



Sen. Linda Holmes

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LRB098 18991 OMW 56226 a

1 AMENDMENT TO SENATE BILL 3514

2 AMENDMENT NO. _____. Amend Senate Bill 3514 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. 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, except in the case of fire fighter
15 units, after an interest arbitrator has been appointed pursuant
16 to the impasse resolution procedures in Section 14 of this Act.

17 The Board, however, may process an election petition filed
18 between 90 and 60 days prior to the expiration of the date of
19 an agreement, and may further refine, by rule or decision, the
20 implementation of this provision. Where more than 4 years have
21 elapsed since the effective date of the agreement, the
22 agreement shall continue to bar an election, except that the
23 Board may process an election petition filed between 90 and 60
24 days prior to the end of the fifth year of such an agreement,
25 and between 90 and 60 days prior to the end of each successive
26 year of such agreement.

1 (i) An order of the Board dismissing a representation
2 petition, determining and certifying that a labor organization
3 has been fairly and freely chosen by a majority of employees in
4 an appropriate bargaining unit, determining and certifying
5 that a labor organization has not been fairly and freely chosen
6 by a majority of employees in the bargaining unit or certifying
7 a labor organization as the exclusive representative of
8 employees in an appropriate bargaining unit because of a
9 determination by the Board that the labor organization is the
10 historical bargaining representative of employees in the
11 bargaining unit, is a final order. Any person aggrieved by any
12 such order issued on or after the effective date of this
13 amendatory Act of 1987 may apply for and obtain judicial review
14 in accordance with provisions of the Administrative Review Law,
15 as now or hereafter amended, except that such review shall be
16 afforded directly in the Appellate Court for the district in
17 which the aggrieved party resides or transacts business. Any
18 direct appeal to the Appellate Court shall be filed within 35
19 days from the date that a copy of the decision sought to be
20 reviewed was served upon the party affected by the decision.
21 (Source: P.A. 95-331, eff. 8-21-07; 96-813, eff. 10-30-09.)

22 (5 ILCS 315/14) (from Ch. 48, par. 1614)

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

25 (a) In the case of collective bargaining agreements

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

24 (b) Within 10 days after such a request for arbitration has
25 been made, the employer shall choose a delegate and the
26 employees' exclusive representative shall choose a delegate to

1 a panel of arbitration as provided in this Section. The
2 employer and employees shall forthwith advise the other and the
3 Board of their selections.

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

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

25 Within 7 days of the request of either party, the Board
26 shall select from the Public Employees Labor Mediation Roster 7

1 persons who are on the labor arbitration panels of either the
2 American Arbitration Association or the Federal Mediation and
3 Conciliation Service, or who are members of the National
4 Academy of Arbitrators, as nominees for impartial arbitrator of
5 the arbitration panel. The parties may select an individual on
6 the list provided by the Board or any other individual mutually
7 agreed upon by the parties. Within 7 days following the receipt
8 of the list, the parties shall notify the Board of the person
9 they have selected. Unless the parties agree on an alternate
10 selection procedure, they shall alternatively strike one name
11 from the list provided by the Board until only one name
12 remains. A coin toss shall determine which party shall strike
13 the first name. If both the parties fail to notify the Board in
14 a timely manner of their selection for neutral chairman, the
15 Board shall appoint a neutral chairman from the Illinois Public
16 Employees Mediation/Arbitration Roster. If, however, the
17 failure to notify the Board of a mutual selection for the
18 neutral chairman is due to one party's failure to timely
19 participate in the selection process, the party who was
20 prepared to participate in a timely selection may notify the
21 Board of its willingness to select an arbitrator from the
22 panel. Under such circumstances, the Board, after waiting 7
23 days after the receipt of the panel by the non-participating
24 party, shall appoint as the neutral chairman the arbitrator
25 from the panel chosen solely by the party who was prepared to
26 participate in a timely selection.

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

1 (e) The arbitration panel may administer oaths, require the
2 attendance of witnesses, and the production of such books,
3 papers, contracts, agreements and documents as may be deemed by
4 it material to a just determination of the issues in dispute,
5 and for such purpose may issue subpoenas. If any person refuses
6 to obey a subpoena, or refuses to be sworn or to testify, or if
7 any witness, party or attorney is guilty of any contempt while
8 in attendance at any hearing, the arbitration panel may, or the
9 attorney general if requested shall, invoke the aid of any
10 circuit court within the jurisdiction in which the hearing is
11 being held, which court shall issue an appropriate order. Any
12 failure to obey the order may be punished by the court as
13 contempt.

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

23 (g) At or before the conclusion of the hearing held
24 pursuant to subsection (d), the arbitration panel shall
25 identify the economic issues in dispute, and direct each of the
26 parties to submit, within such time limit as the panel shall

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

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

25 (1) The lawful authority of the employer.

26 (2) Stipulations of the parties.

1 (3) The interests and welfare of the public and the
2 financial ability of the unit of government to meet those
3 costs.

4 (4) Comparison of the wages, hours and conditions of
5 employment of the employees involved in the arbitration
6 proceeding with the wages, hours and conditions of
7 employment of other employees performing similar services
8 and with other employees generally:

9 (A) In public employment in comparable
10 communities.

11 (B) In private employment in comparable
12 communities.

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

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

20 (7) Changes in any of the foregoing circumstances
21 during the pendency of the arbitration proceedings.

