



Sen. John J. Cullerton

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LRB095 17446 JAM 48012 a

1 AMENDMENT TO SENATE BILL 2397

2 AMENDMENT NO. _____. Amend Senate Bill 2397 by replacing
3 everything after the enacting clause with the following:

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

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

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

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

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

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

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

10 (d-1) "Emergency service support staff" means, for the
11 purposes of this Act only, any persons who have been or are
12 hereafter employed as a dispatcher or telecommunicator of a
13 police, sheriff, or fire department or a probation officer,
14 excluding part-time employees.

15 (e) "Essential services employees" means those public
16 employees performing functions so essential that the
17 interruption or termination of the function will constitute a
18 clear and present danger to the health and safety of the
19 persons in the affected community.

20 (f) "Exclusive representative", except with respect to
21 non-State fire fighters and paramedics employed by fire
22 departments and fire protection districts, non-State peace
23 officers, and peace officers in the Department of State Police,
24 means the labor organization that has been (i) designated by
25 the Board as the representative of a majority of public
26 employees in an appropriate bargaining unit in accordance with

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

24 With respect to non-State fire fighters and paramedics
25 employed by fire departments and fire protection districts,
26 non-State peace officers, and peace officers in the Department

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

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

1 an employee from making voluntary political contributions in
2 conjunction with his or her fair share payment.

3 (g-1) "Fire fighter" means, for the purposes of this Act
4 only, any person who has been or is hereafter appointed to a
5 fire department or fire protection district or employed by a
6 state university and sworn or commissioned to perform fire
7 fighter duties or paramedic duties, except that the following
8 persons are not included: part-time fire fighters, auxiliary,
9 reserve or voluntary fire fighters, including paid on-call fire
10 fighters, clerks and dispatchers or other civilian employees of
11 a fire department or fire protection district who are not
12 routinely expected to perform fire fighter duties, or elected
13 officials.

14 (g-2) "General Assembly of the State of Illinois" means the
15 legislative branch of the government of the State of Illinois,
16 as provided for under Article IV of the Constitution of the
17 State of Illinois, and includes but is not limited to the House
18 of Representatives, the Senate, the Speaker of the House of
19 Representatives, the Minority Leader of the House of
20 Representatives, the President of the Senate, the Minority
21 Leader of the Senate, the Joint Committee on Legislative
22 Support Services and any legislative support services agency
23 listed in the Legislative Commission Reorganization Act of
24 1984.

25 (h) "Governing body" means, in the case of the State, the
26 State Panel of the Illinois Labor Relations Board, the Director

1 of the Department of Central Management Services, and the
2 Director of the Department of Labor; the county board in the
3 case of a county; the corporate authorities in the case of a
4 municipality; and the appropriate body authorized to provide
5 for expenditures of its funds in the case of any other unit of
6 government.

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

12 (j) "Managerial employee" means an individual who is
13 engaged predominantly in executive and management functions
14 and is charged with the responsibility of directing the
15 effectuation of management policies and practices.

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

1 direct traffic at or near schools or public functions or to aid
2 in civil defense or disaster, parking enforcement employees who
3 are not commissioned as peace officers and who are not armed
4 and who are not routinely expected to effect arrests, parking
5 lot attendants, clerks and dispatchers or other civilian
6 employees of a police department who are not routinely expected
7 to effect arrests, or elected officials.

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

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

1 from apprenticeship or from training in the performance of
2 routine mental, manual, or physical processes; or any employee
3 who has completed the courses of specialized intellectual
4 instruction and study prescribed in this subsection (m) and is
5 performing related work under the supervision of a professional
6 person to qualify to become a professional employee as defined
7 in this subsection (m).

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

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

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

24 Child and day care home providers shall not be considered
25 public employees for any purposes not specifically provided for
26 in this amendatory Act of the 94th General Assembly, including

1 but not limited to, purposes of vicarious liability in tort and
2 purposes of statutory retirement or health insurance benefits.
3 Child and day care home providers shall not be covered by the
4 State Employees Group Insurance Act of 1971.

