



Rep. Paul D. Froehlich

Filed: 5/31/2008

09500SB2526ham003

LRB095 17542 JAM 51801 a

1 AMENDMENT TO SENATE BILL 2526

2 AMENDMENT NO. _____. Amend Senate Bill 2526 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, 9, and 14 as follows:

6 (5 ILCS 315/5) (from Ch. 48, par. 1605)

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

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

12 (a-5) The State Panel shall have jurisdiction over
13 collective bargaining matters between employee organizations
14 and the State of Illinois, excluding the General Assembly of
15 the State of Illinois, between employee organizations and units
16 of local government and school districts with a population not

1 in excess of 2 million persons, and between employee
2 organizations and the Regional Transportation Authority.

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

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

24 The initial appointments under this amendatory Act of the
25 93rd General Assembly shall be for terms as follows: The
26 Chairman shall initially be appointed for a term ending on the

1 4th Monday in January, 2007; 2 members shall be initially
2 appointed for terms ending on the 4th Monday in January, 2006;
3 one member shall be initially appointed for a term ending on
4 the 4th Monday in January, 2005; and one member shall be
5 initially appointed for a term ending on the 4th Monday in
6 January, 2004. Each subsequent member shall be appointed for a
7 term of 4 years, commencing on the 4th Monday in January. Upon
8 expiration of the term of office of any appointive member, that
9 member shall continue to serve until a successor shall be
10 appointed and qualified. In case of a vacancy, a successor
11 shall be appointed to serve for the unexpired portion of the
12 term. If the Senate is not in session at the time the initial
13 appointments are made, the Governor shall make temporary
14 appointments in the same manner successors are appointed to
15 fill vacancies. A temporary appointment shall remain in effect
16 no longer than 20 calendar days after the commencement of the
17 next Senate session.

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

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

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

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

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

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

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

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

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

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

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

1 witnesses and the production of evidence on any matter under
2 inquiry; and administer oaths and affirmations. The panels
3 shall sign and report in full an opinion in every case which
4 they decide.

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

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

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

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

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

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

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

1 at a joint session. The panels shall meet in joint session at
2 least annually.

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

4 (5 ILCS 315/9) (from Ch. 48, par. 1609)

5 Sec. 9. Elections; recognition.

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

8 (1) by a public employee or group of public employees
9 or any labor organization acting in their behalf
10 demonstrating that 30% of the public employees in an
11 appropriate unit (A) wish to be represented for the
12 purposes of collective bargaining by a labor organization
13 as exclusive representative, or (B) asserting that the
14 labor organization which has been certified or is currently
15 recognized by the public employer as bargaining
16 representative is no longer the representative of the
17 majority of public employees in the unit; or

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

22 the Board shall investigate such petition, and if it has
23 reasonable cause to believe that a question of representation
24 exists, shall provide for an appropriate hearing upon due
25 notice. Such hearing shall be held at the offices of the Board

1 or such other location as the Board deems appropriate. If it
2 finds upon the record of the hearing that a question of
3 representation exists, it shall direct an election in
4 accordance with subsection (d) of this Section, which election
5 shall be held not later than 120 days after the date the
6 petition was filed regardless of whether that petition was
7 filed before or after the effective date of this amendatory Act
8 of 1987; provided, however, the Board may extend the time for
9 holding an election by an additional 60 days if, upon motion by
10 a person who has filed a petition under this Section or is the
11 subject of a petition filed under this Section and is a party
12 to such hearing, or upon the Board's own motion, the Board
13 finds that good cause has been shown for extending the election
14 date; provided further, that nothing in this Section shall
15 prohibit the Board, in its discretion, from extending the time
16 for holding an election for so long as may be necessary under
17 the circumstances, where the purpose for such extension is to
18 permit resolution by the Board of an unfair labor practice
19 charge filed by one of the parties to a representational
20 proceeding against the other based upon conduct which may
21 either affect the existence of a question concerning
22 representation or have a tendency to interfere with a fair and
23 free election, where the party filing the charge has not filed
24 a request to proceed with the election; and provided further
25 that prior to the expiration of the total time allotted for
26 holding an election, a person who has filed a petition under

