



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 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  
17 recognized by the public employer as bargaining  
18 representative is no longer the representative of the  
19 majority of public employees in the unit; or

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

1 the Board shall investigate such petition, and if it has  
2 reasonable cause to believe that a question of representation  
3 exists, shall provide for an appropriate hearing upon due  
4 notice. Such hearing shall be held at the offices of the Board  
5 or such other location as the Board deems appropriate. If it  
6 finds upon the record of the hearing that a question of  
7 representation exists, it shall direct an election in  
8 accordance with subsection (d) of this Section, which election  
9 shall be held not later than 120 days after the date the  
10 petition was filed regardless of whether that petition was  
11 filed before or after the effective date of this amendatory Act  
12 of 1987; provided, however, the Board may extend the time for  
13 holding an election by an additional 60 days if, upon motion by  
14 a person who has filed a petition under this Section or is the  
15 subject of a petition filed under this Section and is a party  
16 to such hearing, or upon the Board's own motion, the Board  
17 finds that good cause has been shown for extending the election  
18 date; provided further, that nothing in this Section shall  
19 prohibit the Board, in its discretion, from extending the time  
20 for holding an election for so long as may be necessary under  
21 the circumstances, where the purpose for such extension is to  
22 permit resolution by the Board of an unfair labor practice  
23 charge filed by one of the parties to a representational  
24 proceeding against the other based upon conduct which may  
25 either affect the existence of a question concerning  
26 representation or have a tendency to interfere with a fair and

1 free election, where the party filing the charge has not filed  
2 a request to proceed with the election; and provided further  
3 that prior to the expiration of the total time allotted for  
4 holding an election, a person who has filed a petition under  
5 this Section or is the subject of a petition filed under this  
6 Section and is a party to such hearing or the Board, may move  
7 for and obtain the entry of an order in the circuit court of  
8 the county in which the majority of the public employees sought  
9 to be represented by such person reside, such order extending  
10 the date upon which the election shall be held. Such order  
11 shall be issued by the circuit court only upon a judicial  
12 finding that there has been a sufficient showing that there is  
13 good cause to extend the election date beyond such period and  
14 shall require the Board to hold the election as soon as is  
15 feasible given the totality of the circumstances. Such 120 day  
16 period may be extended one or more times by the agreement of  
17 all parties to the hearing to a date certain without the  
18 necessity of obtaining a court order. Nothing in this Section  
19 prohibits the waiving of hearings by stipulation for the  
20 purpose of a consent election in conformity with the rules and  
21 regulations of the Board or an election in a unit agreed upon  
22 by the parties. Other interested employee organizations may  
23 intervene in the proceedings in the manner and within the time  
24 period specified by rules and regulations of the Board.  
25 Interested parties who are necessary to the proceedings may  
26 also intervene in the proceedings in the manner and within the

1 time period specified by the rules and regulations of the  
2 Board.

3 (a-5) The Board shall designate an exclusive  
4 representative for purposes of collective bargaining when the  
5 representative demonstrates a showing of majority interest by  
6 employees in the unit. If the parties to a dispute are without  
7 agreement on the means to ascertain the choice, if any, of  
8 employee organization as their representative, the Board shall  
9 ascertain the employees' choice of employee organization, on  
10 the basis of dues deduction authorization or other evidence,  
11 or, if necessary, by conducting an election. All evidence  
12 submitted by an employee organization to the Board to ascertain  
13 an employee's choice of an employee organization is  
14 confidential and shall not be submitted to the employer for  
15 review. The Board shall ascertain the employee's choice of  
16 employee organization within 120 days after the filing of the  
17 majority interest petition; however, the Board may extend time  
18 by an additional 60 days, upon its own motion or upon the  
19 motion of a party to the proceeding. If either party provides  
20 to the Board, before the designation of a representative, clear  
21 and convincing evidence that the dues deduction  
22 authorizations, and other evidence upon which the Board would  
23 otherwise rely to ascertain the employees' choice of  
24 representative, are fraudulent or were obtained through  
25 coercion, the Board shall promptly thereafter conduct an  
26 election. The Board shall also investigate and consider a