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

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

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

19 "Public employer" or "employer" as used in this Act,
20 however, does not mean and shall not include the General
21 Assembly of the State of Illinois, the Executive Ethics
22 Commission, the Offices of the Executive Inspectors General,
23 the Legislative Ethics Commission, the Office of the
24 Legislative Inspector General, the Office of the Auditor
25 General's Inspector General, and educational employers or
26 employers as defined in the Illinois Educational Labor

1 Relations Act, except with respect to a state university in its
2 employment of firefighters and peace officers. County boards
3 and county sheriffs shall be designated as joint or
4 co-employers of county peace officers appointed under the
5 authority of a county sheriff. Nothing in this subsection (o)
6 shall be construed to prevent the State Panel or the Local
7 Panel from determining that employers are joint or
8 co-employers.

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

14 (1) For court reporters employed by the Cook County
15 Judicial Circuit, the chief judge of the Cook County
16 Circuit Court is the public employer and employer
17 representative.

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

23 (3) For court reporters employed by all other judicial
24 circuits, a group consisting of the chief judges of those
25 circuits, acting jointly by majority vote, is the public
26 employer and employer representative.

1 (p) "Security employee" means an employee who is
2 responsible for the supervision and control of inmates at
3 correctional facilities. The term also includes other
4 non-security employees in bargaining units having the majority
5 of employees being responsible for the supervision and control
6 of inmates at correctional facilities.

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

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

1 law enforcement policies and relationships between police
2 officer ranks and certification under applicable civil service
3 law, ordinances, personnel codes, or Division 2.1 of Article 10
4 of the Illinois Municipal Code, but these factors shall not be
5 the sole or predominant factors considered by the Board in
6 determining police supervisory status.

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

20 (s) (1) "Unit" means a class of jobs or positions that are
21 held by employees whose collective interests may suitably
22 be represented by a labor organization for collective
23 bargaining. Except with respect to non-State fire fighters
24 and paramedics employed by fire departments and fire
25 protection districts, non-State peace officers, and peace
26 officers in the Department of State Police, a bargaining

1 unit determined by the Board shall not include both
2 employees and supervisors, or supervisors only, except as
3 provided in paragraph (2) of this subsection (s) and except
4 for bargaining units in existence on July 1, 1984 (the
5 effective date of this Act). With respect to non-State fire
6 fighters and paramedics employed by fire departments and
7 fire protection districts, non-State peace officers, and
8 peace officers in the Department of State Police, a
9 bargaining unit determined by the Board shall not include
10 both supervisors and nonsupervisors, or supervisors only,
11 except as provided in paragraph (2) of this subsection (s)
12 and except for bargaining units in existence on January 1,
13 1986 (the effective date of this amendatory Act of 1985). A
14 bargaining unit determined by the Board to contain peace
15 officers shall contain no employees other than peace
16 officers unless otherwise agreed to by the employer and the
17 labor organization or labor organizations involved.
18 Notwithstanding any other provision of this Act, a
19 bargaining unit, including a historical bargaining unit,
20 containing sworn peace officers of the Department of
21 Natural Resources (formerly designated the Department of
22 Conservation) shall contain no employees other than such
23 sworn peace officers upon the effective date of this
24 amendatory Act of 1990 or upon the expiration date of any
25 collective bargaining agreement in effect upon the
26 effective date of this amendatory Act of 1990 covering both

1 such sworn peace officers and other employees.

2 (2) Notwithstanding the exclusion of supervisors from
3 bargaining units as provided in paragraph (1) of this
4 subsection (s), a public employer may agree to permit its
5 supervisory employees to form bargaining units and may
6 bargain with those units. This Act shall apply if the
7 public employer chooses to bargain under this subsection.

8 (3) Public employees who are court reporters, as
9 defined in the Court Reporters Act, shall be divided into 3
10 units for collective bargaining purposes. One unit shall be
11 court reporters employed by the Cook County Judicial
12 Circuit; one unit shall be court reporters employed by the
13 12th, 18th, 19th, and, on and after December 4, 2006, the
14 22nd judicial circuits; and one unit shall be court
15 reporters employed by all other judicial circuits.

