



Rep. Jack D. Franks

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1 AMENDMENT TO SENATE BILL 104

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 104 on page 1 by  
3 inserting immediately below line 3 the following:

4 "Section 3. The Illinois Public Labor Relations Act is  
5 amended by changing Sections 9 and 14 as follows:

6 (5 ILCS 315/9) (from Ch. 48, par. 1609)

7 Sec. 9. Elections; recognition.

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

10 (1) by a public employee or group of public employees  
11 or any labor organization acting in their behalf  
12 demonstrating that 30% of the public employees in an  
13 appropriate unit (A) wish to be represented for the  
14 purposes of collective bargaining by a labor organization  
15 as exclusive representative, or (B) asserting that the  
16 labor organization which has been certified or is currently

1 recognized by the public employer as bargaining  
2 representative is no longer the representative of the  
3 majority of public employees in the unit; or

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

8 the Board shall investigate such petition, and if it has  
9 reasonable cause to believe that a question of representation  
10 exists, shall provide for an appropriate hearing upon due  
11 notice. Such hearing shall be held at the offices of the Board  
12 or such other location as the Board deems appropriate. If it  
13 finds upon the record of the hearing that a question of  
14 representation exists, it shall direct an election in  
15 accordance with subsection (d) of this Section, which election  
16 shall be held not later than 120 days after the date the  
17 petition was filed regardless of whether that petition was  
18 filed before or after the effective date of this amendatory Act  
19 of 1987; provided, however, the Board may extend the time for  
20 holding an election by an additional 60 days if, upon motion by  
21 a person who has filed a petition under this Section or is the  
22 subject of a petition filed under this Section and is a party  
23 to such hearing, or upon the Board's own motion, the Board  
24 finds that good cause has been shown for extending the election  
25 date; provided further, that nothing in this Section shall  
26 prohibit the Board, in its discretion, from extending the time

1 for holding an election for so long as may be necessary under  
2 the circumstances, where the purpose for such extension is to  
3 permit resolution by the Board of an unfair labor practice  
4 charge filed by one of the parties to a representational  
5 proceeding against the other based upon conduct which may  
6 either affect the existence of a question concerning  
7 representation or have a tendency to interfere with a fair and  
8 free election, where the party filing the charge has not filed  
9 a request to proceed with the election; and provided further  
10 that prior to the expiration of the total time allotted for  
11 holding an election, a person who has filed a petition under  
12 this Section or is the subject of a petition filed under this  
13 Section and is a party to such hearing or the Board, may move  
14 for and obtain the entry of an order in the circuit court of  
15 the county in which the majority of the public employees sought  
16 to be represented by such person reside, such order extending  
17 the date upon which the election shall be held. Such order  
18 shall be issued by the circuit court only upon a judicial  
19 finding that there has been a sufficient showing that there is  
20 good cause to extend the election date beyond such period and  
21 shall require the Board to hold the election as soon as is  
22 feasible given the totality of the circumstances. Such 120 day  
23 period may be extended one or more times by the agreement of  
24 all parties to the hearing to a date certain without the  
25 necessity of obtaining a court order. Nothing in this Section  
26 prohibits the waiving of hearings by stipulation for the

1 purpose of a consent election in conformity with the rules and  
2 regulations of the Board or an election in a unit agreed upon  
3 by the parties. Other interested employee organizations may  
4 intervene in the proceedings in the manner and within the time  
5 period specified by rules and regulations of the Board.  
6 Interested parties who are necessary to the proceedings may  
7 also intervene in the proceedings in the manner and within the  
8 time period specified by the rules and regulations of the  
9 Board.

10 (a-5) The Board shall designate an exclusive  
11 representative for purposes of collective bargaining when the  
12 representative demonstrates a showing of majority interest by  
13 employees in the unit. If the parties to a dispute are without  
14 agreement on the means to ascertain the choice, if any, of  
15 employee organization as their representative, the Board shall  
16 ascertain the employees' choice of employee organization, on  
17 the basis of dues deduction authorization or other evidence,  
18 or, if necessary, by conducting an election. All evidence  
19 submitted by an employee organization to the Board to ascertain  
20 an employee's choice of an employee organization is  
21 confidential and shall not be submitted to the employer for  
22 review. The Board shall ascertain the employee's choice of  
23 employee organization within 120 days after the filing of the  
24 majority interest petition; however, the Board may extend time  
25 by an additional 60 days, upon its own motion or upon the  
26 motion of a party to the proceeding. If either party provides

