15 Board under the Illinois Educational Labor Relations Act are  
16 transferred to the Illinois Public Labor Relations Board. The  
17 powers, duties, rights, and responsibilities transferred from  
18 the Illinois Educational Labor Relations Board to the Illinois  
19 Public Labor Relations Board by this amendatory Act shall be  
20 vested in and shall be exercised by the Illinois Public Labor  
21 Relations Board.

22 (b) Except for members of the Illinois Educational Labor  
23 Relations Board, the personnel of the Illinois Educational  
24 Labor Relations Board with duties related to the powers,  
25 duties, rights, and responsibilities transferred under this

1 amendatory Act shall be transferred to the Illinois Public  
2 Labor Relations Board. The status and rights of such employees  
3 under the Personnel Code shall not be affected by the transfer.  
4 The rights of the employees and the State of Illinois and its  
5 agencies under the Personnel Code and applicable collective  
6 bargaining agreements or under any pension, retirement, or  
7 annuity plan shall not be affected by this amendatory Act.

8 (c) All books, records, papers, documents, property (real  
9 and personal), contracts, causes of action, and pending  
10 business pertaining to the powers, duties, rights, and  
11 responsibilities transferred by this amendatory Act from the  
12 Illinois Educational Labor Relations Board to the Illinois  
13 Public Labor Relations Board, including, but not limited to,  
14 material in electronic or magnetic format and necessary  
15 computer hardware and software, are transferred to the Illinois  
16 Public Labor Relations Board.

17 (d) All unexpended appropriations and balances and other  
18 funds available for use by the Illinois Educational Labor  
19 Relations Board related to the powers, duties, rights, and  
20 responsibilities transferred by this amendatory Act are  
21 transferred for use by the Illinois Public Labor Relations  
22 Board pursuant to the direction of the Governor. Unexpended  
23 balances so transferred shall be expended only for the purpose  
24 for which the appropriations were originally made.

25 (e) Whenever reports or notices are now required to be made  
26 or given or papers or documents furnished or served by any

1 person to or upon the Illinois Educational Labor Relations  
2 Board in connection with any of the powers, duties, rights, and  
3 responsibilities transferred by this amendatory Act, the same  
4 shall be made, given, furnished, or served in the same manner  
5 to or upon the Illinois Public Labor Relations Board.

6 (f) This amendatory Act does not affect any act done,  
7 ratified, or canceled or any right occurring or established or  
8 any action or proceeding had or commenced in an administrative,  
9 civil, or criminal cause by the Illinois Educational Labor  
10 Relations Board before this amendatory Act takes effect; to the  
11 extent that such actions or proceedings relate to any of the  
12 powers, duties, rights, and responsibilities transferred by  
13 this amendatory Act, the same may be prosecuted and continued  
14 by the Illinois Public Labor Relations Board.

15 (g) Any rules of the Illinois Educational Labor Relations  
16 Board that relate to any of the powers, duties, rights, and  
17 responsibilities transferred by this amendatory Act and are in  
18 full force on the effective date of this amendatory Act become  
19 the rules of the Illinois Public Labor Relations Board. This  
20 amendatory Act does not affect the legality of any such rules  
21 in the Illinois Administrative Code.

22 Any proposed rules filed with the Secretary of State by the  
23 Illinois Educational Labor Relations Board that are pending in  
24 the rulemaking process on the effective date of this amendatory  
25 Act and pertain to the powers, duties, rights, and  
26 responsibilities transferred, are deemed to have been filed by

1 the Illinois Public Labor Relations Board. As soon as  
2 practicable hereafter, the Illinois Public Labor Relations  
3 Board shall revise and clarify the rules transferred to it  
4 under this amendatory Act to reflect the reorganization of  
5 powers, duties, rights, and responsibilities affected by this  
6 amendatory Act, using the procedures for recodification of  
7 rules available under the Illinois Administrative Procedure  
8 Act, except that existing title, part, and section numbering  
9 for the affected rules may be retained. The Illinois Public  
10 Labor Relations Board may propose and adopt under the Illinois  
11 Administrative Procedure Act such other rules of the Illinois  
12 Educational Labor Relations Board that will now be administered  
13 by the Illinois Public Labor Relations Board.

14 (5 ILCS 315/15.1) (from Ch. 48, par. 1615.1)

15 Sec. 15.1. Precedents established by other labor boards.  
16 Unless contradicted by administrative precedent previously  
17 established by the State Panel, all final decisions in  
18 representation and unfair labor practice cases decided by the  
19 Local Panel and the former Illinois Educational Labor Relations  
20 Board created under the Illinois Educational Labor Relations  
21 Act which have not been reversed by subsequent court rulings,  
22 shall be considered, but need not be followed by the State  
23 Panel.

24 Unless contradicted by administrative precedent previously  
25 established by the Local Panel, all final decisions in

1 representation and unfair labor practice cases decided by the  
2 State Panel and the former Illinois Educational Labor Relations  
3 Board which have not been reversed by subsequent court rulings,  
4 shall be considered, but need not be followed by the Local  
5 Panel.

6 (Source: P.A. 91-798, eff. 7-9-00.)

7 Section 10. The State Officials and Employees Ethics Act is  
8 amended by changing Section 5-50 as follows:

9 (5 ILCS 430/5-50)

10 Sec. 5-50. Ex parte communications; special government  
11 agents.

12 (a) This Section applies to ex parte communications made to  
13 any agency listed in subsection (e).

14 (b) "Ex parte communication" means any written or oral  
15 communication by any person that imparts or requests material  
16 information or makes a material argument regarding potential  
17 action concerning regulatory, quasi-adjudicatory, investment,  
18 or licensing matters pending before or under consideration by  
19 the agency. "Ex parte communication" does not include the  
20 following: (i) statements by a person publicly made in a public  
21 forum; (ii) statements regarding matters of procedure and  
22 practice, such as format, the number of copies required, the  
23 manner of filing, and the status of a matter; and (iii)  
24 statements made by a State employee of the agency to the agency

1 head or other employees of that agency.

2 (b-5) An ex parte communication received by an agency,  
3 agency head, or other agency employee from an interested party  
4 or his or her official representative or attorney shall  
5 promptly be memorialized and made a part of the record.

6 (c) An ex parte communication received by any agency,  
7 agency head, or other agency employee, other than an ex parte  
8 communication described in subsection (b-5), shall immediately  
9 be reported to that agency's ethics officer by the recipient of  
10 the communication and by any other employee of that agency who  
11 responds to the communication. The ethics officer shall require  
12 that the ex parte communication be promptly made a part of the  
13 record. The ethics officer shall promptly file the ex parte  
14 communication with the Executive Ethics Commission, including  
15 all written communications, all written responses to the  
16 communications, and a memorandum prepared by the ethics officer  
17 stating the nature and substance of all oral communications,  
18 the identity and job title of the person to whom each  
19 communication was made, all responses made, the identity and  
20 job title of the person making each response, the identity of  
21 each person from whom the written or oral ex parte  
22 communication was received, the individual or entity  
23 represented by that person, any action the person requested or  
24 recommended, and any other pertinent information. The  
25 disclosure shall also contain the date of any ex parte  
26 communication.

1           (d) "Interested party" means a person or entity whose  
2 rights, privileges, or interests are the subject of or are  
3 directly affected by a regulatory, quasi-adjudicatory,  
4 investment, or licensing matter.

5           (e) This Section applies to the following agencies:

6 Executive Ethics Commission

7 Illinois Commerce Commission

8 ~~Educational Labor Relations Board~~

9 State Board of Elections

10 Illinois Gaming Board

11 Health Facilities and Services Review Board

12 Illinois Workers' Compensation Commission

13 Illinois Labor Relations Board

14 Illinois Liquor Control Commission

15 Pollution Control Board

16 Property Tax Appeal Board

17 Illinois Racing Board

18 Illinois Purchased Care Review Board

19 Department of State Police Merit Board

20 Motor Vehicle Review Board

21 Prisoner Review Board

22 Civil Service Commission

23 Personnel Review Board for the Treasurer

24 Merit Commission for the Secretary of State

25 Merit Commission for the Office of the Comptroller

26 Court of Claims

1 Board of Review of the Department of Employment Security  
2 Department of Insurance  
3 Department of Professional Regulation and licensing boards  
4 under the Department  
5 Department of Public Health and licensing boards under the  
6 Department  
7 Office of Banks and Real Estate and licensing boards under  
8 the Office  
9 State Employees Retirement System Board of Trustees  
10 Judges Retirement System Board of Trustees  
11 General Assembly Retirement System Board of Trustees  
12 Illinois Board of Investment  
13 State Universities Retirement System Board of Trustees  
14 Teachers Retirement System Officers Board of Trustees

15 (f) Any person who fails to (i) report an ex parte  
16 communication to an ethics officer, (ii) make information part  
17 of the record, or (iii) make a filing with the Executive Ethics  
18 Commission as required by this Section or as required by  
19 Section 5-165 of the Illinois Administrative Procedure Act  
20 violates this Act.

