



Sen. David Koehler

Filed: 5/15/2008

09500SB2736sam001

LRB095 18855 NHT 50564 a

1 AMENDMENT TO SENATE BILL 2736

2 AMENDMENT NO. _____. Amend Senate Bill 2736 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The University of Illinois Act is amended by
5 adding Section 40 as follows:

6 (110 ILCS 305/40 new)

7 Sec. 40. Third party non-instructional services.

8 (a) The Board of Trustees may enter into a contract with a
9 third party for non-instructional services currently performed
10 by any employee or bargaining unit member or lay off those
11 educational support personnel employees upon 60 days written
12 notice to the affected employees.

13 (b) Notwithstanding subsection (a) of this Section, the
14 Board of Trustees may enter into a contract, of no longer than
15 3 months in duration, with a third party for non-instructional
16 services currently performed by an employee or bargaining unit

1 member for the purpose of augmenting the current workforce in
2 an emergency situation that threatens the safety or health of
3 the University's students or staff, provided that the Board of
4 Trustees meets all of its obligations under the Illinois
5 Educational Labor Relations Act.

6 (c) This Section is not applicable to non-instructional
7 services of the University that on the effective date of this
8 amendatory Act of the 95th General Assembly are performed for
9 the University by a third party.

10 Section 10. The Southern Illinois University Management
11 Act is amended by adding Section 25 as follows:

12 (110 ILCS 520/25 new)

13 Sec. 25. Third party non-instructional services.

14 (a) The Board may enter into a contract with a third party
15 for non-instructional services currently performed by any
16 employee or bargaining unit member or lay off those educational
17 support personnel employees upon 60 days written notice to the
18 affected employees.

19 (b) Notwithstanding subsection (a) of this Section, the
20 Board may enter into a contract, of no longer than 3 months in
21 duration, with a third party for non-instructional services
22 currently performed by an employee or bargaining unit member
23 for the purpose of augmenting the current workforce in an
24 emergency situation that threatens the safety or health of the

1 University's students or staff, provided that the Board meets
2 all of its obligations under the Illinois Educational Labor
3 Relations Act.

4 (c) This Section is not applicable to non-instructional
5 services of the University that on the effective date of this
6 amendatory Act of the 95th General Assembly are performed for
7 the University by a third party.

8 Section 15. The Chicago State University Law is amended by
9 adding Section 5-135 as follows:

10 (110 ILCS 660/5-135 new)

11 Sec. 5-135. Third party non-instructional services.

12 (a) The Board may enter into a contract with a third party
13 for non-instructional services currently performed by any
14 employee or bargaining unit member or lay off those educational
15 support personnel employees upon 60 days written notice to the
16 affected employees.

17 (b) Notwithstanding subsection (a) of this Section, the
18 Board may enter into a contract, of no longer than 3 months in
19 duration, with a third party for non-instructional services
20 currently performed by an employee or bargaining unit member
21 for the purpose of augmenting the current workforce in an
22 emergency situation that threatens the safety or health of the
23 University's students or staff, provided that the Board meets
24 all of its obligations under the Illinois Educational Labor

1 Relations Act.

2 (c) This Section is not applicable to non-instructional
3 services of the University that on the effective date of this
4 amendatory Act of the 95th General Assembly are performed for
5 the University by a third party.

6 Section 20. The Eastern Illinois University Law is amended
7 by adding Section 10-135 as follows:

8 (110 ILCS 665/10-135 new)

9 Sec. 10-135. Third party non-instructional services.

10 (a) The Board may enter into a contract with a third party
11 for non-instructional services currently performed by any
12 employee or bargaining unit member or lay off those educational
13 support personnel employees upon 60 days written notice to the
14 affected employees.

15 (b) Notwithstanding subsection (a) of this Section, the
16 Board may enter into a contract, of no longer than 3 months in
17 duration, with a third party for non-instructional services
18 currently performed by an employee or bargaining unit member
19 for the purpose of augmenting the current workforce in an
20 emergency situation that threatens the safety or health of the
21 University's students or staff, provided that the Board meets
22 all of its obligations under the Illinois Educational Labor
23 Relations Act.

24 (c) This Section is not applicable to non-instructional

1 services of the University that on the effective date of this
2 amendatory Act of the 95th General Assembly are performed for
3 the University by a third party.

4 Section 25. The Governors State University Law is amended
5 by adding Section 15-135 as follows:

6 (110 ILCS 670/15-135 new)

7 Sec. 15-135. Third party non-instructional services.

8 (a) The Board may enter into a contract with a third party
9 for non-instructional services currently performed by any
10 employee or bargaining unit member or lay off those educational
11 support personnel employees upon 60 days written notice to the
12 affected employees.