1 this Section or is the subject of a petition filed under this
2 Section and is a party to such hearing or the Board, may move
3 for and obtain the entry of an order in the circuit court of
4 the county in which the majority of the public employees sought
5 to be represented by such person reside, such order extending
6 the date upon which the election shall be held. Such order
7 shall be issued by the circuit court only upon a judicial
8 finding that there has been a sufficient showing that there is
9 good cause to extend the election date beyond such period and
10 shall require the Board to hold the election as soon as is
11 feasible given the totality of the circumstances. Such 120 day
12 period may be extended one or more times by the agreement of
13 all parties to the hearing to a date certain without the
14 necessity of obtaining a court order. Nothing in this Section
15 prohibits the waiving of hearings by stipulation for the
16 purpose of a consent election in conformity with the rules and
17 regulations of the Board or an election in a unit agreed upon
18 by the parties. Other interested employee organizations may
19 intervene in the proceedings in the manner and within the time
20 period specified by rules and regulations of the Board.
21 Interested parties who are necessary to the proceedings may
22 also intervene in the proceedings in the manner and within the
23 time period specified by the rules and regulations of the
24 Board.

25 (a-5) The Board shall designate an exclusive
26 representative for purposes of collective bargaining when the

1 representative demonstrates a showing of majority interest by
2 employees in the unit. If the parties to a dispute are without
3 agreement on the means to ascertain the choice, if any, of
4 employee organization as their representative, the Board shall
5 ascertain the employees' choice of employee organization, on
6 the basis of dues deduction authorization or ~~and~~ other
7 evidence, or, if necessary, by conducting an election. All
8 evidence submitted by an employee organization to the Board to
9 ascertain an employee's choice of an employee organization is
10 confidential and shall not be submitted to the employer for
11 review. The Board shall ascertain the employee's choice of
12 employee organization within 120 days after the filing of the
13 majority interest petition; however, the Board may extend time
14 by an additional 60 days, upon its own motion or upon the
15 motion of a party to the proceeding. If either party provides
16 to the Board, before the designation of a representative, clear
17 and convincing evidence that the dues deduction
18 authorizations, and other evidence upon which the Board would
19 otherwise rely to ascertain the employees' choice of
20 representative, are fraudulent or were obtained through
21 coercion, the Board shall promptly thereafter conduct an
22 election. The Board shall also investigate and consider a
23 party's allegations that the dues deduction authorizations and
24 other evidence submitted in support of a designation of
25 representative without an election were subsequently changed,
26 altered, withdrawn, or withheld as a result of employer fraud,

1 coercion, or any other unfair labor practice by the employer.
2 If the Board determines that a labor organization would have
3 had a majority interest but for an employer's fraud, coercion,
4 or unfair labor practice, it shall designate the labor
5 organization as an exclusive representative without conducting
6 an election. If a hearing is necessary to resolve any issues of
7 representation under this Section, the Board shall conclude its
8 hearing process and issue a certification of the entire
9 appropriate unit not later than 120 days after the date the
10 petition was filed. The 120-day period may be extended one or
11 more times by the agreement of all parties to a hearing to a
12 date certain.

13 (a-6) A labor organization or an employer may file a unit
14 clarification petition seeking to clarify an existing
15 bargaining unit. The Board shall conclude its investigation,
16 including any hearing process deemed necessary, and issue a
17 certification of clarified unit or dismiss the petition not
18 later than 120 days after the date the petition was filed. The
19 120-day period may be extended one or more times by the
20 agreement of all parties to a hearing to a date certain.