21 (Source: P.A. 95-331, eff. 8-21-07; 96-31, eff. 6-30-09.)

22 Section 15. The Task Force on Inventorying Employment  
23 Restrictions Act is amended by changing Section 10 as follows:

24 (20 ILCS 5000/10)



1           Sec. 10. Definitions. As used in this Act:

2           "State agencies" shall mean the following State agencies,  
3 boards, and commissions: Department on Aging, Department of  
4 Agriculture, Office of Appellate Defender, Office of the  
5 State's Attorneys Appellate Prosecutor, Illinois Arts Council,  
6 Office of the Attorney General, Auditor General, Capital  
7 Development Board, Department of Central Management Services,  
8 Department of Children and Family Services, Civil Service  
9 Commission, Illinois Department of Commerce and Economic  
10 Opportunity, Illinois Commerce Commission, Illinois Community  
11 College Board, State of Illinois Comprehensive Health  
12 Insurance Plan, Office of the Comptroller, Department of  
13 Corrections, Criminal Justice Information Authority, Illinois  
14 Council on Developmental Disabilities, Illinois Deaf and Hard  
15 of Hearing Commission, Commission on Discrimination and Hate  
16 Crimes, State Board of Education, ~~Illinois Educational Labor~~  
17 ~~Relations Board,~~ State Board of Elections, Illinois Emergency  
18 Management Agency, Department of Employment Security,  
19 Environmental Protection Agency, Illinois State Fair, Illinois  
20 Finance Authority, Department of Financial and Professional  
21 Regulation, Office of the First Lady, Illinois Gaming Board,  
22 Office of the Governor, Guardianship and Advocacy Commission,  
23 Department of Healthcare and Family Services, Board of Higher  
24 Education, Historic Preservation Agency, Illinois Housing  
25 Development Authority, Illinois Human Rights Commission,  
26 Department of Human Rights, Department of Human Services,

1 Illinois State Board of Investment, Department of Juvenile  
2 Justice, Office of the Lieutenant Governor, Department of  
3 Labor, Illinois Labor Relations Board, Illinois Law  
4 Enforcement Training Standards Board, Illinois Liquor Control  
5 Commission, Illinois Lottery, Governor's Office of Management  
6 and Budget, Illinois Medical District Commission, Department  
7 of Military Affairs, Department of Natural Resources,  
8 Pollution Control Board, Prairie State 2000 Authority,  
9 Property Tax Appeal Board, Department of Public Health,  
10 Illinois Prisoner Review Board, Illinois Racing Board,  
11 Department of Revenue, Office of the Secretary of State, State  
12 Fire Marshal, Illinois State Police, State Police Merit Board,  
13 State Retirement Systems, Office of the State Treasurer, State  
14 Universities Civil Service System, State Universities  
15 Retirement System, Illinois Student Assistance Commission,  
16 Illinois Supreme Court, Illinois Teachers' Retirement System,  
17 Illinois State Toll Highway Authority, Department of  
18 Transportation, Department of Veterans' Affairs, Governor's  
19 Office of Women's Affairs, and Illinois Workers' Compensation  
20 Commission.

21 (Source: P.A. 100-143, eff. 1-1-18.)

22 Section 20. The State Revenue Sharing Act is amended by  
23 changing Section 12 as follows:

24 (30 ILCS 115/12) (from Ch. 85, par. 616)

1           Sec. 12. Personal Property Tax Replacement Fund. There is  
2 hereby created the Personal Property Tax Replacement Fund, a  
3 special fund in the State Treasury into which shall be paid all  
4 revenue realized:

5           (a) all amounts realized from the additional personal  
6 property tax replacement income tax imposed by subsections (c)  
7 and (d) of Section 201 of the Illinois Income Tax Act, except  
8 for those amounts deposited into the Income Tax Refund Fund  
9 pursuant to subsection (c) of Section 901 of the Illinois  
10 Income Tax Act; and

11           (b) all amounts realized from the additional personal  
12 property replacement invested capital taxes imposed by Section  
13 2a.1 of the Messages Tax Act, Section 2a.1 of the Gas Revenue  
14 Tax Act, Section 2a.1 of the Public Utilities Revenue Act, and  
15 Section 3 of the Water Company Invested Capital Tax Act, and  
16 amounts payable to the Department of Revenue under the  
17 Telecommunications Infrastructure Maintenance Fee Act.

18           As soon as may be after the end of each month, the  
19 Department of Revenue shall certify to the Treasurer and the  
20 Comptroller the amount of all refunds paid out of the General  
21 Revenue Fund through the preceding month on account of  
22 overpayment of liability on taxes paid into the Personal  
23 Property Tax Replacement Fund. Upon receipt of such  
24 certification, the Treasurer and the Comptroller shall  
25 transfer the amount so certified from the Personal Property Tax  
26 Replacement Fund into the General Revenue Fund.

1           The payments of revenue into the Personal Property Tax  
2 Replacement Fund shall be used exclusively for distribution to  
3 taxing districts, regional offices and officials, and local  
4 officials as provided in this Section and in the School Code,  
5 payment of the ordinary and contingent expenses of the Property  
6 Tax Appeal Board, payment of the expenses of the Department of  
7 Revenue incurred in administering the collection and  
8 distribution of monies paid into the Personal Property Tax  
9 Replacement Fund and transfers due to refunds to taxpayers for  
10 overpayment of liability for taxes paid into the Personal  
11 Property Tax Replacement Fund.

12           In addition, moneys in the Personal Property Tax  
13 Replacement Fund may be used to pay any of the following: (i)  
14 salary, stipends, and additional compensation as provided by  
15 law for chief election clerks, county clerks, and county  
16 recorders; (ii) costs associated with regional offices of  
17 education and educational service centers; (iii)  
18 reimbursements payable by the State Board of Elections under  
19 Section 4-25, 5-35, 6-71, 13-10, 13-10a, or 13-11 of the  
20 Election Code; (iv) expenses of the Illinois Public Labor  
21 Relations Board under the Illinois Educational Labor Relations  
22 Act ~~Board~~; and (v) salary, personal services, and additional  
23 compensation as provided by law for court reporters under the  
24 Court Reporters Act.

25           As soon as may be after the effective date of this  
26 amendatory Act of 1980, the Department of Revenue shall certify

1 to the Treasurer the amount of net replacement revenue paid  
2 into the General Revenue Fund prior to that effective date from  
3 the additional tax imposed by Section 2a.1 of the Messages Tax  
4 Act; Section 2a.1 of the Gas Revenue Tax Act; Section 2a.1 of  
5 the Public Utilities Revenue Act; Section 3 of the Water  
6 Company Invested Capital Tax Act; amounts collected by the  
7 Department of Revenue under the Telecommunications  
8 Infrastructure Maintenance Fee Act; and the additional  
9 personal property tax replacement income tax imposed by the  
10 Illinois Income Tax Act, as amended by Public Act 81-1st  
11 Special Session-1. Net replacement revenue shall be defined as  
12 the total amount paid into and remaining in the General Revenue  
13 Fund as a result of those Acts minus the amount outstanding and  
14 obligated from the General Revenue Fund in state vouchers or  
15 warrants prior to the effective date of this amendatory Act of  
16 1980 as refunds to taxpayers for overpayment of liability under  
17 those Acts.

18 All interest earned by monies accumulated in the Personal  
19 Property Tax Replacement Fund shall be deposited in such Fund.  
20 All amounts allocated pursuant to this Section are appropriated  
21 on a continuing basis.