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

17 (a-6) A labor organization or an employer may file a unit  
18 clarification petition seeking to clarify an existing  
19 bargaining unit. The Board shall conclude its investigation,  
20 including any hearing process deemed necessary, and issue a  
21 certification of clarified unit or dismiss the petition not  
22 later than 120 days after the date the petition was filed. The  
23 120-day period may be extended one or more times by the  
24 agreement of all parties to a hearing to a date certain.

25 (b) The Board shall decide in each case, in order to assure  
26 public employees the fullest freedom in exercising the rights

1 guaranteed by this Act, a unit appropriate for the purpose of  
2 collective bargaining, based upon but not limited to such  
3 factors as: historical pattern of recognition; community of  
4 interest including employee skills and functions; degree of  
5 functional integration; interchangeability and contact among  
6 employees; fragmentation of employee groups; common  
7 supervision, wages, hours and other working conditions of the  
8 employees involved; and the desires of the employees. For  
9 purposes of this subsection, fragmentation shall not be the  
10 sole or predominant factor used by the Board in determining an  
11 appropriate bargaining unit. Except with respect to non-State  
12 fire fighters and paramedics employed by fire departments and  
13 fire protection districts, non-State peace officers and peace  
14 officers in the State Department of State Police, a single  
15 bargaining unit determined by the Board may not include both  
16 supervisors and nonsupervisors, except for bargaining units in  
17 existence on the effective date of this Act. With respect to  
18 non-State fire fighters and paramedics employed by fire  
19 departments and fire protection districts, non-State peace  
20 officers and peace officers in the State Department of State  
21 Police, a single bargaining unit determined by the Board may  
22 not include both supervisors and nonsupervisors, except for  
23 bargaining units in existence on the effective date of this  
24 amendatory Act of 1985.

25 In cases involving an historical pattern of recognition,  
26 and in cases where the employer has recognized the union as the

1 sole and exclusive bargaining agent for a specified existing  
2 unit, the Board shall find the employees in the unit then  
3 represented by the union pursuant to the recognition to be the  
4 appropriate unit.

5 Notwithstanding the above factors, where the majority of  
6 public employees of a craft so decide, the Board shall  
7 designate such craft as a unit appropriate for the purposes of  
8 collective bargaining.

9 The Board shall not decide that any unit is appropriate if  
10 such unit includes both professional and nonprofessional  
11 employees, unless a majority of each group votes for inclusion  
12 in such unit.

13 (c) Nothing in this Act shall interfere with or negate the  
14 current representation rights or patterns and practices of  
15 labor organizations which have historically represented public  
16 employees for the purpose of collective bargaining, including  
17 but not limited to the negotiations of wages, hours and working  
18 conditions, discussions of employees' grievances, resolution  
19 of jurisdictional disputes, or the establishment and  
20 maintenance of prevailing wage rates, unless a majority of  
21 employees so represented express a contrary desire pursuant to  
22 the procedures set forth in this Act.

23 (d) In instances where the employer does not voluntarily  
24 recognize a labor organization as the exclusive bargaining  
25 representative for a unit of employees, the Board shall  
26 determine the majority representative of the public employees

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

20 (e) The Board shall not conduct an election in any  
21 bargaining unit or any subdivision thereof within which a valid  
22 election has been held in the preceding 12-month period. The  
23 Board shall determine who is eligible to vote in an election  
24 and shall establish rules governing the conduct of the election  
25 or conduct affecting the results of the election. The Board  
26 shall include on a ballot in a representation election a choice

1 of "no representation". A labor organization currently  
2 representing the bargaining unit of employees shall be placed  
3 on the ballot in any representation election. In any election  
4 where none of the choices on the ballot receives a majority, a  
5 runoff election shall be conducted between the 2 choices  
6 receiving the largest number of valid votes cast in the  
7 election. A labor organization which receives a majority of the  
8 votes cast in an election shall be certified by the Board as  
9 exclusive representative of all public employees in the unit.