21 (b) The Board shall decide in each case, in order to assure
22 public employees the fullest freedom in exercising the rights
23 guaranteed by this Act, a unit appropriate for the purpose of
24 collective bargaining, based upon but not limited to such
25 factors as: historical pattern of recognition; community of
26 interest including employee skills and functions; degree of

1 functional integration; interchangeability and contact among
2 employees; fragmentation of employee groups; common
3 supervision, wages, hours and other working conditions of the
4 employees involved; and the desires of the employees. For
5 purposes of this subsection, fragmentation shall not be the
6 sole or predominant factor used by the Board in determining an
7 appropriate bargaining unit. Except with respect to non-State
8 fire fighters and paramedics employed by fire departments and
9 fire protection districts, non-State peace officers and peace
10 officers in the State Department of State Police, a single
11 bargaining unit determined by the Board may not include both
12 supervisors and nonsupervisors, except for bargaining units in
13 existence on the effective date of this Act. With respect to
14 non-State fire fighters and paramedics employed by fire
15 departments and fire protection districts, non-State peace
16 officers and peace officers in the State Department of State
17 Police, a single bargaining unit determined by the Board may
18 not include both supervisors and nonsupervisors, except for
19 bargaining units in existence on the effective date of this
20 amendatory Act of 1985.

21 In cases involving an historical pattern of recognition,
22 and in cases where the employer has recognized the union as the
23 sole and exclusive bargaining agent for a specified existing
24 unit, the Board shall find the employees in the unit then
25 represented by the union pursuant to the recognition to be the
26 appropriate unit.

1 Notwithstanding the above factors, where the majority of
2 public employees of a craft so decide, the Board shall
3 designate such craft as a unit appropriate for the purposes of
4 collective bargaining.

5 The Board shall not decide that any unit is appropriate if
6 such unit includes both professional and nonprofessional
7 employees, unless a majority of each group votes for inclusion
8 in such unit.

9 (c) Nothing in this Act shall interfere with or negate the
10 current representation rights or patterns and practices of
11 labor organizations which have historically represented public
12 employees for the purpose of collective bargaining, including
13 but not limited to the negotiations of wages, hours and working
14 conditions, discussions of employees' grievances, resolution
15 of jurisdictional disputes, or the establishment and
16 maintenance of prevailing wage rates, unless a majority of
17 employees so represented express a contrary desire pursuant to
18 the procedures set forth in this Act.

19 (d) In instances where the employer does not voluntarily
20 recognize a labor organization as the exclusive bargaining
21 representative for a unit of employees, the Board shall
22 determine the majority representative of the public employees
23 in an appropriate collective bargaining unit by conducting a
24 secret ballot election, except as otherwise provided in
25 subsection (a-5). Within 7 days after the Board issues its
26 bargaining unit determination and direction of election or the

1 execution of a stipulation for the purpose of a consent
2 election, the public employer shall submit to the labor
3 organization the complete names and addresses of those
4 employees who are determined by the Board to be eligible to
5 participate in the election. When the Board has determined that
6 a labor organization has been fairly and freely chosen by a
7 majority of employees in an appropriate unit, it shall certify
8 such organization as the exclusive representative. If the Board
9 determines that a majority of employees in an appropriate unit
10 has fairly and freely chosen not to be represented by a labor
11 organization, it shall so certify. The Board may also revoke
12 the certification of the public employee organizations as
13 exclusive bargaining representatives which have been found by a
14 secret ballot election to be no longer the majority
15 representative.

16 (e) The Board shall not conduct an election in any
17 bargaining unit or any subdivision thereof within which a valid
18 election has been held in the preceding 12-month period. The
19 Board shall determine who is eligible to vote in an election
20 and shall establish rules governing the conduct of the election
21 or conduct affecting the results of the election. The Board
22 shall include on a ballot in a representation election a choice
23 of "no representation". A labor organization currently
24 representing the bargaining unit of employees shall be placed
25 on the ballot in any representation election. In any election
26 where none of the choices on the ballot receives a majority, a

1 runoff election shall be conducted between the 2 choices
2 receiving the largest number of valid votes cast in the
3 election. A labor organization which receives a majority of the
4 votes cast in an election shall be certified by the Board as
5 exclusive representative of all public employees in the unit.