22 Prior to December 31, 1980, as soon as may be after the end  
23 of each quarter beginning with the quarter ending December 31,  
24 1979, and on and after December 31, 1980, as soon as may be  
25 after January 1, March 1, April 1, May 1, July 1, August 1,  
26 October 1 and December 1 of each year, the Department of

1 Revenue shall allocate to each taxing district as defined in  
2 Section 1-150 of the Property Tax Code, in accordance with the  
3 provisions of paragraph (2) of this Section the portion of the  
4 funds held in the Personal Property Tax Replacement Fund which  
5 is required to be distributed, as provided in paragraph (1),  
6 for each quarter. Provided, however, under no circumstances  
7 shall any taxing district during each of the first two years of  
8 distribution of the taxes imposed by this amendatory Act of  
9 1979 be entitled to an annual allocation which is less than the  
10 funds such taxing district collected from the 1978 personal  
11 property tax. Provided further that under no circumstances  
12 shall any taxing district during the third year of distribution  
13 of the taxes imposed by this amendatory Act of 1979 receive  
14 less than 60% of the funds such taxing district collected from  
15 the 1978 personal property tax. In the event that the total of  
16 the allocations made as above provided for all taxing  
17 districts, during either of such 3 years, exceeds the amount  
18 available for distribution the allocation of each taxing  
19 district shall be proportionately reduced. Except as provided  
20 in Section 13 of this Act, the Department shall then certify,  
21 pursuant to appropriation, such allocations to the State  
22 Comptroller who shall pay over to the several taxing districts  
23 the respective amounts allocated to them.

24 Any township which receives an allocation based in whole or  
25 in part upon personal property taxes which it levied pursuant  
26 to Section 6-507 or 6-512 of the Illinois Highway Code and

1 which was previously required to be paid over to a municipality  
2 shall immediately pay over to that municipality a proportionate  
3 share of the personal property replacement funds which such  
4 township receives.

5 Any municipality or township, other than a municipality  
6 with a population in excess of 500,000, which receives an  
7 allocation based in whole or in part on personal property taxes  
8 which it levied pursuant to Sections 3-1, 3-4 and 3-6 of the  
9 Illinois Local Library Act and which was previously required to  
10 be paid over to a public library shall immediately pay over to  
11 that library a proportionate share of the personal property tax  
12 replacement funds which such municipality or township  
13 receives; provided that if such a public library has converted  
14 to a library organized under The Illinois Public Library  
15 District Act, regardless of whether such conversion has  
16 occurred on, after or before January 1, 1988, such  
17 proportionate share shall be immediately paid over to the  
18 library district which maintains and operates the library.  
19 However, any library that has converted prior to January 1,  
20 1988, and which hitherto has not received the personal property  
21 tax replacement funds, shall receive such funds commencing on  
22 January 1, 1988.

23 Any township which receives an allocation based in whole or  
24 in part on personal property taxes which it levied pursuant to  
25 Section 1c of the Public Graveyards Act and which taxes were  
26 previously required to be paid over to or used for such public

1 cemetery or cemeteries shall immediately pay over to or use for  
2 such public cemetery or cemeteries a proportionate share of the  
3 personal property tax replacement funds which the township  
4 receives.

5 Any taxing district which receives an allocation based in  
6 whole or in part upon personal property taxes which it levied  
7 for another governmental body or school district in Cook County  
8 in 1976 or for another governmental body or school district in  
9 the remainder of the State in 1977 shall immediately pay over  
10 to that governmental body or school district the amount of  
11 personal property replacement funds which such governmental  
12 body or school district would receive directly under the  
13 provisions of paragraph (2) of this Section, had it levied its  
14 own taxes.

15 (1) The portion of the Personal Property Tax  
16 Replacement Fund required to be distributed as of the time  
17 allocation is required to be made shall be the amount  
18 available in such Fund as of the time allocation is  
19 required to be made.

20 The amount available for distribution shall be the  
21 total amount in the fund at such time minus the necessary  
22 administrative and other authorized expenses as limited by  
23 the appropriation and the amount determined by: (a) \$2.8  
24 million for fiscal year 1981; (b) for fiscal year 1982,  
25 .54% of the funds distributed from the fund during the  
26 preceding fiscal year; (c) for fiscal year 1983 through



1 fiscal year 1988, .54% of the funds distributed from the  
2 fund during the preceding fiscal year less .02% of such  
3 fund for fiscal year 1983 and less .02% of such funds for  
4 each fiscal year thereafter; (d) for fiscal year 1989  
5 through fiscal year 2011 no more than 105% of the actual  
6 administrative expenses of the prior fiscal year; (e) for  
7 fiscal year 2012 and beyond, a sufficient amount to pay (i)  
8 stipends, additional compensation, salary reimbursements,  
9 and other amounts directed to be paid out of this Fund for  
10 local officials as authorized or required by statute and  
11 (ii) no more than 105% of the actual administrative  
12 expenses of the prior fiscal year, including payment of the  
13 ordinary and contingent expenses of the Property Tax Appeal  
14 Board and payment of the expenses of the Department of  
15 Revenue incurred in administering the collection and  
16 distribution of moneys paid into the Fund; (f) for fiscal  
17 years 2012 and 2013 only, a sufficient amount to pay  
18 stipends, additional compensation, salary reimbursements,  
19 and other amounts directed to be paid out of this Fund for  
20 regional offices and officials as authorized or required by  
21 statute; or (g) for fiscal year 2018 only, a sufficient  
22 amount to pay amounts directed to be paid out of this Fund  
23 for public community college base operating grants and  
24 local health protection grants to certified local health  
25 departments as authorized or required by appropriation or  
26 statute. Such portion of the fund shall be determined after

1 the transfer into the General Revenue Fund due to refunds,  
2 if any, paid from the General Revenue Fund during the  
3 preceding quarter. If at any time, for any reason, there is  
4 insufficient amount in the Personal Property Tax  
5 Replacement Fund for payments for regional offices and  
6 officials or local officials or payment of costs of  
7 administration or for transfers due to refunds at the end  
8 of any particular month, the amount of such insufficiency  
9 shall be carried over for the purposes of payments for  
10 regional offices and officials, local officials, transfers  
11 into the General Revenue Fund, and costs of administration  
12 to the following month or months. Net replacement revenue  
13 held, and defined above, shall be transferred by the  
14 Treasurer and Comptroller to the Personal Property Tax  
15 Replacement Fund within 10 days of such certification.

16 (2) Each quarterly allocation shall first be  
17 apportioned in the following manner: 51.65% for taxing  
18 districts in Cook County and 48.35% for taxing districts in  
19 the remainder of the State.

20 The Personal Property Replacement Ratio of each taxing  
21 district outside Cook County shall be the ratio which the Tax  
22 Base of that taxing district bears to the Downstate Tax Base.  
23 The Tax Base of each taxing district outside of Cook County is  
24 the personal property tax collections for that taxing district  
25 for the 1977 tax year. The Downstate Tax Base is the personal  
26 property tax collections for all taxing districts in the State

1 outside of Cook County for the 1977 tax year. The Department of  
2 Revenue shall have authority to review for accuracy and  
3 completeness the personal property tax collections for each  
4 taxing district outside Cook County for the 1977 tax year.

5 The Personal Property Replacement Ratio of each Cook County  
6 taxing district shall be the ratio which the Tax Base of that  
7 taxing district bears to the Cook County Tax Base. The Tax Base  
8 of each Cook County taxing district is the personal property  
9 tax collections for that taxing district for the 1976 tax year.  
10 The Cook County Tax Base is the personal property tax  
11 collections for all taxing districts in Cook County for the  
12 1976 tax year. The Department of Revenue shall have authority  
13 to review for accuracy and completeness the personal property  
14 tax collections for each taxing district within Cook County for  
15 the 1976 tax year.

16 For all purposes of this Section 12, amounts paid to a  
17 taxing district for such tax years as may be applicable by a  
18 foreign corporation under the provisions of Section 7-202 of  
19 the Public Utilities Act, as amended, shall be deemed to be  
20 personal property taxes collected by such taxing district for  
21 such tax years as may be applicable. The Director shall  
22 determine from the Illinois Commerce Commission, for any tax  
23 year as may be applicable, the amounts so paid by any such  
24 foreign corporation to any and all taxing districts. The  
25 Illinois Commerce Commission shall furnish such information to  
26 the Director. For all purposes of this Section 12, the Director

1 shall deem such amounts to be collected personal property taxes  
2 of each such taxing district for the applicable tax year or  
3 years.