10 (f) A labor organization shall be designated as the  
11 exclusive representative by a public employer, provided that  
12 the labor organization represents a majority of the public  
13 employees in an appropriate unit. Any employee organization  
14 which is designated or selected by the majority of public  
15 employees, in a unit of the public employer having no other  
16 recognized or certified representative, as their  
17 representative for purposes of collective bargaining may  
18 request recognition by the public employer in writing. The  
19 public employer shall post such request for a period of at  
20 least 20 days following its receipt thereof on bulletin boards  
21 or other places used or reserved for employee notices.

22 (g) Within the 20-day period any other interested employee  
23 organization may petition the Board in the manner specified by  
24 rules and regulations of the Board, provided that such  
25 interested employee organization has been designated by at  
26 least 10% of the employees in an appropriate bargaining unit

1 which includes all or some of the employees in the unit  
2 recognized by the employer. In such event, the Board shall  
3 proceed with the petition in the same manner as provided by  
4 paragraph (1) of subsection (a) of this Section.

5 (h) No election shall be directed by the Board in any  
6 bargaining unit where there is in force a valid collective  
7 bargaining agreement or, except in the case of fire fighter  
8 units, after an interest arbitrator has been appointed pursuant  
9 to the impasse resolution procedures in Section 14 of this Act.

10 The Board, however, may process an election petition filed  
11 between 90 and 60 days prior to the expiration of the date of  
12 an agreement, and may further refine, by rule or decision, the  
13 implementation of this provision. Where more than 4 years have  
14 elapsed since the effective date of the agreement, the  
15 agreement shall continue to bar an election, except that the  
16 Board may process an election petition filed between 90 and 60  
17 days prior to the end of the fifth year of such an agreement,  
18 and between 90 and 60 days prior to the end of each successive  
19 year of such agreement.

20 (i) An order of the Board dismissing a representation  
21 petition, determining and certifying that a labor organization  
22 has been fairly and freely chosen by a majority of employees in  
23 an appropriate bargaining unit, determining and certifying  
24 that a labor organization has not been fairly and freely chosen  
25 by a majority of employees in the bargaining unit or certifying  
26 a labor organization as the exclusive representative of

1 employees in an appropriate bargaining unit because of a  
2 determination by the Board that the labor organization is the  
3 historical bargaining representative of employees in the  
4 bargaining unit, is a final order. Any person aggrieved by any  
5 such order issued on or after the effective date of this  
6 amendatory Act of 1987 may apply for and obtain judicial review  
7 in accordance with provisions of the Administrative Review Law,  
8 as now or hereafter amended, except that such review shall be  
9 afforded directly in the Appellate Court for the district in  
10 which the aggrieved party resides or transacts business. Any  
11 direct appeal to the Appellate Court shall be filed within 35  
12 days from the date that a copy of the decision sought to be  
13 reviewed was served upon the party affected by the decision.

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

15 (5 ILCS 315/14) (from Ch. 48, par. 1614)

16 Sec. 14. Security Employee, Peace Officer and Fire Fighter  
17 Disputes.

18 (a) In the case of collective bargaining agreements  
19 involving units of security employees of a public employer,  
20 Peace Officer Units, or units of fire fighters or paramedics,  
21 and in the case of disputes under Section 18, unless the  
22 parties mutually agree to some other time limit, mediation  
23 shall commence 30 days prior to the expiration date of such  
24 agreement or at such later time as the mediation services  
25 chosen under subsection (b) of Section 12 can be provided to

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

17 (b) Within 10 days after such a request for arbitration has  
18 been made, the employer shall choose a delegate and the  
19 employees' exclusive representative shall choose a delegate to  
20 a panel of arbitration as provided in this Section. The  
21 employer and employees shall forthwith advise the other and the  
22 Board of their selections.