13 (b) Notwithstanding subsection (a) of this Section, the
14 Board may enter into a contract, of no longer than 3 months in
15 duration, with a third party for non-instructional services
16 currently performed by an employee or bargaining unit member
17 for the purpose of augmenting the current workforce in an
18 emergency situation that threatens the safety or health of the
19 University's students or staff, provided that the Board meets
20 all of its obligations under the Illinois Educational Labor
21 Relations Act.

22 (c) This Section is not applicable to non-instructional
23 services of the University that on the effective date of this
24 amendatory Act of the 95th General Assembly are performed for

1 the University by a third party.

2 Section 30. The Illinois State University Law is amended by
3 adding Section 20-140 as follows:

4 (110 ILCS 675/20-140 new)

5 Sec. 20-140. Third party non-instructional services.

6 (a) The Board may enter into a contract with a third party
7 for non-instructional services currently performed by any
8 employee or bargaining unit member or lay off those educational
9 support personnel employees upon 60 days written notice to the
10 affected employees.

11 (b) Notwithstanding subsection (a) of this Section, the
12 Board may enter into a contract, of no longer than 3 months in
13 duration, with a third party for non-instructional services
14 currently performed by an employee or bargaining unit member
15 for the purpose of augmenting the current workforce in an
16 emergency situation that threatens the safety or health of the
17 University's students or staff, provided that the Board meets
18 all of its obligations under the Illinois Educational Labor
19 Relations Act.

20 (c) This Section is not applicable to non-instructional
21 services of the University that on the effective date of this
22 amendatory Act of the 95th General Assembly are performed for
23 the University by a third party.

1 Section 35. The Northeastern Illinois University Law is
2 amended by adding Section 25-135 as follows:

3 (110 ILCS 680/25-135 new)

4 Sec. 25-135. Third party non-instructional services.

5 (a) The Board may enter into a contract with a third party
6 for non-instructional services currently performed by any
7 employee or bargaining unit member or lay off those educational
8 support personnel employees upon 60 days written notice to the
9 affected employees.

10 (b) Notwithstanding subsection (a) of this Section, the
11 Board may enter into a contract, of no longer than 3 months in
12 duration, with a third party for non-instructional services
13 currently performed by an employee or bargaining unit member
14 for the purpose of augmenting the current workforce in an
15 emergency situation that threatens the safety or health of the
16 University's students or staff, provided that the Board meets
17 all of its obligations under the Illinois Educational Labor
18 Relations Act.

19 (c) This Section is not applicable to non-instructional
20 services of the University that on the effective date of this
21 amendatory Act of the 95th General Assembly are performed for
22 the University by a third party.

23 Section 40. The Northern Illinois University Law is amended
24 by adding Section 30-145 as follows:

1 (110 ILCS 685/30-145 new)

2 Sec. 30-145. Third party non-instructional services.

3 (a) The Board may enter into a contract with a third party
4 for non-instructional services currently performed by any
5 employee or bargaining unit member or lay off those educational
6 support personnel employees upon 60 days written notice to the
7 affected employees.

8 (b) Notwithstanding subsection (a) of this Section, the
9 Board may enter into a contract, of no longer than 3 months in
10 duration, with a third party for non-instructional services
11 currently performed by an employee or bargaining unit member
12 for the purpose of augmenting the current workforce in an
13 emergency situation that threatens the safety or health of the
14 University's students or staff, provided that the Board meets
15 all of its obligations under the Illinois Educational Labor
16 Relations Act.

17 (c) This Section is not applicable to non-instructional
18 services of the University that on the effective date of this
19 amendatory Act of the 95th General Assembly are performed for
20 the University by a third party.

21 Section 45. The Western Illinois University Law is amended
22 by adding Section 35-140 as follows:

23 (110 ILCS 690/35-140 new)

1 Sec. 35-140. Third party non-instructional services.

2 (a) The Board may enter into a contract with a third party
3 for non-instructional services currently performed by any
4 employee or bargaining unit member or lay off those educational
5 support personnel employees upon 60 days written notice to the
6 affected employees.

7 (b) Notwithstanding subsection (a) of this Section, the
8 Board may enter into a contract, of no longer than 3 months in
9 duration, with a third party for non-instructional services
10 currently performed by an employee or bargaining unit member
11 for the purpose of augmenting the current workforce in an
12 emergency situation that threatens the safety or health of the
13 University's students or staff, provided that the Board meets
14 all of its obligations under the Illinois Educational Labor
15 Relations Act.

16 (c) This Section is not applicable to non-instructional
17 services of the University that on the effective date of this
18 amendatory Act of the 95th General Assembly are performed for
19 the University by a third party.