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

18 (5 ILCS 315/14) (from Ch. 48, par. 1614)

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

21 (a) In the case of collective bargaining agreements
22 involving units of security employees of a public employer,
23 Peace Officer Units, ~~or~~ units of fire fighters or paramedics,
24 or units of emergency service support staff, and in the case of
25 disputes under Section 18, unless the parties mutually agree to

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

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

1 (c) Within 7 days of the request of either party, the Board
2 shall select from the Public Employees Labor Mediation Roster 7
3 persons who are on the labor arbitration panels of either the
4 American Arbitration Association or the Federal Mediation and
5 Conciliation Service, or who are members of the National
6 Academy of Arbitrators, as nominees for impartial arbitrator of
7 the arbitration panel. The parties may select an individual on
8 the list provided by the Board or any other individual mutually
9 agreed upon by the parties. Within 7 days following the receipt
10 of the list, the parties shall notify the Board of the person
11 they have selected. Unless the parties agree on an alternate
12 selection procedure, they shall alternatively strike one name
13 from the list provided by the Board until only one name
14 remains. A coin toss shall determine which party shall strike
15 the first name. If the parties fail to notify the Board in a
16 timely manner of their selection for neutral chairman, the
17 Board shall appoint a neutral chairman from the Illinois Public
18 Employees Mediation/Arbitration Roster.

19 (d) The chairman shall call a hearing to begin within 15
20 days and give reasonable notice of the time and place of the
21 hearing. The hearing shall be held at the offices of the Board
22 or at such other location as the Board deems appropriate. The
23 chairman shall preside over the hearing and shall take
24 testimony. Any oral or documentary evidence and other data
25 deemed relevant by the arbitration panel may be received in
26 evidence. The proceedings shall be informal. Technical rules of

1 evidence shall not apply and the competency of the evidence
2 shall not thereby be deemed impaired. A verbatim record of the
3 proceedings shall be made and the arbitrator shall arrange for
4 the necessary recording service. Transcripts may be ordered at
5 the expense of the party ordering them, but the transcripts
6 shall not be necessary for a decision by the arbitration panel.
7 The expense of the proceedings, including a fee for the
8 chairman, established in advance by the Board, shall be borne
9 equally by each of the parties to the dispute. The delegates,
10 if public officers or employees, shall continue on the payroll
11 of the public employer without loss of pay. The hearing
12 conducted by the arbitration panel may be adjourned from time
13 to time, but unless otherwise agreed by the parties, shall be
14 concluded within 30 days of the time of its commencement.
15 Majority actions and rulings shall constitute the actions and
16 rulings of the arbitration panel. Arbitration proceedings
17 under this Section shall not be interrupted or terminated by
18 reason of any unfair labor practice charge filed by either
19 party at any time.

20 (e) The arbitration panel may administer oaths, require the
21 attendance of witnesses, and the production of such books,
22 papers, contracts, agreements and documents as may be deemed by
23 it material to a just determination of the issues in dispute,
24 and for such purpose may issue subpoenas. If any person refuses
25 to obey a subpoena, or refuses to be sworn or to testify, or if
26 any witness, party or attorney is guilty of any contempt while

1 in attendance at any hearing, the arbitration panel may, or the
2 attorney general if requested shall, invoke the aid of any
3 circuit court within the jurisdiction in which the hearing is
4 being held, which court shall issue an appropriate order. Any
5 failure to obey the order may be punished by the court as
6 contempt.

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

16 (g) At or before the conclusion of the hearing held
17 pursuant to subsection (d), the arbitration panel shall
18 identify the economic issues in dispute, and direct each of the
19 parties to submit, within such time limit as the panel shall
20 prescribe, to the arbitration panel and to each other its last
21 offer of settlement on each economic issue. The determination
22 of the arbitration panel as to the issues in dispute and as to
23 which of these issues are economic shall be conclusive. The
24 arbitration panel, within 30 days after the conclusion of the
25 hearing, or such further additional periods to which the
26 parties may agree, shall make written findings of fact and

1 promulgate a written opinion and shall mail or otherwise
2 deliver a true copy thereof to the parties and their
3 representatives and to the Board. As to each economic issue,
4 the arbitration panel shall adopt the last offer of settlement
5 which, in the opinion of the arbitration panel, more nearly
6 complies with the applicable factors prescribed in subsection
7 (h). The findings, opinions and order as to all other issues
8 shall be based upon the applicable factors prescribed in
9 subsection (h).

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

18 (1) The lawful authority of the employer.

19 (2) Stipulations of the parties.

20 (3) The interests and welfare of the public and the
21 financial ability of the unit of government to meet those
22 costs.

