

SB3766



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3766

Introduced 2/11/2010, by Sen. J. Bradley Burzynski

SYNOPSIS AS INTRODUCED:

115 ILCS 5/10

from Ch. 48, par. 1710

Amends the Illinois Educational Labor Relations Act. Provides that a collective bargaining agreement shall also contain appropriate language prohibiting strikes during the regular school term. Effective July 1, 2010.

LRB096 20372 MJR 36012 b

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Educational Labor Relations Act is
5 amended by changing Section 10 as follows:

6 (115 ILCS 5/10) (from Ch. 48, par. 1710)

7 Sec. 10. Duty to bargain. (a) An educational employer and
8 the exclusive representative have the authority and the duty to
9 bargain collectively as set forth in this Section. Collective
10 bargaining is the performance of the mutual obligations of the
11 educational employer and the representative of the educational
12 employees to meet at reasonable times and confer in good faith
13 with respect to wages, hours and other terms and conditions of
14 employment, and to execute a written contract incorporating any
15 agreement reached by such obligation, provided such obligation
16 does not compel either party to agree to a proposal or require
17 the making of a concession.

18 (b) The parties to the collective bargaining process shall
19 not effect or implement a provision in a collective bargaining
20 agreement if the implementation of that provision would be in
21 violation of, or inconsistent with, or in conflict with any
22 statute or statutes enacted by the General Assembly of
23 Illinois. The parties to the collective bargaining process may

1 effect or implement a provision in a collective bargaining
2 agreement if the implementation of that provision has the
3 effect of supplementing any provision in any statute or
4 statutes enacted by the General Assembly of Illinois pertaining
5 to wages, hours or other conditions of employment; provided
6 however, no provision in a collective bargaining agreement may
7 be effected or implemented if such provision has the effect of
8 negating, abrogating, replacing, reducing, diminishing, or
9 limiting in any way any employee rights, guarantees or
10 privileges pertaining to wages, hours or other conditions of
11 employment provided in such statutes. Any provision in a
12 collective bargaining agreement which has the effect of
13 negating, abrogating, replacing, reducing, diminishing or
14 limiting in any way any employee rights, guarantees or
15 privileges provided in an Illinois statute or statutes shall be
16 void and unenforceable, but shall not affect the validity,
17 enforceability and implementation of other permissible
18 provisions of the collective bargaining agreement.

19 (c) The collective bargaining agreement negotiated between
20 representatives of the educational employees and the
21 educational employer shall contain a grievance resolution
22 procedure which shall apply to all employees in the unit and
23 shall provide for binding arbitration of disputes concerning
24 the administration or interpretation of the agreement. The
25 agreement shall also contain appropriate language prohibiting
26 strikes for the duration of the agreement and during the

1 regular school term as defined in Section 10-19 of the School
2 Code. The costs of such arbitration shall be borne equally by
3 the educational employer and the employee organization.

4 (d) Once an agreement is reached between representatives of
5 the educational employees and the educational employer and is
6 ratified by both parties, the agreement shall be reduced to
7 writing and signed by the parties.

8 (Source: P.A. 84-832.)

9 Section 99. Effective date. This Act takes effect July 1,
10 2010.