20 Section 50. The Public Community College Act is amended by
21 adding Section 3-42.4 as follows:

22 (110 ILCS 805/3-42.4 new)

23 Sec. 3-42.4. Third party non-instructional services.

24 (a) The board may enter into a contract with a third party

1 for non-instructional services currently performed by any
2 employee or bargaining unit member or lay off those educational
3 support personnel employees upon 90 days written notice to the
4 affected employees, provided that:

5 (1) a contract must not be entered into and become
6 effective during the term of a collective bargaining
7 agreement, as that term is set forth in the agreement,
8 covering any employees who perform the non-instructional
9 services;

10 (2) a contract may only take effect upon the expiration
11 of an existing collective bargaining agreement;

12 (3) any third party that submits a bid to perform the
13 non-instructional services shall provide the following:

14 (A) evidence of liability insurance;

15 (B) a benefits package for the third party's
16 employees who will perform the non-instructional
17 services comparable to the benefits package provided
18 to district employees who perform those services;

19 (C) a list of the number of employees who will
20 provide the non-instructional services, the job
21 classifications of those employees, and the wages the
22 third party will pay those employees;

23 (D) a minimum 3-year cost projection, using
24 generally accepted accounting principles and which the
25 third party is prohibited from increasing if the bid is
26 accepted by the board, for each and every expenditure

1 category and account for performing the
2 non-instructional services;

3 (E) composite information about the criminal and
4 disciplinary records, including alcohol or other
5 substance abuse, Department of Children and Family
6 Services complaints and investigations, traffic
7 violations, and license revocations or any other
8 licensure problems, of any employees who may perform
9 the non-instructional services, provided that the
10 individual names and other identifying information of
11 employees need not be provided with the submission of
12 the bid, but must be made available upon request of the
13 board; and

14 (F) an affidavit, notarized by the president or
15 chief executive officer of the third party, that a
16 criminal history records check has been completed for
17 each of its employees within 3 months prior to
18 submission of the bid, provided that the results of
19 such checks need not be provided with the submission of
20 the bid, but must be made available upon request of the
21 board;

22 (4) a contract must not be entered into unless the
23 board performs a cost comparison, using generally accepted
24 accounting principles, of each and every expenditure
25 category and account that the board projects it would incur
26 over the term of the contract if it continued to perform

1 the non-instructional services using its own employees
2 with each and every expenditure category and account that
3 the board projects a third party would incur if a third
4 party performed the non-instructional services;

5 (5) review and consideration of all bids by third
6 parties to perform the non-instructional services shall
7 take place in open session of a regularly scheduled board
8 meeting, unless the exclusive bargaining representative of
9 the employees who perform the non-instructional services,
10 if any such exclusive bargaining representative exists,
11 agrees in writing that such review and consideration can
12 take place in open session at a specially scheduled board
13 meeting;

14 (6) a minimum of one public hearing, conducted by the
15 board prior to a regularly scheduled board meeting, to
16 discuss the board's proposal to contract with a third party
17 to perform the non-instructional services must be held
18 before the board may enter into such a contract; the board
19 must provide notice to the public of the date, time, and
20 location of the first public hearing on or before the
21 initial date that bids to provide the non-instructional
22 services are solicited or a minimum of 30 days prior to
23 entering into such a contract, whichever provides a greater
24 period of notice;

25 (7) a contract shall contain provisions requiring the
26 contractor to offer available employee positions pursuant

1 to the contract to qualified district employees whose
2 employment is terminated because of the contract; and

3 (8) a contract shall contain provisions requiring the
4 contractor to comply with a policy of nondiscrimination and
5 equal employment opportunity for all persons and to take
6 affirmative steps to provide equal opportunity for all
7 persons.

8 (b) Notwithstanding subsection (a) of this Section, the
9 board may enter into a contract, of no longer than 3 months in
10 duration, with a third party for non-instructional services
11 currently performed by an employee or bargaining unit member
12 for the purpose of augmenting the current workforce in an
13 emergency situation that threatens the safety or health of the
14 district's students or staff, provided that the board meets all
15 of its obligations under the Illinois Educational Labor
16 Relations Act.

17 (c) This Section is not applicable to non-instructional
18 services of the district that on the effective date of this
19 amendatory Act of the 95th General Assembly are performed for
20 the district by a third party.

21 Section 90. The State Mandates Act is amended by adding
22 Section 8.32 as follows:

23 (30 ILCS 805/8.32 new)

24 Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8

1 of this Act, no reimbursement by the State is required for the
2 implementation of any mandate created by this amendatory Act of
3 the 95th General Assembly.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".