1 to the Board, before the designation of a representative, clear  
2 and convincing evidence that the dues deduction  
3 authorizations, and other evidence upon which the Board would  
4 otherwise rely to ascertain the employees' choice of  
5 representative, are fraudulent or were obtained through  
6 coercion, the Board shall promptly thereafter conduct an  
7 election. The Board shall also investigate and consider a  
8 party's allegations that the dues deduction authorizations and  
9 other evidence submitted in support of a designation of  
10 representative without an election were subsequently changed,  
11 altered, withdrawn, or withheld as a result of employer fraud,  
12 coercion, or any other unfair labor practice by the employer.  
13 If the Board determines that a labor organization would have  
14 had a majority interest but for an employer's fraud, coercion,  
15 or unfair labor practice, it shall designate the labor  
16 organization as an exclusive representative without conducting  
17 an election. If a hearing is necessary to resolve any issues of  
18 representation under this Section, the Board shall conclude its  
19 hearing process and issue a certification of the entire  
20 appropriate unit not later than 120 days after the date the  
21 petition was filed. The 120-day period may be extended one or  
22 more times by the agreement of all parties to a hearing to a  
23 date certain.

24 (a-6) A labor organization or an employer may file a unit  
25 clarification petition seeking to clarify an existing  
26 bargaining unit. The Board shall conclude its investigation,

1 including any hearing process deemed necessary, and issue a  
2 certification of clarified unit or dismiss the petition not  
3 later than 120 days after the date the petition was filed. The  
4 120-day period may be extended one or more times by the  
5 agreement of all parties to a hearing to a date certain.

6 (b) The Board shall decide in each case, in order to assure  
7 public employees the fullest freedom in exercising the rights  
8 guaranteed by this Act, a unit appropriate for the purpose of  
9 collective bargaining, based upon but not limited to such  
10 factors as: historical pattern of recognition; community of  
11 interest including employee skills and functions; degree of  
12 functional integration; interchangeability and contact among  
13 employees; fragmentation of employee groups; common  
14 supervision, wages, hours and other working conditions of the  
15 employees involved; and the desires of the employees. For  
16 purposes of this subsection, fragmentation shall not be the  
17 sole or predominant factor used by the Board in determining an  
18 appropriate bargaining unit. Except with respect to non-State  
19 fire fighters and paramedics employed by fire departments and  
20 fire protection districts, non-State peace officers and peace  
21 officers in the State Department of State Police, a single  
22 bargaining unit determined by the Board may not include both  
23 supervisors and nonsupervisors, except for bargaining units in  
24 existence on the effective date of this Act. With respect to  
25 non-State fire fighters and paramedics employed by fire  
26 departments and fire protection districts, non-State peace

1 officers and peace officers in the State Department of State  
2 Police, a single bargaining unit determined by the Board may  
3 not include both supervisors and nonsupervisors, except for  
4 bargaining units in existence on the effective date of this  
5 amendatory Act of 1985.

6 In cases involving an historical pattern of recognition,  
7 and in cases where the employer has recognized the union as the  
8 sole and exclusive bargaining agent for a specified existing  
9 unit, the Board shall find the employees in the unit then  
10 represented by the union pursuant to the recognition to be the  
11 appropriate unit.

12 Notwithstanding the above factors, where the majority of  
13 public employees of a craft so decide, the Board shall  
14 designate such craft as a unit appropriate for the purposes of  
15 collective bargaining.

16 The Board shall not decide that any unit is appropriate if  
17 such unit includes both professional and nonprofessional  
18 employees, unless a majority of each group votes for inclusion  
19 in such unit.

20 (c) Nothing in this Act shall interfere with or negate the  
21 current representation rights or patterns and practices of  
22 labor organizations which have historically represented public  
23 employees for the purpose of collective bargaining, including  
24 but not limited to the negotiations of wages, hours and working  
25 conditions, discussions of employees' grievances, resolution  
26 of jurisdictional disputes, or the establishment and

1 maintenance of prevailing wage rates, unless a majority of  
2 employees so represented express a contrary desire pursuant to  
3 the procedures set forth in this Act.