23 (4) Comparison of the wages, hours and conditions of
24 employment of the employees involved in the arbitration
25 proceeding with the wages, hours and conditions of
26 employment of other employees performing similar services

1 and with other employees generally:

2 (A) In public employment in comparable
3 communities.

4 (B) In private employment in comparable
5 communities.

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

8 (6) The overall compensation presently received by the
9 employees, including direct wage compensation, vacations,
10 holidays and other excused time, insurance and pensions,
11 medical and hospitalization benefits, the continuity and
12 stability of employment and all other benefits received.

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

15 (8) Such other factors, not confined to the foregoing,
16 which are normally or traditionally taken into
17 consideration in the determination of wages, hours and
18 conditions of employment through voluntary collective
19 bargaining, mediation, fact-finding, arbitration or
20 otherwise between the parties, in the public service or in
21 private employment.

22 (i) In the case of peace officers, the arbitration decision
23 shall be limited to wages, hours, and conditions of employment
24 (which may include residency requirements in municipalities
25 with a population under 1,000,000, but those residency
26 requirements shall not allow residency outside of Illinois) and

1 shall not include the following: i) residency requirements in
2 municipalities with a population of at least 1,000,000; ii) the
3 type of equipment, other than uniforms, issued or used; iii)
4 manning; iv) the total number of employees employed by the
5 department; v) mutual aid and assistance agreements to other
6 units of government; and vi) the criterion pursuant to which
7 force, including deadly force, can be used; provided, nothing
8 herein shall preclude an arbitration decision regarding
9 equipment or manning levels if such decision is based on a
10 finding that the equipment or manning considerations in a
11 specific work assignment involve a serious risk to the safety
12 of a peace officer beyond that which is inherent in the normal
13 performance of police duties. Limitation of the terms of the
14 arbitration decision pursuant to this subsection shall not be
15 construed to limit the factors upon which the decision may be
16 based, as set forth in subsection (h).

17 In the case of fire fighter, and fire department or fire
18 district paramedic matters, the arbitration decision shall be
19 limited to wages, hours, and conditions of employment (which
20 may include residency requirements in municipalities with a
21 population under 1,000,000, but those residency requirements
22 shall not allow residency outside of Illinois) and shall not
23 include the following matters: i) residency requirements in
24 municipalities with a population of at least 1,000,000; ii) the
25 type of equipment (other than uniforms and fire fighter turnout
26 gear) issued or used; iii) the total number of employees

1 employed by the department; iv) mutual aid and assistance
2 agreements to other units of government; and v) the criterion
3 pursuant to which force, including deadly force, can be used;
4 provided, however, nothing herein shall preclude an
5 arbitration decision regarding equipment levels if such
6 decision is based on a finding that the equipment
7 considerations in a specific work assignment involve a serious
8 risk to the safety of a fire fighter beyond that which is
9 inherent in the normal performance of fire fighter duties.
10 Limitation of the terms of the arbitration decision pursuant to
11 this subsection shall not be construed to limit the facts upon
12 which the decision may be based, as set forth in subsection
13 (h).

14 The changes to this subsection (i) made by Public Act
15 90-385 (relating to residency requirements) do not apply to
16 persons who are employed by a combined department that performs
17 both police and firefighting services; these persons shall be
18 governed by the provisions of this subsection (i) relating to
19 peace officers, as they existed before the amendment by Public
20 Act 90-385.

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

26 (j) Arbitration procedures shall be deemed to be initiated

1 by the filing of a letter requesting mediation as required
2 under subsection (a) of this Section. The commencement of a new
3 municipal fiscal year after the initiation of arbitration
4 procedures under this Act, but before the arbitration decision,
5 or its enforcement, shall not be deemed to render a dispute
6 moot, or to otherwise impair the jurisdiction or authority of
7 the arbitration panel or its decision. Increases in rates of
8 compensation awarded by the arbitration panel may be effective
9 only at the start of the fiscal year next commencing after the
10 date of the arbitration award. If a new fiscal year has
11 commenced either since the initiation of arbitration
12 procedures under this Act or since any mutually agreed
13 extension of the statutorily required period of mediation under
14 this Act by the parties to the labor dispute causing a delay in
15 the initiation of arbitration, the foregoing limitations shall
16 be inapplicable, and such awarded increases may be retroactive
17 to the commencement of the fiscal year, any other statute or
18 charter provisions to the contrary, notwithstanding. At any
19 time the parties, by stipulation, may amend or modify an award
20 of arbitration.