6 (f) A labor organization shall be designated as the
7 exclusive representative by a public employer, provided that
8 the labor organization represents a majority of the public
9 employees in an appropriate unit. Any employee organization
10 which is designated or selected by the majority of public
11 employees, in a unit of the public employer having no other
12 recognized or certified representative, as their
13 representative for purposes of collective bargaining may
14 request recognition by the public employer in writing. The
15 public employer shall post such request for a period of at
16 least 20 days following its receipt thereof on bulletin boards
17 or other places used or reserved for employee notices.

18 (g) Within the 20-day period any other interested employee
19 organization may petition the Board in the manner specified by
20 rules and regulations of the Board, provided that such
21 interested employee organization has been designated by at
22 least 10% of the employees in an appropriate bargaining unit
23 which includes all or some of the employees in the unit
24 recognized by the employer. In such event, the Board shall
25 proceed with the petition in the same manner as provided by
26 paragraph (1) of subsection (a) of this Section.

1 (h) No election shall be directed by the Board in any
2 bargaining unit where there is in force a valid collective
3 bargaining agreement. The Board, however, may process an
4 election petition filed between 90 and 60 days prior to the
5 expiration of the date of an agreement, and may further refine,
6 by rule or decision, the implementation of this provision.
7 Where more than 4 years have elapsed since the effective date
8 of the agreement, the agreement shall continue to bar an
9 election, except that the Board may process an election
10 petition filed between 90 and 60 days prior to the end of the
11 fifth year of such an agreement, and between 90 and 60 days
12 prior to the end of each successive year of such agreement.

13 (i) An order of the Board dismissing a representation
14 petition, determining and certifying that a labor organization
15 has been fairly and freely chosen by a majority of employees in
16 an appropriate bargaining unit, determining and certifying
17 that a labor organization has not been fairly and freely chosen
18 by a majority of employees in the bargaining unit or certifying
19 a labor organization as the exclusive representative of
20 employees in an appropriate bargaining unit because of a
21 determination by the Board that the labor organization is the
22 historical bargaining representative of employees in the
23 bargaining unit, is a final order. Any person aggrieved by any
24 such order issued on or after the effective date of this
25 amendatory Act of 1987 may apply for and obtain judicial review
26 in accordance with provisions of the Administrative Review Law,

1 as now or hereafter amended, except that such review shall be
2 afforded directly in the Appellate Court for the district in
3 which the aggrieved party resides or transacts business. Any
4 direct appeal to the Appellate Court shall be filed within 35
5 days from the date that a copy of the decision sought to be
6 reviewed was served upon the party affected by the decision.

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

8 (5 ILCS 315/14) (from Ch. 48, par. 1614)

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

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

1 party shall either join in such request or bear the additional
2 cost of mediation services from another source. The mediator
3 shall have a duty to keep the Board informed on the progress of
4 the mediation. If any dispute has not been resolved within 15
5 days after the first meeting of the parties and the mediator,
6 or within such other time limit as may be mutually agreed upon
7 by the parties, either the exclusive representative or employer
8 may request of the other, in writing, arbitration, and shall
9 submit a copy of the request to the Board.

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

16 (c) Within 7 days after the request of either party, the
17 parties shall request a panel of impartial arbitrators from
18 which they shall select the neutral chairman according to the
19 procedures provided in this Section. If the parties have agreed
20 to a contract that contains a grievance resolution procedure as
21 provided in Section 8, the chairman shall be selected using
22 their agreed contract procedure unless they mutually agree to
23 another procedure. If the parties fail to notify the Board of
24 their selection of neutral chairman within 7 days after receipt
25 of the list of impartial arbitrators, the Board shall appoint,
26 at random, a neutral chairman from the list. In the absence of

1 an agreed contract procedure for selecting an impartial
2 arbitrator, either party may request a panel from the Board.

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

21 (d) The chairman shall call a hearing to begin within 15
22 days and give reasonable notice of the time and place of the
23 hearing. The hearing shall be held at the offices of the Board
24 or at such other location as the Board deems appropriate. The
25 chairman shall preside over the hearing and shall take
26 testimony. Any oral or documentary evidence and other data

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

22 (e) The arbitration panel may administer oaths, require the
23 attendance of witnesses, and the production of such books,
24 papers, contracts, agreements and documents as may be deemed by
25 it material to a just determination of the issues in dispute,
26 and for such purpose may issue subpoenas. If any person refuses

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

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

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

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

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

20 (1) The lawful authority of the employer.

