



Miguel del Valle

**Filed: 2/11/2004**

09300SB2528sam001

LRB093 15449 NHT 46922 a

1 AMENDMENT TO SENATE BILL 2528

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2528 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by  
5 changing Section 17-131 as follows:

6 (40 ILCS 5/17-131) (from Ch. 108 1/2, par. 17-131)

7 Sec. 17-131. Administration of payroll deductions.

8 (a) This subsection (a) applies unless an Employer has  
9 agreed to have subsection (b) of this Section apply under a  
10 collective bargaining agreement, in which case this subsection  
11 (a) applies until the date that subsection (b) is to apply as  
12 set forth in the agreement. During any period in which salaries  
13 are paid, such deductions by an Employer or the Board shall be  
14 made on the basis of the full salary rates, exclusive of  
15 salaries for overtime, special services or any employment on an  
16 optional basis, such as in summer school. If salaries represent  
17 adjustments on account of error, deductions by the Employer or  
18 the Board shall be at rates in force during the applicable  
19 payroll period. If teachers receive salaries for the school  
20 year, as established by an Employer, or if they receive  
21 salaries for more than 10 calendar months, the amount required  
22 for each year of service shall be deducted by such Employer in  
23 installments. The total amounts for each semimonthly payroll  
24 period, or bi-weekly payroll period, as the case may be, shall

1 be deducted only when salary payments represent 5 days' pay or  
2 more. If an Employer or the Board pays salaries to members of  
3 the teaching force for vacation periods, the salary shall be  
4 considered part of the teacher's annual salary, shall be  
5 subject to the standard deductions for pension contributions,  
6 and shall be considered to represent pay for 5 or more days'  
7 employment in a bi-weekly or semi-monthly payroll period for  
8 purposes set forth in this Section. If deductions from salaries  
9 result in amounts of less than one cent, the fractional sums  
10 shall be increased to the next higher cent. Any excess of these  
11 fractional increases over the prescribed annual contributions  
12 shall be credited to the teachers' accounts.

13 (b) As part of a collective bargaining agreement, an  
14 Employer may agree to have this subsection (b) apply instead of  
15 subsection (a) of this Section, in which case this subsection  
16 (b) applies beginning on a date agreed upon in the collective  
17 bargaining agreement. During any period on or after the  
18 agreed-upon date in which salaries are paid, payroll deductions  
19 by an Employer or the Board shall be made for all salary paid.  
20 If salaries represent adjustments on account of error,  
21 deductions by the Employer or the Board shall be at the rates  
22 in force during the applicable payroll period. If teachers  
23 receive salaries for the school year, as established by an  
24 Employer, or if they receive salaries for more than 10 calendar  
25 months, the amount required for each year of service shall be  
26 deducted by such Employer in installments. On or after the  
27 agreed-upon date, the total amounts for each semimonthly  
28 payroll period or bi-weekly payroll period, as the case may be,  
29 shall be deducted for all salary paid. If, on or after the  
30 agreed-upon date, an Employer or the Board pays salaries to  
31 members of the teaching force for vacation periods, the salary  
32 shall be considered part of the teacher's annual salary, shall  
33 be subject to the standard deductions for pension  
34 contributions, and shall be considered to represent additional

1 service credit for each day paid. If deductions from salaries  
2 result in amounts of less than one cent, the fractional sums  
3 shall be increased to the next higher cent. Any excess of these  
4 fractional increases over the prescribed annual contributions  
5 shall be credited to the teachers' accounts.

6 (c) In the event that, pursuant to Section 17-130.1,  
7 employee contributions are picked up or made by the Board of  
8 Education on behalf of its employees from the proceeds of the  
9 tax levied under Section 34-60 of the School Code, then the  
10 amount of the employee contributions which are picked up or  
11 made in that manner shall not be deducted from the salaries of  
12 such employees.

13 (Source: P.A. 90-566, eff. 1-2-98.)

14 Section 10. The Illinois Educational Labor Relations Act is  
15 amended by changing Section 4.5 as follows:

16 (115 ILCS 5/4.5)

17 Sec. 4.5. Subjects of collective bargaining.

18 (a) Notwithstanding the existence of any other provision in  
19 this Act or other law, collective bargaining between an  
20 educational employer whose territorial boundaries are  
21 coterminous with those of a city having a population in excess  
22 of 500,000 and an exclusive representative of its employees may  
23 include any of the following subjects:

24 (1) (Blank).

25 (2) Decisions to contract with a third party for one or  
26 more services otherwise performed by employees in a  
27 bargaining unit and the procedures for obtaining such  
28 contract or the identity of the third party.

29 (3) Decisions to layoff or reduce in force employees.

30 (4) Decisions to determine class size, class staffing  
31 and assignment, class schedules, academic calendar, hours  
32 and places of instruction, or pupil assessment policies.

1           (5) Decisions concerning use and staffing of  
2           experimental or pilot programs and decisions concerning  
3           use of technology to deliver educational programs and  
4           services and staffing to provide the technology.

5           (6) The decision on whether or not to have seniority on  
6           a district-wide basis.

7           (b) The subject or matters described in subsection (a) are  
8           permissive subjects of bargaining between an educational  
9           employer and an exclusive representative of its employees and,  
10          for the purpose of this Act, are within the sole discretion of  
11          the educational employer to decide to bargain, provided that  
12          the educational employer is required to bargain over the impact  
13          of a decision concerning such subject or matter on the  
14          bargaining unit upon request by the exclusive representative.  
15          During this bargaining, the educational employer shall not be  
16          precluded from implementing its decision. If, after a  
17          reasonable period of bargaining, a dispute or impasse exists  
18          between the educational employer and the exclusive  
19          representative, the dispute or impasse shall be resolved  
20          exclusively as set forth in subsection (b) of Section 12 of  
21          this Act in lieu of a strike under Section 13 of this Act.

22          (c) A provision in a collective bargaining agreement that  
23          was rendered null and void because it involved a prohibited  
24          subject of collective bargaining under this subsection (c) as  
25          this subsection (c) existed before the effective date of this  
26          amendatory Act of the 93rd General Assembly remains null and  
27          void and shall not otherwise be reinstated in any successor  
28          agreement unless the educational employer and exclusive  
29          representative otherwise agree to include an agreement reached  
30          on a subject or matter described in subsection (a) of this  
31          Section as subsection (a) existed before this amendatory Act of  
32          the 93rd General Assembly.

33          (Source: P.A. 93-3, eff. 4-16-03.)

1           Section 99. Effective date. This Act takes effect August 1,  
2    2004.".