4 (d) In instances where the employer does not voluntarily  
5 recognize a labor organization as the exclusive bargaining  
6 representative for a unit of employees, the Board shall  
7 determine the majority representative of the public employees  
8 in an appropriate collective bargaining unit by conducting a  
9 secret ballot election, except as otherwise provided in  
10 subsection (a-5). Within 7 days after the Board issues its  
11 bargaining unit determination and direction of election or the  
12 execution of a stipulation for the purpose of a consent  
13 election, the public employer shall submit to the labor  
14 organization the complete names and addresses of those  
15 employees who are determined by the Board to be eligible to  
16 participate in the election. When the Board has determined that  
17 a labor organization has been fairly and freely chosen by a  
18 majority of employees in an appropriate unit, it shall certify  
19 such organization as the exclusive representative. If the Board  
20 determines that a majority of employees in an appropriate unit  
21 has fairly and freely chosen not to be represented by a labor  
22 organization, it shall so certify. The Board may also revoke  
23 the certification of the public employee organizations as  
24 exclusive bargaining representatives which have been found by a  
25 secret ballot election to be no longer the majority  
26 representative.



1           (e) The Board shall not conduct an election in any  
2 bargaining unit or any subdivision thereof within which a valid  
3 election has been held in the preceding 12-month period. The  
4 Board shall determine who is eligible to vote in an election  
5 and shall establish rules governing the conduct of the election  
6 or conduct affecting the results of the election. The Board  
7 shall include on a ballot in a representation election a choice  
8 of "no representation". A labor organization currently  
9 representing the bargaining unit of employees shall be placed  
10 on the ballot in any representation election. In any election  
11 where none of the choices on the ballot receives a majority, a  
12 runoff election shall be conducted between the 2 choices  
13 receiving the largest number of valid votes cast in the  
14 election. A labor organization which receives a majority of the  
15 votes cast in an election shall be certified by the Board as  
16 exclusive representative of all public employees in the unit.

17           (f) A labor organization shall be designated as the  
18 exclusive representative by a public employer, provided that  
19 the labor organization represents a majority of the public  
20 employees in an appropriate unit. Any employee organization  
21 which is designated or selected by the majority of public  
22 employees, in a unit of the public employer having no other  
23 recognized or certified representative, as their  
24 representative for purposes of collective bargaining may  
25 request recognition by the public employer in writing. The  
26 public employer shall post such request for a period of at

1 least 20 days following its receipt thereof on bulletin boards  
2 or other places used or reserved for employee notices.

3 (g) Within the 20-day period any other interested employee  
4 organization may petition the Board in the manner specified by  
5 rules and regulations of the Board, provided that such  
6 interested employee organization has been designated by at  
7 least 10% of the employees in an appropriate bargaining unit  
8 which includes all or some of the employees in the unit  
9 recognized by the employer. In such event, the Board shall  
10 proceed with the petition in the same manner as provided by  
11 paragraph (1) of subsection (a) of this Section.

12 (h) No election shall be directed by the Board in any  
13 bargaining unit where there is in force a valid collective  
14 bargaining agreement or after an interest arbitrator has been  
15 appointed pursuant to the impasse resolution procedures in  
16 Section 14 of this Act. The Board, however, may process an  
17 election petition filed between 90 and 60 days prior to the  
18 expiration of the date of an agreement, and may further refine,  
19 by rule or decision, the implementation of this provision.  
20 Where more than 4 years have elapsed since the effective date  
21 of the agreement, the agreement shall continue to bar an  
22 election, except that the Board may process an election  
23 petition filed between 90 and 60 days prior to the end of the  
24 fifth year of such an agreement, and between 90 and 60 days  
25 prior to the end of each successive year of such agreement.