23 (c) Within 7 days after the request of either party, the  
24 parties shall request a panel of impartial arbitrators from  
25 which they shall select the neutral chairman according to the  
26 procedures provided in this Section. If the parties have agreed

1 to a contract that contains a grievance resolution procedure as  
2 provided in Section 8, the chairman shall be selected using  
3 their agreed contract procedure unless they mutually agree to  
4 another procedure. If the parties fail to notify the Board of  
5 their selection of neutral chairman within 7 days after receipt  
6 of the list of impartial arbitrators, the Board shall appoint,  
7 at random, a neutral chairman from the list. In the absence of  
8 an agreed contract procedure for selecting an impartial  
9 arbitrator, either party may request a panel from the Board.

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

24 Within 7 days of the request of either party, the Board  
25 shall select from the Public Employees Labor Mediation Roster 7  
26 persons who are on the labor arbitration panels of either the

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

16 (d) The chairman shall call a hearing to begin within 15  
17 days and give reasonable notice of the time and place of the  
18 hearing. The hearing shall be held at the offices of the Board  
19 or at such other location as the Board deems appropriate. The  
20 chairman shall preside over the hearing and shall take  
21 testimony. Any oral or documentary evidence and other data  
22 deemed relevant by the arbitration panel may be received in  
23 evidence. The proceedings shall be informal. Technical rules of  
24 evidence shall not apply and the competency of the evidence  
25 shall not thereby be deemed impaired. A verbatim record of the  
26 proceedings shall be made and the arbitrator shall arrange for

1 the necessary recording service. Transcripts may be ordered at  
2 the expense of the party ordering them, but the transcripts  
3 shall not be necessary for a decision by the arbitration panel.  
4 The expense of the proceedings, including a fee for the  
5 chairman, shall be borne equally by each of the parties to the  
6 dispute. The delegates, if public officers or employees, shall  
7 continue on the payroll of the public employer without loss of  
8 pay. The hearing conducted by the arbitration panel may be  
9 adjourned from time to time, but unless otherwise agreed by the  
10 parties, shall be concluded within 30 days of the time of its  
11 commencement. Majority actions and rulings shall constitute  
12 the actions and rulings of the arbitration panel. Arbitration  
13 proceedings under this Section shall not be interrupted or  
14 terminated by reason of any unfair labor practice charge filed  
15 by either party at any time.

16 (e) The arbitration panel may administer oaths, require the  
17 attendance of witnesses, and the production of such books,  
18 papers, contracts, agreements and documents as may be deemed by  
19 it material to a just determination of the issues in dispute,  
20 and for such purpose may issue subpoenas. If any person refuses  
21 to obey a subpoena, or refuses to be sworn or to testify, or if  
22 any witness, party or attorney is guilty of any contempt while  
23 in attendance at any hearing, the arbitration panel may, or the  
24 attorney general if requested shall, invoke the aid of any  
25 circuit court within the jurisdiction in which the hearing is  
26 being held, which court shall issue an appropriate order. Any

1 failure to obey the order may be punished by the court as  
2 contempt.

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

12 (g) At or before the conclusion of the hearing held  
13 pursuant to subsection (d), the arbitration panel shall  
14 identify the economic issues in dispute, and direct each of the  
15 parties to submit, within such time limit as the panel shall  
16 prescribe, to the arbitration panel and to each other its last  
17 offer of settlement on each economic issue. The determination  
18 of the arbitration panel as to the issues in dispute and as to  
19 which of these issues are economic shall be conclusive. The  
20 arbitration panel, within 30 days after the conclusion of the  
21 hearing, or such further additional periods to which the  
22 parties may agree, shall make written findings of fact and  
23 promulgate a written opinion and shall mail or otherwise  
24 deliver a true copy thereof to the parties and their  
25 representatives and to the Board. As to each economic issue,  
26 the arbitration panel shall adopt the last offer of settlement

1 which, in the opinion of the arbitration panel, more nearly  
2 complies with the applicable factors prescribed in subsection  
3 (h). The findings, opinions and order as to all other issues  
4 shall be based upon the applicable factors prescribed in  
5 subsection (h).