21 (2) Stipulations of the parties.

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

25 (4) Comparison of the wages, hours and conditions of
26 employment of the employees involved in the arbitration

1 proceeding with the wages, hours and conditions of
2 employment of other employees performing similar services
3 and with other employees generally:

4 (A) In public employment in comparable
5 communities.

6 (B) In private employment in comparable
7 communities.

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

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

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

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

24 (i) In the case of peace officers, the arbitration decision
25 shall be limited to wages, hours, and conditions of employment
26 (which may include residency requirements in municipalities

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

19 In the case of fire fighter, and fire department or fire
20 district paramedic matters, the arbitration decision shall be
21 limited to wages, hours, and conditions of employment (which
22 may include residency requirements in municipalities with a
23 population under 1,000,000, but those residency requirements
24 shall not allow residency outside of Illinois) and shall not
25 include the following matters: i) residency requirements in
26 municipalities with a population of at least 1,000,000; ii) the

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

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

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

1 preclude arbitration with respect to any such provision.

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

23 (k) Orders of the arbitration panel shall be reviewable,
24 upon appropriate petition by either the public employer or the
25 exclusive bargaining representative, by the circuit court for
26 the county in which the dispute arose or in which a majority of

1 the affected employees reside, but only for reasons that the
2 arbitration panel was without or exceeded its statutory
3 authority; the order is arbitrary, or capricious; or the order
4 was procured by fraud, collusion or other similar and unlawful
5 means. Such petitions for review must be filed with the
6 appropriate circuit court within 90 days following the issuance
7 of the arbitration order. The pendency of such proceeding for
8 review shall not automatically stay the order of the
9 arbitration panel. The party against whom the final decision of
10 any such court shall be adverse, if such court finds such
11 appeal or petition to be frivolous, shall pay reasonable
12 attorneys' fees and costs to the successful party as determined
13 by said court in its discretion. If said court's decision
14 affirms the award of money, such award, if retroactive, shall
15 bear interest at the rate of 12 percent per annum from the
16 effective retroactive date.

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

25 (m) Security officers of public employers, and Peace
26 Officers, Fire Fighters and fire department and fire protection

1 district paramedics, covered by this Section may not withhold
2 services, nor may public employers lock out or prevent such
3 employees from performing services at any time.

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

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

1 requirements of this subsection shall apply to all disputes
2 submitted to arbitration pursuant to this Section
3 notwithstanding any contrary voting requirements contained in
4 any existing collective bargaining agreement between the
5 parties.

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

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

19 (Source: P.A. 89-195, eff. 7-21-95; 90-202, eff. 7-24-97;
20 90-385, eff. 8-15-97; 90-655, eff. 7-30-98.)

21 Section 10. The Illinois Educational Labor Relations Act is
22 amended by changing Sections 5 and 7 as follows:

23 (115 ILCS 5/5) (from Ch. 48, par. 1705)

24 Sec. 5. Illinois Educational Labor Relations Board.

1 (a) There is hereby created the Illinois Educational Labor
2 Relations Board.

3 (a-5) Until July 1, 2003 or when all of the new members to
4 be initially appointed under this amendatory Act of the 93rd
5 General Assembly have been appointed by the Governor, whichever
6 occurs later, the Illinois Educational Labor Relations Board
7 shall consist of 7 members, no more than 4 of whom may be of the
8 same political party, who are residents of Illinois appointed
9 by the Governor with the advice and consent of the Senate.

10 The term of each appointed member of the Board who is in
11 office on June 30, 2003 shall terminate at the close of
12 business on that date or when all of the new members to be
13 initially appointed under this amendatory Act of the 93rd
14 General Assembly have been appointed by the Governor, whichever
15 occurs later.