4 Taxing districts located both in Cook County and in one or  
5 more other counties shall receive both a Cook County allocation  
6 and a Downstate allocation determined in the same way as all  
7 other taxing districts.

8 If any taxing district in existence on July 1, 1979 ceases  
9 to exist, or discontinues its operations, its Tax Base shall  
10 thereafter be deemed to be zero. If the powers, duties and  
11 obligations of the discontinued taxing district are assumed by  
12 another taxing district, the Tax Base of the discontinued  
13 taxing district shall be added to the Tax Base of the taxing  
14 district assuming such powers, duties and obligations.

15 If two or more taxing districts in existence on July 1,  
16 1979, or a successor or successors thereto shall consolidate  
17 into one taxing district, the Tax Base of such consolidated  
18 taxing district shall be the sum of the Tax Bases of each of  
19 the taxing districts which have consolidated.

20 If a single taxing district in existence on July 1, 1979,  
21 or a successor or successors thereto shall be divided into two  
22 or more separate taxing districts, the tax base of the taxing  
23 district so divided shall be allocated to each of the resulting  
24 taxing districts in proportion to the then current equalized  
25 assessed value of each resulting taxing district.

26 If a portion of the territory of a taxing district is

1 disconnected and annexed to another taxing district of the same  
2 type, the Tax Base of the taxing district from which  
3 disconnection was made shall be reduced in proportion to the  
4 then current equalized assessed value of the disconnected  
5 territory as compared with the then current equalized assessed  
6 value within the entire territory of the taxing district prior  
7 to disconnection, and the amount of such reduction shall be  
8 added to the Tax Base of the taxing district to which  
9 annexation is made.

10 If a community college district is created after July 1,  
11 1979, beginning on the effective date of this amendatory Act of  
12 1995, its Tax Base shall be 3.5% of the sum of the personal  
13 property tax collected for the 1977 tax year within the  
14 territorial jurisdiction of the district.

15 The amounts allocated and paid to taxing districts pursuant  
16 to the provisions of this amendatory Act of 1979 shall be  
17 deemed to be substitute revenues for the revenues derived from  
18 taxes imposed on personal property pursuant to the provisions  
19 of the "Revenue Act of 1939" or "An Act for the assessment and  
20 taxation of private car line companies", approved July 22,  
21 1943, as amended, or Section 414 of the Illinois Insurance  
22 Code, prior to the abolition of such taxes and shall be used  
23 for the same purposes as the revenues derived from ad valorem  
24 taxes on real estate.

25 Monies received by any taxing districts from the Personal  
26 Property Tax Replacement Fund shall be first applied toward

1 payment of the proportionate amount of debt service which was  
2 previously levied and collected from extensions against  
3 personal property on bonds outstanding as of December 31, 1978  
4 and next applied toward payment of the proportionate share of  
5 the pension or retirement obligations of the taxing district  
6 which were previously levied and collected from extensions  
7 against personal property. For each such outstanding bond  
8 issue, the County Clerk shall determine the percentage of the  
9 debt service which was collected from extensions against real  
10 estate in the taxing district for 1978 taxes payable in 1979,  
11 as related to the total amount of such levies and collections  
12 from extensions against both real and personal property. For  
13 1979 and subsequent years' taxes, the County Clerk shall levy  
14 and extend taxes against the real estate of each taxing  
15 district which will yield the said percentage or percentages of  
16 the debt service on such outstanding bonds. The balance of the  
17 amount necessary to fully pay such debt service shall  
18 constitute a first and prior lien upon the monies received by  
19 each such taxing district through the Personal Property Tax  
20 Replacement Fund and shall be first applied or set aside for  
21 such purpose. In counties having fewer than 3,000,000  
22 inhabitants, the amendments to this paragraph as made by this  
23 amendatory Act of 1980 shall be first applicable to 1980 taxes  
24 to be collected in 1981.

25 (Source: P.A. 100-23, eff. 7-6-17.)

1           Section 25. The Illinois Pension Code is amended by  
2 changing Section 15-139 as follows:

3           (40 ILCS 5/15-139) (from Ch. 108 1/2, par. 15-139)

4           Sec. 15-139. Retirement annuities; cancellation; suspended  
5 during employment.

6           (a) If an annuitant returns to employment for an employer  
7 within 60 days after the beginning of the retirement annuity  
8 payment period, the retirement annuity shall be cancelled, and  
9 the annuitant shall refund to the System the total amount of  
10 the retirement annuity payments which he or she received. If  
11 the retirement annuity is cancelled, the participant shall  
12 continue to participate in the System.

13           (b) If an annuitant retires prior to age 60 and receives or  
14 becomes entitled to receive during any month compensation in  
15 excess of the monthly retirement annuity (including any  
16 automatic annual increases) for services performed after the  
17 date of retirement for any employer under this System, that  
18 portion of the monthly retirement annuity provided by employer  
19 contributions shall not be payable.

20           If an annuitant retires at age 60 or over and receives or  
21 becomes entitled to receive during any academic year  
22 compensation in excess of the difference between his or her  
23 highest annual earnings prior to retirement and his or her  
24 annual retirement annuity computed under Rule 1, Rule 2, Rule  
25 3, or Rule 4 of Section 15-136, or under Section 15-136.4, for

1 services performed after the date of retirement for any  
2 employer under this System, that portion of the monthly  
3 retirement annuity provided by employer contributions shall be  
4 reduced by an amount equal to the compensation that exceeds  
5 such difference.

6 However, any remuneration received for serving as a member  
7 of the former Illinois Educational Labor Relations Board shall  
8 be excluded from "compensation" for the purposes of this  
9 subsection (b), and serving as a member of the former Illinois  
10 Educational Labor Relations Board shall not be deemed to be a  
11 return to employment for the purposes of this Section. This  
12 provision applies without regard to whether service was  
13 terminated prior to the effective date of this amendatory Act  
14 of 1991.

15 "Academic year", as used in this subsection (b), means the  
16 12-month period beginning September 1.

17 (c) If an employer certifies that an annuitant has been  
18 reemployed on a permanent and continuous basis or in a position  
19 in which the annuitant is expected to serve for at least 9  
20 months, the annuitant shall resume his or her status as a  
21 participating employee and shall be entitled to all rights  
22 applicable to participating employees upon filing with the  
23 board an election to forgo all annuity payments during the  
24 period of reemployment. Upon subsequent retirement, the  
25 retirement annuity shall consist of the annuity which was  
26 terminated by the reemployment, plus the additional retirement



1 annuity based upon service granted during the period of  
2 reemployment, but the combined retirement annuity shall not  
3 exceed the maximum annuity applicable on the date of the last  
4 retirement.

5 The total service and earnings credited before and after  
6 the initial date of retirement shall be considered in  
7 determining eligibility of the employee or the employee's  
8 beneficiary to benefits under this Article, and in calculating  
9 final rate of earnings.

10 In determining the death benefit payable to a beneficiary  
11 of an annuitant who again becomes a participating employee  
12 under this Section, accumulated normal and additional  
13 contributions shall be considered as the sum of the accumulated  
14 normal and additional contributions at the date of initial  
15 retirement and the accumulated normal and additional  
16 contributions credited after that date, less the sum of the  
17 annuity payments received by the annuitant.

18 The survivors insurance benefits provided under Section  
19 15-145 shall not be applicable to an annuitant who resumes his  
20 or her status as a participating employee, unless the  
21 annuitant, at the time of initial retirement, has a survivors  
22 insurance beneficiary who could qualify for such benefits or  
23 the annuitant repaid the survivors insurance contribution  
24 refund or additional annuity under subsection (c-5) of Section  
25 15-154.

26 If the participant's employment is terminated because of

1 circumstances other than death before 9 months from the date of  
2 reemployment, the provisions of this Section regarding  
3 resumption of status as a participating employee shall not  
4 apply. The normal and survivors insurance contributions which  
5 are deducted during this period shall be refunded to the  
6 annuitant without interest, and subsequent benefits under this  
7 Article shall be the same as those which were applicable prior  
8 to the date the annuitant resumed employment.