6 (h) Where there is no agreement between the parties, or  
7 where there is an agreement but the parties have begun  
8 negotiations or discussions looking to a new agreement or  
9 amendment of the existing agreement, and wage rates or other  
10 conditions of employment under the proposed new or amended  
11 agreement are in dispute, the arbitration panel shall base its  
12 findings, opinions and order upon the following factors, as  
13 applicable:

14 (1) The lawful authority of the employer.

15 (2) Stipulations of the parties.

16 (3) The interests and welfare of the public and the  
17 financial ability of the unit of government to meet those  
18 costs.

19 (4) Comparison of the wages, hours and conditions of  
20 employment of the employees involved in the arbitration  
21 proceeding with the wages, hours and conditions of  
22 employment of other employees performing similar services  
23 and with other employees generally:

24 (A) In public employment in comparable  
25 communities.

26 (B) In private employment in comparable

1 communities.

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

4 (6) The overall compensation presently received by the  
5 employees, including direct wage compensation, vacations,  
6 holidays and other excused time, insurance and pensions,  
7 medical and hospitalization benefits, the continuity and  
8 stability of employment and all other benefits received.

9 (7) Changes in any of the foregoing circumstances  
10 during the pendency of the arbitration proceedings.

11 (8) Such other factors, not confined to the foregoing,  
12 which are normally or traditionally taken into  
13 consideration in the determination of wages, hours and  
14 conditions of employment through voluntary collective  
15 bargaining, mediation, fact-finding, arbitration or  
16 otherwise between the parties, in the public service or in  
17 private employment.

18 (i) In the case of peace officers, the arbitration decision  
19 shall be limited to wages, hours, and conditions of employment  
20 (which may include residency requirements in municipalities  
21 with a population under 1,000,000, but those residency  
22 requirements shall not allow residency outside of Illinois) and  
23 shall not include the following: i) residency requirements in  
24 municipalities with a population of at least 1,000,000; ii) the  
25 type of equipment, other than uniforms, issued or used; iii)  
26 manning; iv) the total number of employees employed by the

1 department; v) mutual aid and assistance agreements to other  
2 units of government; and vi) the criterion pursuant to which  
3 force, including deadly force, can be used; provided, nothing  
4 herein shall preclude an arbitration decision regarding  
5 equipment or manning levels if such decision is based on a  
6 finding that the equipment or manning considerations in a  
7 specific work assignment involve a serious risk to the safety  
8 of a peace officer beyond that which is inherent in the normal  
9 performance of police duties. Limitation of the terms of the  
10 arbitration decision pursuant to this subsection shall not be  
11 construed to limit the factors upon which the decision may be  
12 based, as set forth in subsection (h).

13 In the case of fire fighter, and fire department or fire  
14 district paramedic matters, the arbitration decision shall be  
15 limited to wages, hours, and conditions of employment (which  
16 may include residency requirements in municipalities with a  
17 population under 1,000,000, but those residency requirements  
18 shall not allow residency outside of Illinois) and shall not  
19 include the following matters: i) residency requirements in  
20 municipalities with a population of at least 1,000,000; ii) the  
21 type of equipment (other than uniforms and fire fighter turnout  
22 gear) issued or used; iii) the total number of employees  
23 employed by the department; iv) mutual aid and assistance  
24 agreements to other units of government; and v) the criterion  
25 pursuant to which force, including deadly force, can be used;  
26 provided, however, nothing herein shall preclude an

1 arbitration decision regarding equipment levels if such  
2 decision is based on a finding that the equipment  
3 considerations in a specific work assignment involve a serious  
4 risk to the safety of a fire fighter beyond that which is  
5 inherent in the normal performance of fire fighter duties.  
6 Limitation of the terms of the arbitration decision pursuant to  
7 this subsection shall not be construed to limit the facts upon  
8 which the decision may be based, as set forth in subsection  
9 (h).