26 (i) An order of the Board dismissing a representation

1 petition, determining and certifying that a labor organization  
2 has been fairly and freely chosen by a majority of employees in  
3 an appropriate bargaining unit, determining and certifying  
4 that a labor organization has not been fairly and freely chosen  
5 by a majority of employees in the bargaining unit or certifying  
6 a labor organization as the exclusive representative of  
7 employees in an appropriate bargaining unit because of a  
8 determination by the Board that the labor organization is the  
9 historical bargaining representative of employees in the  
10 bargaining unit, is a final order. Any person aggrieved by any  
11 such order issued on or after the effective date of this  
12 amendatory Act of 1987 may apply for and obtain judicial review  
13 in accordance with provisions of the Administrative Review Law,  
14 as now or hereafter amended, except that such review shall be  
15 afforded directly in the Appellate Court for the district in  
16 which the aggrieved party resides or transacts business. Any  
17 direct appeal to the Appellate Court shall be filed within 35  
18 days from the date that a copy of the decision sought to be  
19 reviewed was served upon the party affected by the decision.

20 (Source: P.A. 95-331, eff. 8-21-07; 96-813, eff. 10-30-09.)

21 (5 ILCS 315/14) (from Ch. 48, par. 1614)

22 Sec. 14. Security Employee, Peace Officer and Fire Fighter  
23 Disputes.

24 (a) In the case of collective bargaining agreements  
25 involving units of security employees of a public employer,

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

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

1 employer and employees shall forthwith advise the other and the  
2 Board of their selections.

3 (c) Within 7 days after the request of either party, the  
4 parties shall request a panel of impartial arbitrators from  
5 which they shall select the neutral chairman according to the  
6 procedures provided in this Section. If the parties have agreed  
7 to a contract that contains a grievance resolution procedure as  
8 provided in Section 8, the chairman shall be selected using  
9 their agreed contract procedure unless they mutually agree to  
10 another procedure. If the parties fail to notify the Board of  
11 their selection of neutral chairman within 7 days after receipt  
12 of the list of impartial arbitrators, the Board shall appoint,  
13 at random, a neutral chairman from the list. In the absence of  
14 an agreed contract procedure for selecting an impartial  
15 arbitrator, either party may request a panel from the Board.

16 Notwithstanding the preceding paragraph in this subsection  
17 (c), for peace officer units and security employee units only,  
18 within 7 days after the request of either party to proceed to  
19 arbitration, the parties shall request a panel of impartial  
20 arbitrators from which they shall select the neutral chairman,  
21 unless the parties have mutually agreed upon an arbitrator or  
22 have negotiated a contract procedure for selecting an impartial  
23 interest arbitrator. In the absence of mutual agreement or an  
24 agreed contract procedure for selecting an impartial  
25 arbitrator, either party may request a panel from the Board. If  
26 the parties fail to notify the Board of their selection of a

1 neutral chairman within 7 days after receipt of the list of  
2 impartial arbitrators, the Board shall appoint, at random, a  
3 neutral chairman from the list.

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

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

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

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

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

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

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



1 arbitration panel, within 30 days after the conclusion of the  
2 hearing, or such further additional periods to which the  
3 parties may agree, shall make written findings of fact and  
4 promulgate a written opinion and shall mail or otherwise  
5 deliver a true copy thereof to the parties and their  
6 representatives and to the Board. As to each economic issue,  
7 the arbitration panel shall adopt the last offer of settlement  
8 which, in the opinion of the arbitration panel, more nearly  
9 complies with the applicable factors prescribed in subsection  
10 (h). The findings, opinions and order as to all other issues  
11 shall be based upon the applicable factors prescribed in  
12 subsection (h).

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

21 (1) The lawful authority of the employer.

22 (2) Stipulations of the parties.

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

26 (4) Comparison of the wages, hours and conditions of

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

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

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

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

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

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

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

25 (i) In the case of peace officers, the arbitration decision  
26 shall be limited to wages, hours, and conditions of employment

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

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

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

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

24 To preserve historical bargaining rights, this subsection  
25 shall not apply to any provision of a fire fighter collective  
26 bargaining agreement in effect and applicable on the effective

1 date of this Act; provided, however, nothing herein shall  
2 preclude arbitration with respect to any such provision.

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

24 (k) Orders of the arbitration panel shall be reviewable,  
25 upon appropriate petition by either the public employer or the  
26 exclusive bargaining representative, by the circuit court for

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

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

26 (m) Security officers of public employers, and Peace

1 Officers, Fire Fighters and fire department and fire protection  
2 district paramedics, covered by this Section may not withhold  
3 services, nor may public employers lock out or prevent such  
4 employees from performing services at any time.

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

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

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

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

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

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