9 The amendments made to this Section by this amendatory Act  
10 of the 91st General Assembly apply without regard to whether  
11 the annuitant was in service on or after the effective date of  
12 this amendatory Act.

13 (Source: P.A. 98-92, eff. 7-16-13; 98-596, eff. 11-19-13;  
14 99-682, eff. 7-29-16.)

15 Section 30. The Illinois Educational Labor Relations Act is  
16 amended by changing Sections 2, 8, 11, 12, and 13 and by adding  
17 Section 5.1 as follows:

18 (115 ILCS 5/2) (from Ch. 48, par. 1702)

19 Sec. 2. Definitions. As used in this Act:

20 (a) "Educational employer" or "employer" means the  
21 governing body of a public school district, including the  
22 governing body of a charter school established under Article  
23 27A of the School Code or of a contract school or contract  
24 turnaround school established under paragraph 30 of Section

1 34-18 of the School Code, combination of public school  
2 districts, including the governing body of joint agreements of  
3 any type formed by 2 or more school districts, public community  
4 college district or State college or university, a  
5 subcontractor of instructional services of a school district  
6 (other than a school district organized under Article 34 of the  
7 School Code), combination of school districts, charter school  
8 established under Article 27A of the School Code, or contract  
9 school or contract turnaround school established under  
10 paragraph 30 of Section 34-18 of the School Code, an  
11 Independent Authority created under Section 2-3.25f-5 of the  
12 School Code, and any State agency whose major function is  
13 providing educational services. "Educational employer" or  
14 "employer" does not include (1) a Financial Oversight Panel  
15 created pursuant to Section 1A-8 of the School Code due to a  
16 district violating a financial plan or (2) an approved  
17 nonpublic special education facility that contracts with a  
18 school district or combination of school districts to provide  
19 special education services pursuant to Section 14-7.02 of the  
20 School Code, but does include a School Finance Authority  
21 created under Article 1E or 1F of the School Code and a  
22 Financial Oversight Panel created under Article 1B or 1H of the  
23 School Code. The change made by this amendatory Act of the 96th  
24 General Assembly to this paragraph (a) to make clear that the  
25 governing body of a charter school is an "educational employer"  
26 is declaratory of existing law.

1           (b) "Educational employee" or "employee" means any  
2 individual, excluding supervisors, managerial, confidential,  
3 short term employees, student, and part-time academic  
4 employees of community colleges employed full or part time by  
5 an educational employer, but shall not include elected  
6 officials and appointees of the Governor with the advice and  
7 consent of the Senate, firefighters as defined by subsection  
8 (g-1) of Section 3 of the Illinois Public Labor Relations Act,  
9 and peace officers employed by a State university. For the  
10 purposes of this Act, part-time academic employees of community  
11 colleges shall be defined as those employees who provide less  
12 than 3 credit hours of instruction per academic semester. In  
13 this subsection (b), the term "student" includes graduate  
14 students who are research assistants primarily performing  
15 duties that involve research or graduate assistants primarily  
16 performing duties that are pre-professional, but excludes  
17 graduate students who are teaching assistants primarily  
18 performing duties that involve the delivery and support of  
19 instruction and all other graduate assistants.

20           (c) "Employee organization" or "labor organization" means  
21 an organization of any kind in which membership includes  
22 educational employees, and which exists for the purpose, in  
23 whole or in part, of dealing with employers concerning  
24 grievances, employee-employer disputes, wages, rates of pay,  
25 hours of employment, or conditions of work, but shall not  
26 include any organization which practices discrimination in

1 membership because of race, color, creed, age, gender, national  
2 origin or political affiliation.

3 (d) "Exclusive representative" means the labor  
4 organization which has been designated by the ~~Illinois~~  
5 ~~Educational Labor Relations~~ Board as the representative of the  
6 majority of educational employees in an appropriate unit, or  
7 recognized by an educational employer prior to January 1, 1984  
8 as the exclusive representative of the employees in an  
9 appropriate unit or, after January 1, 1984, recognized by an  
10 employer upon evidence that the employee organization has been  
11 designated as the exclusive representative by a majority of the  
12 employees in an appropriate unit.

13 (e) "Board" means the State Panel of the Illinois Public  
14 ~~Educational~~ Labor Relations Board.

15 (f) "Regional Superintendent" means the regional  
16 superintendent of schools provided for in Articles 3 and 3A of  
17 The School Code.

18 (g) "Supervisor" means any individual having authority in  
19 the interests of the employer to hire, transfer, suspend, lay  
20 off, recall, promote, discharge, reward or discipline other  
21 employees within the appropriate bargaining unit and adjust  
22 their grievances, or to effectively recommend such action if  
23 the exercise of such authority is not of a merely routine or  
24 clerical nature but requires the use of independent judgment.  
25 The term "supervisor" includes only those individuals who  
26 devote a preponderance of their employment time to such

1 exercising authority.

2 (h) "Unfair labor practice" or "unfair practice" means any  
3 practice prohibited by Section 14 of this Act.

4 (i) "Person" includes an individual, educational employee,  
5 educational employer, legal representative, or employee  
6 organization.

7 (j) "Wages" means salaries or other forms of compensation  
8 for services rendered.

9 (k) "Professional employee" means, in the case of a public  
10 community college, State college or university, State agency  
11 whose major function is providing educational services, the  
12 Illinois School for the Deaf, and the Illinois School for the  
13 Visually Impaired, (1) any employee engaged in work (i)  
14 predominantly intellectual and varied in character as opposed  
15 to routine mental, manual, mechanical, or physical work; (ii)  
16 involving the consistent exercise of discretion and judgment in  
17 its performance; (iii) of such character that the output  
18 produced or the result accomplished cannot be standardized in  
19 relation to a given period of time; and (iv) requiring  
20 knowledge of an advanced type in a field of science or learning  
21 customarily acquired by a prolonged course of specialized  
22 intellectual instruction and study in an institution of higher  
23 learning or a hospital, as distinguished from a general  
24 academic education or from an apprenticeship or from training  
25 in the performance of routine mental, manual, or physical  
26 processes; or (2) any employee, who (i) has completed the

1 courses of specialized intellectual instruction and study  
2 described in clause (iv) of paragraph (1) of this subsection,  
3 and (ii) is performing related work under the supervision of a  
4 professional person to qualify himself or herself to become a  
5 professional as defined in paragraph (1).

6 (l) "Professional employee" means, in the case of any  
7 public school district, or combination of school districts  
8 pursuant to joint agreement, any employee who has a certificate  
9 issued under Article 21 or Section 34-83 of the School Code, as  
10 now or hereafter amended.

11 (m) "Unit" or "bargaining unit" means any group of  
12 employees for which an exclusive representative is selected.

13 (n) "Confidential employee" means an employee, who (i) in  
14 the regular course of his or her duties, assists and acts in a  
15 confidential capacity to persons who formulate, determine and  
16 effectuate management policies with regard to labor relations  
17 or who (ii) in the regular course of his or her duties has  
18 access to information relating to the effectuation or review of  
19 the employer's collective bargaining policies.

20 (o) "Managerial employee" means an individual who is  
21 engaged predominantly in executive and management functions  
22 and is charged with the responsibility of directing the  
23 effectuation of such management policies and practices.

24 (p) "Craft employee" means a skilled journeyman, craft  
25 person, and his or her apprentice or helper.

26 (q) "Short-term employee" is an employee who is employed

1 for less than 2 consecutive calendar quarters during a calendar  
2 year and who does not have a reasonable expectation that he or  
3 she will be rehired by the same employer for the same service  
4 in a subsequent calendar year. Nothing in this subsection shall  
5 affect the employee status of individuals who were covered by a  
6 collective bargaining agreement on the effective date of this  
7 amendatory Act of 1991.

8 (Source: P.A. 97-429, eff. 8-16-11; 98-1155, eff. 1-9-15.)

9 (115 ILCS 5/5.1 new)

10 Sec. 5.1. Illinois Educational Labor Relations Board  
11 abolished. The Illinois Educational Labor Relations Board is  
12 abolished and the terms of all members are ended on the  
13 effective date of this amendatory Act of the 100th General  
14 Assembly. All powers and duties of the former Illinois  
15 Educational Labor Relations Board under this Act shall be  
16 exercised and performed by the State Panel of the Illinois  
17 Public Labor Relations Board on and after the effective date of  
18 this amendatory Act of the 100th General Assembly.