10 The changes to this subsection (i) made by Public Act  
11 90-385 (relating to residency requirements) do not apply to  
12 persons who are employed by a combined department that performs  
13 both police and firefighting services; these persons shall be  
14 governed by the provisions of this subsection (i) relating to  
15 peace officers, as they existed before the amendment by Public  
16 Act 90-385.

17 To preserve historical bargaining rights, this subsection  
18 shall not apply to any provision of a fire fighter collective  
19 bargaining agreement in effect and applicable on the effective  
20 date of this Act; provided, however, nothing herein shall  
21 preclude arbitration with respect to any such provision.

22 (j) Arbitration procedures shall be deemed to be initiated  
23 by the filing of a letter requesting mediation as required  
24 under subsection (a) of this Section. The commencement of a new  
25 municipal fiscal year after the initiation of arbitration  
26 procedures under this Act, but before the arbitration decision,

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

17 (k) Orders of the arbitration panel shall be reviewable,  
18 upon appropriate petition by either the public employer or the  
19 exclusive bargaining representative, by the circuit court for  
20 the county in which the dispute arose or in which a majority of  
21 the affected employees reside, but only for reasons that the  
22 arbitration panel was without or exceeded its statutory  
23 authority; the order is arbitrary, or capricious; or the order  
24 was procured by fraud, collusion or other similar and unlawful  
25 means. Such petitions for review must be filed with the  
26 appropriate circuit court within 90 days following the issuance

1 of the arbitration order. The pendency of such proceeding for  
2 review shall not automatically stay the order of the  
3 arbitration panel. The party against whom the final decision of  
4 any such court shall be adverse, if such court finds such  
5 appeal or petition to be frivolous, shall pay reasonable  
6 attorneys' fees and costs to the successful party as determined  
7 by said court in its discretion. If said court's decision  
8 affirms the award of money, such award, if retroactive, shall  
9 bear interest at the rate of 12 percent per annum from the  
10 effective retroactive date.

11 (l) During the pendency of proceedings before the  
12 arbitration panel, existing wages, hours, and other conditions  
13 of employment shall not be changed by action of either party  
14 without the consent of the other but a party may so consent  
15 without prejudice to his rights or position under this Act. The  
16 proceedings are deemed to be pending before the arbitration  
17 panel upon the initiation of arbitration procedures under this  
18 Act.

19 (m) Security officers of public employers, and Peace  
20 Officers, Fire Fighters and fire department and fire protection  
21 district paramedics, covered by this Section may not withhold  
22 services, nor may public employers lock out or prevent such  
23 employees from performing services at any time.

24 (n) All of the terms decided upon by the arbitration panel  
25 shall be included in an agreement to be submitted to the public  
26 employer's governing body for ratification and adoption by law,

1 ordinance or the equivalent appropriate means.

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

26 (o) If the governing body of the employer votes to reject

1 the panel's decision, the parties shall return to the panel  
2 within 30 days from the issuance of the reasons for rejection  
3 for further proceedings and issuance of a supplemental  
4 decision. All reasonable costs of such supplemental proceeding  
5 including the exclusive representative's reasonable attorney's  
6 fees, as established by the Board, shall be paid by the  
7 employer.

8 (p) Notwithstanding the provisions of this Section the  
9 employer and exclusive representative may agree to submit  
10 unresolved disputes concerning wages, hours, terms and  
11 conditions of employment to an alternative form of impasse  
12 resolution.

13 (Source: P.A. 98-535, eff. 1-1-14.)