

1 AN ACT concerning State 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 7 as follows:

6 (5 ILCS 315/7) (from Ch. 48, par. 1607)

7 Sec. 7. Duty to bargain. A public employer and the
8 exclusive representative have the authority and the duty to
9 bargain collectively set forth in this Section.

10 For the purposes of this Act, "to bargain collectively"
11 means the performance of the mutual obligation of the public
12 employer or his designated representative and the
13 representative of the public employees to meet at reasonable
14 times, including meetings in advance of the budget-making
15 process, and to negotiate in good faith with respect to wages,
16 hours, and other conditions of employment, not excluded by
17 Section 4 of this Act, or the negotiation of an agreement, or
18 any question arising thereunder and the execution of a written
19 contract incorporating any agreement reached if requested by
20 either party, but such obligation does not compel either party
21 to agree to a proposal or require the making of a concession.

22 The duty "to bargain collectively" shall also include an
23 obligation to negotiate over any matter with respect to wages,

1 hours and other conditions of employment, not specifically
2 provided for in any other law or not specifically in violation
3 of the provisions of any law. If any other law pertains, in
4 part, to a matter affecting the wages, hours and other
5 conditions of employment, such other law shall not be construed
6 as limiting the duty "to bargain collectively" and to enter
7 into collective bargaining agreements containing clauses which
8 either supplement, implement, or relate to the effect of such
9 provisions in other laws.

10 The duty "to bargain collectively" shall also include
11 negotiations as to the terms of a collective bargaining
12 agreement. The parties may, by mutual agreement, provide for
13 arbitration of impasses resulting from their inability to agree
14 upon wages, hours and terms and conditions of employment to be
15 included in a collective bargaining agreement. Such
16 arbitration provisions shall be subject to the Illinois
17 "Uniform Arbitration Act" unless agreed by the parties.

18 The duty "to bargain collectively" shall also mean that no
19 party to a collective bargaining contract shall terminate or
20 modify such contract, unless the party desiring such
21 termination or modification:

22 (1) serves a written notice upon the other party to the
23 contract of the proposed termination or modification 60
24 days prior to the expiration date thereof, or in the event
25 such contract contains no expiration date, 60 days prior to
26 the time it is proposed to make such termination or

1 modification;

2 (2) offers to meet and confer with the other party for
3 the purpose of negotiating a new contract or a contract
4 containing the proposed modifications;

5 (3) notifies the Board within 30 days after such notice
6 of the existence of a dispute, provided no agreement has
7 been reached by that time; and

8 (4) continues in full force and effect, without
9 resorting to strike or lockout, all the terms and
10 conditions of the existing contract for a period of 60 days
11 after such notice is given to the other party or until the
12 expiration date of such contract, whichever occurs later.

13 The duties imposed upon employers, employees and labor
14 organizations by paragraphs (2), (3) and (4) shall become
15 inapplicable upon an intervening certification of the Board,
16 under which the labor organization, which is a party to the
17 contract, has been superseded as or ceased to be the exclusive
18 representative of the employees pursuant to the provisions of
19 subsection (a) of Section 9, and the duties so imposed shall
20 not be construed as requiring either party to discuss or agree
21 to any modification of the terms and conditions contained in a
22 contract for a fixed period, if such modification is to become
23 effective before such terms and conditions can be reopened
24 under the provisions of the contract.

25 Collective bargaining for home care and home health workers
26 who function as personal assistants and individual maintenance

1 home health workers under the Home Services Program shall be
2 limited to the terms and conditions of employment under the
3 State's control, as defined in Public Act 93-204 or this
4 amendatory Act of the 97th General Assembly, as applicable.

5 Collective bargaining for child and day care home providers
6 under the child care assistance program shall be limited to the
7 terms and conditions of employment under the State's control,
8 as defined in this amendatory Act of the 94th General Assembly.

9 Notwithstanding any other provision of this Section,
10 whenever collective bargaining is for the purpose of
11 establishing an initial agreement following original
12 certification of units with fewer than 35 employees, with
13 respect to public employees other than peace officers, fire
14 fighters, and security employees, the following apply:

15 (1) Not later than 10 days after receiving a written
16 request for collective bargaining from a labor
17 organization that has been newly certified as a
18 representative as defined in Section 6(c), or within such
19 further period as the parties agree upon, the parties shall
20 meet and commence to bargain collectively and shall make
21 every reasonable effort to conclude and sign a collective
22 bargaining agreement.

23 (2) If anytime after the expiration of the 90-day
24 period beginning on the date on which bargaining is
25 commenced the parties have failed to reach an agreement,
26 either party may notify the Illinois Public Labor Relations

1 Board of the existence of a dispute and request mediation
2 in accordance with the provisions of Section 14 of this
3 Act.

4 (3) If after the expiration of the 30-day period
5 beginning on the date on which mediation commenced, or such
6 additional period as the parties may agree upon, the
7 mediator is not able to bring the parties to agreement by
8 conciliation, either the exclusive representative of the
9 employees or the employer may request of the other, in
10 writing, arbitration and shall submit a copy of the request
11 to the board. Upon submission of the request for
12 arbitration, the parties shall be required to participate
13 in the impasse arbitration procedures set forth in Section
14 14 of this Act, except the right to strike shall not be
15 considered waived pursuant to Section 17 of this Act, until
16 the actual convening of the arbitration hearing.

17 With respect to collective bargaining agreements initially
18 scheduled to expire on or after June 30, 2015, but before June
19 30, 2019, between the State of Illinois and a unit or units of
20 employees of State agencies which are not resolved by the
21 initial expiration date of the agreement, mediation of the
22 outstanding issues shall be initiated within 30 days from the
23 initial expiration of the agreement or the effective date of
24 this amendatory Act of the 99th General Assembly. Should a
25 mediator be unable to bring the parties to agreement through
26 conciliation within 30 days of the commencement of mediation,

1 or such additional period as the parties may mutually agree on,
2 either party may initiate the impasse arbitration procedures
3 pursuant to Section 14 of this Act except that for the purpose
4 of determining the jurisdiction or authority of the arbitration
5 panel, arbitration procedures shall be deemed to have been
6 initiated prior to the commencement of any fiscal year
7 occurring after the initial expiration date of the agreement.
8 The provisions of the expired collective bargaining agreement
9 shall be in full force and effect from the initial expiration
10 date and conditions of employment in effect on the initial
11 expiration date shall not be changed by the action of either
12 party without the consent of the other until a successor
13 agreement is adopted. The right to strike shall not be
14 considered waived pursuant to Section 17 of this Act until the
15 actual convening of the arbitration hearing.

16 (Source: P.A. 97-1158, eff. 1-29-13; 98-1004, eff. 8-18-14.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.