16 (b) Beginning on July 1, 2003 or when all of the new
17 members to be initially appointed under this amendatory Act of
18 the 93rd General Assembly have been appointed by the Governor,
19 whichever occurs later, the Illinois Educational Labor
20 Relations Board shall consist of 5 members appointed by the
21 Governor with the advice and consent of the Senate. No more
22 than 3 members may be of the same political party.

23 The Governor shall appoint to the Board only persons who
24 are residents of Illinois and have had a minimum of 5 years of
25 experience directly related to labor and employment relations
26 in representing educational employers or educational employees

1 in collective bargaining matters. One appointed member shall be
2 designated at the time of his or her appointment to serve as
3 chairman.

4 Of the initial members appointed pursuant to this
5 amendatory Act of the 93rd General Assembly, 2 shall be
6 designated at the time of appointment to serve a term of 6
7 years, 2 shall be designated at the time of appointment to
8 serve a term of 4 years, and the other shall be designated at
9 the time of his or her appointment to serve a term of 4 years,
10 with each to serve until his or her successor is appointed and
11 qualified.

12 Each subsequent member shall be appointed in like manner
13 for a term of 6 years and until his or her successor is
14 appointed and qualified. Each member of the Board is eligible
15 for reappointment. Vacancies shall be filled in the same manner
16 as original appointments for the balance of the unexpired term.

17 (c) The chairman shall be paid \$50,000 per year, or an
18 amount set by the Compensation Review Board, whichever is
19 greater. Other members of the Board shall each be paid \$45,000
20 per year, or an amount set by the Compensation Review Board,
21 whichever is greater. They shall be entitled to reimbursement
22 for necessary traveling and other official expenditures
23 necessitated by their official duties.

24 Each member shall devote his entire time to the duties of
25 the office, and shall hold no other office or position of
26 profit, nor engage in any other business, employment or

1 vocation.

2 (d) Three members of the Board constitute a quorum and a
3 vacancy on the Board does not impair the right of the remaining
4 members to exercise all of the powers of the Board.

5 (e) Any member of the Board may be removed by the Governor,
6 upon notice, for neglect of duty or malfeasance in office, but
7 for no other cause.

8 (f) The Board may appoint or employ an executive director,
9 attorneys, hearing officers, and such other employees as it
10 deems necessary to perform its functions, except that the Board
11 shall employ a minimum of 8 attorneys and 5 investigators. The
12 Board shall prescribe the duties and qualifications of such
13 persons appointed and, subject to the annual appropriation, fix
14 their compensation and provide for reimbursement of actual and
15 necessary expenses incurred in the performance of their duties.

16 (g) The Board may promulgate rules and regulations which
17 allow parties in proceedings before the Board to be represented
18 by counsel or any other person knowledgeable in the matters
19 under consideration.

20 (h) To accomplish the objectives and to carry out the
21 duties prescribed by this Act, the Board may subpoena
22 witnesses, subpoena the production of books, papers, records
23 and documents which may be needed as evidence on any matter
24 under inquiry and may administer oaths and affirmations.

25 In cases of neglect or refusal to obey a subpoena issued to
26 any person, the circuit court in the county in which the

1 investigation or the public hearing is taking place, upon
2 application by the Board, may issue an order requiring such
3 person to appear before the Board or any member or agent of the
4 Board to produce evidence or give testimony. A failure to obey
5 such order may be punished by the court as in civil contempt.

6 Any subpoena, notice of hearing, or other process or notice
7 of the Board issued under the provisions of this Act may be
8 served personally, by registered mail or by leaving a copy at
9 the principal office of the respondent required to be served. A
10 return, made and verified by the individual making such service
11 and setting forth the manner of such service, is proof of
12 service. A post office receipt, when registered mail is used,
13 is proof of service. All process of any court to which
14 application may be made under the provisions of this Act may be
15 served in the county where the persons required to be served
16 reside or may be found.

17 (i) The Board shall adopt, promulgate, amend, or rescind
18 rules and regulations in accordance with the Illinois
19 Administrative Procedure Act as it deems necessary and feasible
20 to carry out this Act.