19 (115 ILCS 5/8) (from Ch. 48, par. 1708)

20 Sec. 8. Election - certification. Elections shall be by  
21 secret ballot, and conducted in accordance with rules and  
22 regulations established by the ~~Illinois Educational Labor~~  
23 ~~Relations~~ Board. An incumbent exclusive bargaining  
24 representative shall automatically be placed on any ballot with



1 the petitioner's labor organization. An intervening labor  
2 organization may be placed on the ballot when supported by 15%  
3 or more of the employees in the bargaining unit. The Board  
4 shall give at least 30 days notice of the time and place of the  
5 election to the parties and, upon request, shall provide the  
6 parties with a list of names and addresses of persons eligible  
7 to vote in the election at least 15 days before the election.  
8 The ballot must include, as one of the alternatives, the choice  
9 of "no representative". No mail ballots are permitted except  
10 where a specific individual would otherwise be unable to cast a  
11 ballot.

12 The labor organization receiving a majority of the ballots  
13 cast shall be certified by the Board as the exclusive  
14 bargaining representative. If the choice of "no  
15 representative" receives a majority, the employer shall not  
16 recognize any exclusive bargaining representative for at least  
17 12 months. If none of the choices on the ballot receives a  
18 majority, a run-off shall be conducted between the 2 choices  
19 receiving the largest number of valid votes cast in the  
20 election. The Board shall certify the results of the election  
21 within 6 working days after the final tally of votes unless a  
22 charge is filed by a party alleging that improper conduct  
23 occurred which affected the outcome of the election. The Board  
24 shall promptly investigate the allegations, and if it finds  
25 probable cause that improper conduct occurred and could have  
26 affected the outcome of the election, it shall set a hearing on

1 the matter on a date falling within 2 weeks of when it received  
2 the charge. If it determines, after hearing, that the outcome  
3 of the election was affected by improper conduct, it shall  
4 order a new election and shall order corrective action which it  
5 considers necessary to insure the fairness of the new election.  
6 If it determines upon investigation or after hearing that the  
7 alleged improper conduct did not take place or that it did not  
8 affect the results of the election, it shall immediately  
9 certify the election results.

10 Any labor organization that is the exclusive bargaining  
11 representative in an appropriate unit on the effective date of  
12 this Act shall continue as such until a new one is selected  
13 under this Act.

14 (Source: P.A. 92-206, eff. 1-1-02.)

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 for  
21 services rendered. The exclusive representative shall certify  
22 to the employer an amount not to exceed the dues uniformly  
23 required of members which shall constitute each non member  
24 employee's fair share fee. The fair share fee payment shall be  
25 deducted by the employer from the earnings of the non member

1 employees and paid to the exclusive representative.

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

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

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

1 to reach an agreement on the matter, the ~~Illinois Educational~~  
2 ~~Labor Relations~~ Board may establish an approved list of  
3 charitable organizations to which such payments may be made.

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

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

1 (115 ILCS 5/12) (from Ch. 48, par. 1712)

2 Sec. 12. Impasse procedures.

3 (a) This subsection (a) applies only to collective  
4 bargaining between an educational employer that is not a public  
5 school district organized under Article 34 of the School Code  
6 and an exclusive representative of its employees. If the  
7 parties engaged in collective bargaining have not reached an  
8 agreement by 90 days before the scheduled start of the  
9 forthcoming school year, the parties shall notify the ~~Illinois~~  
10 ~~Educational Labor Relations~~ Board concerning the status of  
11 negotiations. This notice shall include a statement on whether  
12 mediation has been used.

13 Upon demand of either party, collective bargaining between  
14 the employer and an exclusive bargaining representative must  
15 begin within 60 days of the date of certification of the  
16 representative by the Board, or in the case of an existing  
17 exclusive bargaining representative, within 60 days of the  
18 receipt by a party of a demand to bargain issued by the other  
19 party. Once commenced, collective bargaining must continue for  
20 at least a 60 day period, unless a contract is entered into.

21 Except as otherwise provided in subsection (b) of this  
22 Section, if after a reasonable period of negotiation and within  
23 90 days of the scheduled start of the forth-coming school year,  
24 the parties engaged in collective bargaining have reached an  
25 impasse, either party may petition the Board to initiate  
26 mediation. Alternatively, the Board on its own motion may

1 initiate mediation during this period. However, mediation  
2 shall be initiated by the Board at any time when jointly  
3 requested by the parties and the services of the mediators  
4 shall continuously be made available to the employer and to the  
5 exclusive bargaining representative for purposes of  
6 arbitration of grievances and mediation or arbitration of  
7 contract disputes. If requested by the parties, the mediator  
8 may perform fact-finding and in so doing conduct hearings and  
9 make written findings and recommendations for resolution of the  
10 dispute. Such mediation shall be provided by the Board and  
11 shall be held before qualified impartial individuals. Nothing  
12 prohibits the use of other individuals or organizations such as  
13 the Federal Mediation and Conciliation Service or the American  
14 Arbitration Association selected by both the exclusive  
15 bargaining representative and the employer.

16 If the parties engaged in collective bargaining fail to  
17 reach an agreement within 45 days of the scheduled start of the  
18 forthcoming school year and have not requested mediation, the  
19 ~~Illinois Educational Labor Relations~~ Board shall invoke  
20 mediation.

21 Whenever mediation is initiated or invoked under this  
22 subsection (a), the parties may stipulate to defer selection of  
23 a mediator in accordance with rules adopted by the Board.

24 (a-5) This subsection (a-5) applies only to collective  
25 bargaining between a public school district or a combination of  
26 public school districts, including, but not limited to, joint

1 cooperatives, that is not organized under Article 34 of the  
2 School Code and an exclusive representative of its employees.

3 (1) Any time 15 days after mediation has commenced,  
4 either party may initiate the public posting process. The  
5 mediator may initiate the public posting process at any  
6 time 15 days after mediation has commenced during the  
7 mediation process. Initiation of the public posting  
8 process must be filed in writing with the Board, and copies  
9 must be submitted to the parties on the same day the  
10 initiation is filed with the Board.

11 (2) Within 7 days after the initiation of the public  
12 posting process, each party shall submit to the mediator,  
13 the Board, and the other party in writing the most recent  
14 offer of the party, including a cost summary of the offer.  
15 Seven days after receipt of the parties' offers, the Board  
16 shall make public the offers and each party's cost summary  
17 dealing with those issues on which the parties have failed  
18 to reach agreement by immediately posting the offers on its  
19 Internet website, unless otherwise notified by the  
20 mediator or jointly by the parties that agreement has been  
21 reached. On the same day of publication by the Board, at a  
22 minimum, the school district shall distribute notice of the  
23 availability of the offers on the Board's Internet website  
24 to all news media that have filed an annual request for  
25 notices from the school district pursuant to Section 2.02  
26 of the Open Meetings Act. The parties' offers shall remain

1 on the Board's Internet website until the parties have  
2 reached and ratified an agreement.

3 (a-10) This subsection (a-10) applies only to collective  
4 bargaining between a public school district organized under  
5 Article 34 of the School Code and an exclusive representative  
6 of its employees.

7 (1) For collective bargaining agreements between an  
8 educational employer to which this subsection (a-10)  
9 applies and an exclusive representative of its employees,  
10 if the parties fail to reach an agreement after a  
11 reasonable period of mediation, the dispute shall be  
12 submitted to fact-finding in accordance with this  
13 subsection (a-10). Either the educational employer or the  
14 exclusive representative may initiate fact-finding by  
15 submitting a written demand to the other party with a copy  
16 of the demand submitted simultaneously to the Board.

