



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB4439

by Rep. Barbara Wheeler

#### SYNOPSIS AS INTRODUCED:

5 ILCS 315/15 from Ch. 48, par. 1615  
5 ILCS 430/1-15 new  
5 ILCS 430/15-35 rep.

Amends the Illinois Public Labor Relations Act. Provides that the Illinois Public Labor Relations Act does not take precedence over the provisions of the State Officials and Employee Ethics Act relating to wages, hours, and conditions of employment and employment relations. Amends the State Officials and Employees Ethics Act. Provides that in case of any conflict between the provisions of the State Officials and Employees Ethics Act and any other existing and future law, including existing preemption statutes, executive order, administrative regulation, collective bargaining agreement, or other agreements, the provisions of the Act shall prevail and control, after the effective date of this amendatory Act. Repeals a Section regarding preemption of the State Officials and Employees Ethics Act.

LRB100 18922 RJF 34168 b

1 AN ACT concerning government.

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

4 Section 5. The Illinois Public Labor Relations Act is  
5 amended by changing Section 15 as follows:

6 (5 ILCS 315/15) (from Ch. 48, par. 1615)

7 (Text of Section WITHOUT the changes made by P.A. 98-599,  
8 which has been held unconstitutional)

9 Sec. 15. Act Takes Precedence.

10 (a) In case of any conflict between the provisions of this  
11 Act and any other law (other than Section 5 of the State  
12 Employees Group Insurance Act of 1971, other than any provision  
13 of the State Officials and Employee Ethics Act, and other than  
14 the changes made to the Illinois Pension Code by this  
15 amendatory Act of the 96th General Assembly), executive order  
16 or administrative regulation relating to wages, hours and  
17 conditions of employment and employment relations, the  
18 provisions of this Act or any collective bargaining agreement  
19 negotiated thereunder shall prevail and control. Nothing in  
20 this Act shall be construed to replace or diminish the rights  
21 of employees established by Sections 28 and 28a of the  
22 Metropolitan Transit Authority Act, Sections 2.15 through 2.19  
23 of the Regional Transportation Authority Act. The provisions of

1 this Act are subject to Section 5 of the State Employees Group  
2 Insurance Act of 1971. Nothing in this Act shall be construed  
3 to replace the necessity of complaints against a sworn peace  
4 officer, as defined in Section 2(a) of the Uniform Peace  
5 Officer Disciplinary Act, from having a complaint supported by  
6 a sworn affidavit.

7 (b) Except as provided in subsection (a) above, any  
8 collective bargaining contract between a public employer and a  
9 labor organization executed pursuant to this Act shall  
10 supersede any contrary statutes, charters, ordinances, rules  
11 or regulations relating to wages, hours and conditions of  
12 employment and employment relations adopted by the public  
13 employer or its agents. Any collective bargaining agreement  
14 entered into prior to the effective date of this Act shall  
15 remain in full force during its duration.

16 (c) It is the public policy of this State, pursuant to  
17 paragraphs (h) and (i) of Section 6 of Article VII of the  
18 Illinois Constitution, that the provisions of this Act are the  
19 exclusive exercise by the State of powers and functions which  
20 might otherwise be exercised by home rule units. Such powers  
21 and functions may not be exercised concurrently, either  
22 directly or indirectly, by any unit of local government,  
23 including any home rule unit, except as otherwise authorized by  
24 this Act.

25 (Source: P.A. 95-331, eff. 8-21-07; 96-889, eff. 1-1-11.)

1 Section 10. The State Officials and Employees Ethics Act is  
2 amended by adding Section 1-15 as follows:

3 (5 ILCS 430/1-15 new)

4 Sec. 1-15. Act takes precedence. In case of any conflict  
5 between the provisions of this Act and any other existing and  
6 future law, including existing preemption statutes, executive  
7 order, administrative regulation, collective bargaining  
8 agreement, or other agreements, the provisions of this Act  
9 shall prevail and control, after the effective date of this  
10 amendatory Act of the 100th General Assembly.

11 (5 ILCS 430/15-35 rep.)

12 Section 15. The State Officials and Employees Ethics Act is  
13 amended by repealing Section 15-35.