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

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

1 (115 ILCS 5/7) (from Ch. 48, par. 1707)

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

15 (a) In determining the appropriateness of a unit, the Board
16 shall decide in each case, in order to ensure employees the
17 fullest freedom in exercising the rights guaranteed by this
18 Act, the unit appropriate for the purpose of collective
19 bargaining, based upon but not limited to such factors as
20 historical pattern of recognition, community of interest,
21 including employee skills and functions, degree of functional
22 integration, interchangeability and contact among employees,
23 common supervision, wages, hours and other working conditions
24 of the employees involved, and the desires of the employees.
25 Nothing in this Act, except as herein provided, shall interfere
26 with or negate the current representation rights or patterns

1 and practices of employee organizations which have
2 historically represented employees for the purposes of
3 collective bargaining, including but not limited to the
4 negotiations of wages, hours and working conditions,
5 resolutions of employees' grievances, or resolution of
6 jurisdictional disputes, or the establishment and maintenance
7 of prevailing wage rates, unless a majority of the employees so
8 represented expresses a contrary desire under the procedures
9 set forth in this Act. This Section, however, does not prohibit
10 multi-unit bargaining. Notwithstanding the above factors,
11 where the majority of public employees of a craft so decide,
12 the Board shall designate such craft as a unit appropriate for
13 the purposes of collective bargaining.

14 The sole appropriate bargaining unit for tenured and
15 tenure-track academic faculty at each campus of the University
16 of Illinois shall be a unit that is comprised of
17 non-supervisory academic faculty employed more than half-time
18 and that includes all tenured and tenure-track faculty of that
19 University campus employed by the board of trustees in all of
20 the campus's undergraduate, graduate, and professional schools
21 and degree and non-degree programs (with the exception of the
22 college of medicine, the college of pharmacy, the college of
23 dentistry, the college of law, and the college of veterinary
24 medicine, each of which shall have its own separate unit),
25 regardless of current or historical representation rights or
26 patterns or the application of any other factors. Any decision,

1 rule, or regulation promulgated by the Board to the contrary
2 shall be null and void.

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

15 Within the 20 day notice period, however, any other
16 interested employee organization may petition the Board to seek
17 recognition as the exclusive representative of the unit in the
18 manner specified by rules and regulations prescribed by the
19 Board, if such interested employee organization has been
20 designated by at least 15% of the employees in an appropriate
21 bargaining unit which includes all or some of the employees in
22 the unit intended to be recognized by the employer. In such
23 event, the Board shall proceed with the petition in the same
24 manner as provided in paragraph (c) of this Section.

25 (c) A labor organization may also gain recognition as the
26 exclusive representative by an election of the employees in the

1 unit. Petitions requesting an election may be filed with the
2 Board:

3 (1) by an employee or group of employees or any labor
4 organizations acting on their behalf alleging and
5 presenting evidence that 30% or more of the employees in a
6 bargaining unit wish to be represented for collective
7 bargaining or that the labor organization which has been
8 acting as the exclusive bargaining representative is no
9 longer representative of a majority of the employees in the
10 unit; or

11 (2) by an employer alleging that one or more labor
12 organizations have presented a claim to be recognized as an
13 exclusive bargaining representative of a majority of the
14 employees in an appropriate unit and that it doubts the
15 majority status of any of the organizations or that it
16 doubts the majority status of an exclusive bargaining
17 representative.

18 The Board shall investigate the petition and if it has
19 reasonable cause to suspect that a question of representation
20 exists, it shall give notice and conduct a hearing. If it finds
21 upon the record of the hearing that a question of
22 representation exists, it shall direct an election, which shall
23 be held no later than 90 days after the date the petition was
24 filed. Nothing prohibits the waiving of hearings by the parties
25 and the conduct of consent elections.