17 (2) Within 3 days following a party's demand for  
18 fact-finding, each party shall appoint one member of the  
19 fact-finding panel, unless the parties agree to proceed  
20 without a tri-partite panel. Following these appointments,  
21 if any, the parties shall select a qualified impartial  
22 individual to serve as the fact-finder and chairperson of  
23 the fact-finding panel, if applicable. An individual shall  
24 be considered qualified to serve as the fact-finder and  
25 chairperson of the fact-finding panel, if applicable, if he  
26 or she was not the same individual who was appointed as the



1 mediator and if he or she satisfies the following  
2 requirements: membership in good standing with the  
3 National Academy of Arbitrators, Federal Mediation and  
4 Conciliation Service, or American Arbitration Association  
5 for a minimum of 10 years; membership on the mediation  
6 roster for the Illinois Labor Relations Board ~~or Illinois~~  
7 ~~Educational Labor Relations Board~~; issuance of at least 5  
8 interest arbitration awards arising under the Illinois  
9 Public Labor Relations Act; and participation in impasse  
10 resolution processes arising under private or public  
11 sector collective bargaining statutes in other states. If  
12 the parties are unable to agree on a fact-finder, the  
13 parties shall request a panel of fact-finders who satisfy  
14 the requirements set forth in this paragraph (2) from  
15 either the Federal Mediation and Conciliation Service or  
16 the American Arbitration Association and shall select a  
17 fact-finder from such panel in accordance with the  
18 procedures established by the organization providing the  
19 panel.

20 (3) The fact-finder shall have the following duties and  
21 powers:

22 (A) to require the parties to submit a statement of  
23 disputed issues and their positions regarding each  
24 issue either jointly or separately;

25 (B) to identify disputed issues that are economic  
26 in nature;

1 (C) to meet with the parties either separately or  
2 in executive sessions;

3 (D) to conduct hearings and regulate the time,  
4 place, course, and manner of the hearings;

5 (E) to request the Board to issue subpoenas  
6 requiring the attendance and testimony of witnesses or  
7 the production of evidence;

8 (F) to administer oaths and affirmations;

9 (G) to examine witnesses and documents;

10 (H) to create a full and complete written record of  
11 the hearings;

12 (I) to attempt mediation or remand a disputed issue  
13 to the parties for further collective bargaining;

14 (J) to require the parties to submit final offers  
15 for each disputed issue either individually or as a  
16 package or as a combination of both; and

17 (K) to employ any other measures deemed  
18 appropriate to resolve the impasse.

19 (4) If the dispute is not settled within 75 days after  
20 the appointment of the fact-finding panel, the  
21 fact-finding panel shall issue a private report to the  
22 parties that contains advisory findings of fact and  
23 recommended terms of settlement for all disputed issues and  
24 that sets forth a rationale for each recommendation. The  
25 fact-finding panel, acting by a majority of its members,  
26 shall base its findings and recommendations upon the

1 following criteria as applicable:

2 (A) the lawful authority of the employer;

3 (B) the federal and State statutes or local  
4 ordinances and resolutions applicable to the employer;

5 (C) prior collective bargaining agreements and the  
6 bargaining history between the parties;

7 (D) stipulations of the parties;

8 (E) the interests and welfare of the public and the  
9 students and families served by the employer;

10 (F) the employer's financial ability to fund the  
11 proposals based on existing available resources,  
12 provided that such ability is not predicated on an  
13 assumption that lines of credit or reserve funds are  
14 available or that the employer may or will receive or  
15 develop new sources of revenue or increase existing  
16 sources of revenue;

17 (G) the impact of any economic adjustments on the  
18 employer's ability to pursue its educational mission;

19 (H) the present and future general economic  
20 conditions in the locality and State;

21 (I) a comparison of the wages, hours, and  
22 conditions of employment of the employees involved in  
23 the dispute with the wages, hours, and conditions of  
24 employment of employees performing similar services in  
25 public education in the 10 largest U.S. cities;

26 (J) the average consumer prices in urban areas for

1 goods and services, which is commonly known as the cost  
2 of living;

3 (K) the overall compensation presently received by  
4 the employees involved in the dispute, including  
5 direct wage compensation; vacations, holidays, and  
6 other excused time; insurance and pensions; medical  
7 and hospitalization benefits; the continuity and  
8 stability of employment and all other benefits  
9 received; and how each party's proposed compensation  
10 structure supports the educational goals of the  
11 district;

12 (L) changes in any of the circumstances listed in  
13 items (A) through (K) of this paragraph (4) during the  
14 fact-finding proceedings;

15 (M) the effect that any term the parties are at  
16 impasse on has or may have on the overall educational  
17 environment, learning conditions, and working  
18 conditions with the school district; and

19 (N) the effect that any term the parties are at  
20 impasse on has or may have in promoting the public  
21 policy of this State.

22 (5) The fact-finding panel's recommended terms of  
23 settlement shall be deemed agreed upon by the parties as  
24 the final resolution of the disputed issues and  
25 incorporated into the collective bargaining agreement  
26 executed by the parties, unless either party tenders to the

1 other party and the chairperson of the fact-finding panel a  
2 notice of rejection of the recommended terms of settlement  
3 with a rationale for the rejection, within 15 days after  
4 the date of issuance of the fact-finding panel's report. If  
5 either party submits a notice of rejection, the chairperson  
6 of the fact-finding panel shall publish the fact-finding  
7 panel's report and the notice of rejection for public  
8 information by delivering a copy to all newspapers of  
9 general circulation in the community with simultaneous  
10 written notice to the parties.

11 (b) If, after a period of bargaining of at least 60 days, a  
12 dispute or impasse exists between an educational employer whose  
13 territorial boundaries are coterminous with those of a city  
14 having a population in excess of 500,000 and the exclusive  
15 bargaining representative over a subject or matter set forth in  
16 Section 4.5 of this Act, the parties shall submit the dispute  
17 or impasse to the dispute resolution procedure agreed to  
18 between the parties. The procedure shall provide for mediation  
19 of disputes by a rotating mediation panel and may, at the  
20 request of either party, include the issuance of advisory  
21 findings of fact and recommendations.

22 (c) The costs of fact finding and mediation shall be shared  
23 equally between the employer and the exclusive bargaining  
24 agent, provided that, for purposes of mediation under this Act,  
25 if either party requests the use of mediation services from the  
26 Federal Mediation and Conciliation Service, the other party

1 shall either join in such request or bear the additional cost  
2 of mediation services from another source. All other costs and  
3 expenses of complying with this Section must be borne by the  
4 party incurring them.

5 (c-5) If an educational employer or exclusive bargaining  
6 representative refuses to participate in mediation or fact  
7 finding when required by this Section, the refusal shall be  
8 deemed a refusal to bargain in good faith.

9 (d) Nothing in this Act prevents an employer and an  
10 exclusive bargaining representative from mutually submitting  
11 to final and binding impartial arbitration unresolved issues  
12 concerning the terms of a new collective bargaining agreement.  
13 (Source: P.A. 97-7, eff. 6-13-11; 97-8, eff. 6-13-11; 98-513,  
14 eff. 1-1-14.)

15 (115 ILCS 5/13) (from Ch. 48, par. 1713)

16 Sec. 13. Strikes.

17 (a) Notwithstanding the existence of any other provision in  
18 this Act or other law, educational employees employed in school  
19 districts organized under Article 34 of the School Code shall  
20 not engage in a strike at any time during the 18 month period  
21 that commences on the effective date of this amendatory Act of  
22 1995. An educational employee employed in a school district  
23 organized under Article 34 of the School Code who participates  
24 in a strike in violation of this Section is subject to  
25 discipline by the employer. In addition, no educational

1 employer organized under Article 34 of the School Code may pay  
2 or cause to be paid to an educational employee who participates  
3 in a strike in violation of this subsection any wages or other  
4 compensation for any period during which an educational  
5 employee participates in the strike, except for wages or  
6 compensation earned before participation in the strike.  
7 Notwithstanding the existence of any other provision in this  
8 Act or other law, during the 18-month period that strikes are  
9 prohibited under this subsection nothing in this subsection  
10 shall be construed to require an educational employer to submit  
11 to a binding dispute resolution process.