21 (k) Orders of the arbitration panel shall be reviewable,
22 upon appropriate petition by either the public employer or the
23 exclusive bargaining representative, by the circuit court for
24 the county in which the dispute arose or in which a majority of
25 the affected employees reside, but only for reasons that the
26 arbitration panel was without or exceeded its statutory

1 authority; the order is arbitrary, or capricious; or the order
2 was procured by fraud, collusion or other similar and unlawful
3 means. Such petitions for review must be filed with the
4 appropriate circuit court within 90 days following the issuance
5 of the arbitration order. The pendency of such proceeding for
6 review shall not automatically stay the order of the
7 arbitration panel. The party against whom the final decision of
8 any such court shall be adverse, if such court finds such
9 appeal or petition to be frivolous, shall pay reasonable
10 attorneys' fees and costs to the successful party as determined
11 by said court in its discretion. If said court's decision
12 affirms the award of money, such award, if retroactive, shall
13 bear interest at the rate of 12 percent per annum from the
14 effective retroactive date.

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

23 (m) Security officers of public employers, and Peace
24 Officers, Fire Fighters and fire department and fire protection
25 district paramedics, and units of emergency service support
26 staff, covered by this Section may not withhold services, nor

1 may public employers lock out or prevent such employees from
2 performing services at any time.

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

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

1 submitted to arbitration pursuant to this Section
2 notwithstanding any contrary voting requirements contained in
3 any existing collective bargaining agreement between the
4 parties.

5 (o) If the governing body of the employer votes to reject
6 the panel's decision, the parties shall return to the panel
7 within 30 days from the issuance of the reasons for rejection
8 for further proceedings and issuance of a supplemental
9 decision. All reasonable costs of such supplemental proceeding
10 including the exclusive representative's reasonable attorney's
11 fees, as established by the Board, shall be paid by the
12 employer.

13 (p) Notwithstanding the provisions of this Section the
14 employer and exclusive representative may agree to submit
15 unresolved disputes concerning wages, hours, terms and
16 conditions of employment to an alternative form of impasse
17 resolution.

18 (q) As of the effective date of this amendatory Act of the
19 95th General Assembly, all dispatch, telecommunication, and
20 similar services, and all probation officer services, of
21 emergency service support staff shall be performed exclusively
22 by public employees employed by public employers or by other
23 public entities and shall not otherwise be contracted,
24 subcontracted, or delegated.

25 (Source: P.A. 89-195, eff. 7-21-95; 90-202, eff. 7-24-97;
26 90-385, eff. 8-15-97; 90-655, eff. 7-30-98.)

1 (5 ILCS 315/17) (from Ch. 48, par. 1617)

2 Sec. 17. Right to Strike. (a) Nothing in this Act shall
3 make it unlawful or make it an unfair labor practice for public
4 employees, other than security employees, as defined in Section
5 3(p), Peace Officers, Fire Fighters, and paramedics employed by
6 fire departments and fire protection districts, and emergency
7 service support staff, to strike except as otherwise provided
8 in this Act. Public employees who are permitted to strike may
9 strike only if:

10 (1) the employees are represented by an exclusive
11 bargaining representative;

12 (2) the collective bargaining agreement between the public
13 employer and the public employees, if any, has expired, or such
14 collective bargaining agreement does not prohibit the strike;

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

18 (4) the exclusive representative has requested a mediator
19 pursuant to Section 12 for the purpose of mediation or
20 conciliation of a dispute between the public employer and the
21 exclusive representative and mediation has been used; and

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

25 In mediation under this Section, if either party requests

1 the use of mediation services from the Federal Mediation and
2 Conciliation Service, the other party shall either join in such
3 request or bear the additional cost of mediation services from
4 another source.

5 (b) An employee who participates in a strike, work stoppage
6 or slowdown, in violation of this Act shall be subject to
7 discipline by the employer. No employer may pay or cause such
8 employee to be paid any wages or other compensation for such
9 periods of participation, except for wages or compensation
10 earned before participation in such strike.

11 (Source: P.A. 86-412.)".