26 (c-5) The Board shall designate an exclusive

1 representative for purposes of collective bargaining when the
2 representative demonstrates a showing of majority interest by
3 employees in the unit. If the parties to a dispute are without
4 agreement on the means to ascertain the choice, if any, of
5 employee organization as their representative, the Board shall
6 ascertain the employees' choice of employee organization, on
7 the basis of dues deduction authorization or ~~and~~ other
8 evidence, or, if necessary, by conducting an election. All
9 evidence submitted by an employee organization to the Board to
10 ascertain an employee's choice of an employee organization is
11 confidential and shall not be submitted to the employer for
12 review. The Board shall ascertain the employee's choice of
13 employee organization within 120 days after the filing of the
14 majority interest petition; however, the Board may extend time
15 by an additional 60 days, upon its own motion or upon the
16 motion of a party to the proceeding. If either party provides
17 to the Board, before the designation of a representative, clear
18 and convincing evidence that the dues deduction
19 authorizations, and other evidence upon which the Board would
20 otherwise rely to ascertain the employees' choice of
21 representative, are fraudulent or were obtained through
22 coercion, the Board shall promptly thereafter conduct an
23 election. The Board shall also investigate and consider a
24 party's allegations that the dues deduction authorizations and
25 other evidence submitted in support of a designation of
26 representative without an election were subsequently changed,

1 altered, withdrawn, or withheld as a result of employer fraud,
2 coercion, or any other unfair labor practice by the employer.
3 If the Board determines that a labor organization would have
4 had a majority interest but for an employer's fraud, coercion,
5 or unfair labor practice, it shall designate the labor
6 organization as an exclusive representative without conducting
7 an election. If a hearing is necessary to resolve any issues of
8 representation under this Section, the Board shall conclude its
9 hearing process and issue a certification of the entire
10 appropriate unit not later than 120 days after the date the
11 petition was filed. The 120-day period may be extended one or
12 more times by the agreement of all parties to a hearing to a
13 date certain.

14 (c-6) A labor organization or an employer may file a unit
15 clarification petition seeking to clarify an existing
16 bargaining unit. The Board shall conclude its investigation,
17 including any hearing process deemed necessary, and issue a
18 certification of clarified unit or dismiss the petition not
19 later than 120 days after the date the petition was filed. The
20 120-day period may be extended one or more times by the
21 agreement of all parties to a hearing to a date certain.

22 (d) An order of the Board dismissing a representation
23 petition, determining and certifying that a labor organization
24 has been fairly and freely chosen by a majority of employees in
25 an appropriate bargaining unit, determining and certifying
26 that a labor organization has not been fairly and freely chosen

1 by a majority of employees in the bargaining unit or certifying
2 a labor organization as the exclusive representative of
3 employees in an appropriate bargaining unit because of a
4 determination by the Board that the labor organization is the
5 historical bargaining representative of employees in the
6 bargaining unit, is a final order. Any person aggrieved by any
7 such order issued on or after the effective date of this
8 amendatory Act of 1987 may apply for and obtain judicial review
9 in accordance with provisions of the Administrative Review Law,
10 as now or hereafter amended, except that such review shall be
11 afforded directly in the Appellate Court of a judicial district
12 in which the Board maintains an office. Any direct appeal to
13 the Appellate Court shall be filed within 35 days from the date
14 that a copy of the decision sought to be reviewed was served
15 upon the party affected by the decision.

16 No election may be conducted in any bargaining unit during
17 the term of a collective bargaining agreement covering such
18 unit or subdivision thereof, except the Board may direct an
19 election after the filing of a petition between January 15 and
20 March 1 of the final year of a collective bargaining agreement.
21 Nothing in this Section prohibits the negotiation of a
22 collective bargaining agreement covering a period not
23 exceeding 3 years. A collective bargaining agreement of less
24 than 3 years may be extended up to 3 years by the parties if the
25 extension is agreed to in writing before the filing of a
26 petition under this Section. In such case, the final year of

1 the extension is the final year of the collective bargaining
2 agreement. No election may be conducted in a bargaining unit,
3 or subdivision thereof, in which a valid election has been held
4 within the preceding 12 month period.

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

6 Section 99. Effective date. This Act takes effect upon
7 becoming law."