12 (b) Notwithstanding the existence of any other provision in  
13 this Act or any other law, educational employees other than  
14 those employed in a school district organized under Article 34  
15 of the School Code and, after the expiration of the 18 month  
16 period that commences on the effective date of this amendatory  
17 Act of 1995, educational employees in a school district  
18 organized under Article 34 of the School Code shall not engage  
19 in a strike except under the following conditions:

20 (1) they are represented by an exclusive bargaining  
21 representative;

22 (2) mediation has been used without success and, for  
23 educational employers and exclusive bargaining  
24 representatives to which subsection (a-5) of Section 12 of  
25 this Act applies, at least 14 days have elapsed after the  
26 Board has made public the parties' offers;

1           (2.5) if fact-finding was invoked pursuant to  
2 subsection (a-10) of Section 12 of this Act, at least 30  
3 days have elapsed after a fact-finding report has been  
4 released for public information;

5           (2.10) for educational employees employed in a school  
6 district organized under Article 34 of the School Code, at  
7 least three-fourths of all bargaining unit employees who  
8 are members of the exclusive bargaining representative  
9 have affirmatively voted to authorize the strike;  
10 provided, however, that all members of the exclusive  
11 bargaining representative at the time of a strike  
12 authorization vote shall be eligible to vote;

13           (3) at least 10 days have elapsed after a notice of  
14 intent to strike has been given by the exclusive bargaining  
15 representative to the educational employer, the regional  
16 superintendent and the ~~Illinois Educational Labor~~  
17 ~~Relations~~ Board;

18           (4) the collective bargaining agreement between the  
19 educational employer and educational employees, if any,  
20 has expired or been terminated; and

21           (5) the employer and the exclusive bargaining  
22 representative have not mutually submitted the unresolved  
23 issues to arbitration.

24           If, however, in the opinion of an employer the strike is or  
25 has become a clear and present danger to the health or safety  
26 of the public, the employer may initiate in the circuit court



1 of the county in which such danger exists an action for relief  
2 which may include, but is not limited to, injunction. The court  
3 may grant appropriate relief upon the finding that such clear  
4 and present danger exists. An unfair practice or other evidence  
5 of lack of clean hands by the educational employer is a defense  
6 to such action. Except as provided for in this paragraph, the  
7 jurisdiction of the court under this Section is limited by the  
8 Labor Dispute Act.

9 (Source: P.A. 97-7, eff. 6-13-11; 97-8, eff. 6-13-11; 98-513,  
10 eff. 1-1-14.)

11 (115 ILCS 5/5 rep.)

12 Section 35. The Illinois Educational Labor Relations Act is  
13 amended by repealing Section 5.

14 Section 40. The Attorney Act is amended by changing Section  
15 1 as follows:

16 (705 ILCS 205/1) (from Ch. 13, par. 1)

17 Sec. 1. No person shall be permitted to practice as an  
18 attorney or counselor at law within this State without having  
19 previously obtained a license for that purpose from the Supreme  
20 Court of this State.

21 No person shall receive any compensation directly or  
22 indirectly for any legal services other than a regularly  
23 licensed attorney, nor may an unlicensed person advertise or

1 hold himself or herself out to provide legal services.

2 A license, as provided for herein, constitutes the person  
3 receiving the same an attorney and counselor at law, according  
4 to the law and customs thereof, for and during his good  
5 behavior in the practice and authorizes him to demand and  
6 receive fees for any services which he may render as an  
7 attorney and counselor at law in this State. No person shall be  
8 granted a license or renewal authorized by this Act who has  
9 defaulted on an educational loan guaranteed by the Illinois  
10 Student Assistance Commission; however, a license or renewal  
11 may be issued to the aforementioned persons who have  
12 established a satisfactory repayment record as determined by  
13 the Illinois Student Assistance Commission. No person shall be  
14 granted a license or renewal authorized by this Act who is more  
15 than 30 days delinquent in complying with a child support  
16 order; a license or renewal may be issued, however, if the  
17 person has established a satisfactory repayment record as  
18 determined (i) by the Department of Healthcare and Family  
19 Services (formerly Illinois Department of Public Aid) for cases  
20 being enforced under Article X of the Illinois Public Aid Code  
21 or (ii) in all other cases by order of court or by written  
22 agreement between the custodial parent and non-custodial  
23 parent. No person shall be refused a license under this Act on  
24 account of sex.

25 Any person practicing, charging or receiving fees for legal  
26 services or advertising or holding himself or herself out to

1 provide legal services within this State, either directly or  
2 indirectly, without being licensed to practice as herein  
3 required, is guilty of contempt of court and shall be punished  
4 accordingly, upon complaint being filed in any Circuit Court of  
5 this State. The remedies available include, but are not limited  
6 to: (i) appropriate equitable relief; (ii) a civil penalty not  
7 to exceed \$5,000, which shall be paid to the Illinois Equal  
8 Justice Foundation; and (iii) actual damages. Such proceedings  
9 shall be conducted in the Courts of the respective counties  
10 where the alleged contempt has been committed in the same  
11 manner as in cases of indirect contempt and with the right of  
12 review by the parties thereto.

13 The provisions of this Act shall be in addition to other  
14 remedies permitted by law and shall not be construed to deprive  
15 courts of this State of their inherent right to punish for  
16 contempt or to restrain the unauthorized practice of law.

17 Nothing in this Act shall be construed to conflict with,  
18 amend, or modify Section 5 of the Corporation Practice of Law  
19 Prohibition Act or prohibit representation of a party by a  
20 person who is not an attorney in a proceeding before either  
21 panel of the Illinois Labor Relations Board under the Illinois  
22 Public Labor Relations Act, as now or hereafter amended, ~~the~~  
23 ~~Illinois Educational Labor Relations Board under the Illinois~~  
24 ~~Educational Labor Relations Act, as now or hereafter amended,~~  
25 the State Civil Service Commission, the local Civil Service  
26 Commissions, or the University Civil Service Merit Board, to

1 the extent allowed pursuant to rules and regulations  
2 promulgated by those Boards and Commissions or the giving of  
3 information, training, or advocacy or assistance in any  
4 meetings or administrative proceedings held pursuant to the  
5 federal Individuals with Disabilities Education Act, the  
6 federal Rehabilitation Act of 1973, the federal Americans with  
7 Disabilities Act of 1990, or the federal Social Security Act,  
8 to the extent allowed by those laws or the federal regulations  
9 or State statutes implementing those laws.

10 (Source: P.A. 94-659, eff. 1-1-06; 95-331, eff. 8-21-07;  
11 95-410, eff. 8-24-07.)

12 Section 45. The Code of Civil Procedure is amended by  
13 changing Sections 2-417 and 3-104 as follows:

14 (735 ILCS 5/2-417) (from Ch. 110, par. 2-417)

15 Sec. 2-417. Actions under Illinois Educational Labor  
16 Relations Act. Whenever the State Panel of the Illinois  
17 ~~Educational~~ Labor Relations Board commences an action under  
18 subsection (b) of Section 16 of the Illinois Educational Labor  
19 Relations Act seeking to enforce a final order of the Board or  
20 alleging a violation of a final order, such action shall be  
21 commenced by petition filed in the name of the people of the  
22 State of Illinois as Petitioner and any persons charged with  
23 alleged violation of such final order shall be designated  
24 Respondents. Persons charged with alleged violation of such

1 final order may not raise as defenses in such action any  
2 matters that such persons could have raised by initiating  
3 judicial review of such final order in accordance with  
4 subsection (a) of Section 16 of the Illinois Educational Labor  
5 Relations Act and Section 3-104 of the Administrative Review  
6 Law.

7 (Source: P.A. 84-123.)

8 (735 ILCS 5/3-104) (from Ch. 110, par. 3-104)

9 Sec. 3-104. Jurisdiction and venue. Jurisdiction to review  
10 final administrative decisions is vested in the Circuit Courts,  
11 except as to a final order of the State Panel of the Illinois  
12 ~~Educational~~ Labor Relations Board in which case jurisdiction to  
13 review a final order is vested in the Appellate Court of a  
14 judicial district in which the Board maintains an office. If  
15 the venue of the action to review a final administrative  
16 decision is expressly prescribed in the particular statute  
17 under authority of which the decision was made, such venue  
18 shall control, but if the venue is not so prescribed, an action  
19 to review a final administrative decision may be commenced in  
20 the Circuit Court of any county in which (1) any part of the  
21 hearing or proceeding culminating in the decision of the  
22 administrative agency was held, or (2) any part of the subject  
23 matter involved is situated, or (3) any part of the transaction  
24 which gave rise to the proceedings before the agency occurred.  
25 The court first acquiring jurisdiction of any action to review

1 a final administrative decision shall have and retain  
2 jurisdiction of the action until final disposition of the  
3 action.

4 (Source: P.A. 88-1.)".