22 (8) Such other factors, not confined to the foregoing,
23 which are normally or traditionally taken into
24 consideration in the determination of wages, hours and
25 conditions of employment through voluntary collective
26 bargaining, mediation, fact-finding, arbitration or

1 otherwise between the parties, in the public service or in
2 private employment.

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

24 In the case of fire fighter, and fire department or fire
25 district paramedic matters, the arbitration decision shall be
26 limited to wages, hours, and conditions of employment (which

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

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

1 Act 90-385.

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

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

1 of arbitration.

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

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

1 proceedings are deemed to be pending before the arbitration
2 panel upon the initiation of arbitration procedures under this
3 Act.

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

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

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

1 respect to the rejected terms. Any supplemental decision by an
2 arbitration panel or other decision maker agreed to by the
3 parties shall be submitted to the governing body for
4 ratification and adoption in accordance with the procedures and
5 voting requirements set forth in this Section. The voting
6 requirements of this subsection shall apply to all disputes
7 submitted to arbitration pursuant to this Section
8 notwithstanding any contrary voting requirements contained in
9 any existing collective bargaining agreement between the
10 parties.

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

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

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

25 Section 10. The Minimum Wage Law is amended by changing

1 Section 4a as follows:

2 (820 ILCS 105/4a) (from Ch. 48, par. 1004a)

3 Sec. 4a. (1) Except as otherwise provided in this Section,
4 no employer shall employ any of his employees for a workweek of
5 more than 40 hours unless such employee receives compensation
6 for his employment in excess of the hours above specified at a
7 rate not less than 1 1/2 times the regular rate at which he is
8 employed.

9 (2) The provisions of subsection (1) of this Section are
10 not applicable to:

11 A. Any salesman or mechanic primarily engaged in
12 selling or servicing automobiles, trucks or farm
13 implements, if he is employed by a nonmanufacturing
14 establishment primarily engaged in the business of selling
15 such vehicles or implements to ultimate purchasers.

16 B. Any salesman primarily engaged in selling trailers,
17 boats, or aircraft, if he is employed by a nonmanufacturing
18 establishment primarily engaged in the business of selling
19 trailers, boats, or aircraft to ultimate purchasers.

20 C. Any employer of agricultural labor, with respect to
21 such agricultural employment.

22 D. Any employee of a governmental body excluded from
23 the definition of "employee" under paragraph (e) (2) (C) of
24 Section 3 of the Federal Fair Labor Standards Act of 1938.

25 E. Any employee employed in a bona fide executive,

1 administrative or professional capacity, including any
2 radio or television announcer, news editor, or chief
3 engineer, as defined by or covered by the Federal Fair
4 Labor Standards Act of 1938 and the rules adopted under
5 that Act, ~~as both exist on March 30, 2003, but compensated~~
6 ~~at the amount of salary specified in subsections (a) and~~
7 ~~(b) of Section 541.600 of Title 29 of the Code of Federal~~
8 ~~Regulations as proposed in the Federal Register on March~~
9 ~~31, 2003 or a greater amount of salary as may be adopted by~~
10 ~~the United States Department of Labor.~~ For bona fide
11 executive, administrative, and professional employees of
12 not-for-profit corporations, the Director may, by
13 regulation, adopt a weekly wage rate standard lower than
14 that provided for executive, administrative, and
15 professional employees covered under the Fair Labor
16 Standards Act of 1938, as now or hereafter amended.

17 F. Any commissioned employee as described in paragraph
18 (i) of Section 7 of the Federal Fair Labor Standards Act of
19 1938 and rules and regulations promulgated thereunder, as
20 now or hereafter amended.

21 G. Any employment of an employee in the stead of
22 another employee of the same employer pursuant to a
23 worktime exchange agreement between employees.

24 H. Any employee of a not-for-profit educational or
25 residential child care institution who (a) on a daily basis
26 is directly involved in educating or caring for children

1 who (1) are orphans, foster children, abused, neglected or
2 abandoned children, or are otherwise homeless children and
3 (2) reside in residential facilities of the institution and
4 (b) is compensated at an annual rate of not less than
5 \$13,000 or, if the employee resides in such facilities and
6 receives without cost board and lodging from such
7 institution, not less than \$10,000.

8 I. Any employee employed as a crew member of any
9 uninspected towing vessel, as defined by Section 2101(40)
10 of Title 46 of the United States Code, operating in any
11 navigable waters in or along the boundaries of the State of
12 Illinois.

13 (3) Any employer may employ any employee for a period or
14 periods of not more than 10 hours in the aggregate in any
15 workweek in excess of the maximum hours specified in subsection
16 (1) of this Section without paying the compensation for
17 overtime employment prescribed in subsection (1) if during that
18 period or periods the employee is receiving remedial education
19 that:

20 (a) is provided to employees who lack a high school
21 diploma or educational attainment at the eighth grade
22 level;

23 (b) is designed to provide reading and other basic
24 skills at an eighth grade level or below; and

25 (c) does not include job specific training.

26 (4) A governmental body is not in violation of subsection

1 (1) if the governmental body provides compensatory time
2 pursuant to paragraph (o) of Section 7 of the Federal Fair
3 Labor Standards Act of 1938, as now or hereafter amended, or is
4 engaged in fire protection or law enforcement activities and
5 meets the requirements of paragraph (k) of Section 7 or
6 paragraph (b)(20) of Section 13 of the Federal Fair Labor
7 Standards Act of 1938, as now or hereafter amended.

8 (Source: P.A. 92-623, eff. 7-11-02; 93-672, eff. 4-2-04.)".