



Rep. Kenneth Dunkin

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LRB099 04420 RJF 45300 a

1 AMENDMENT TO HOUSE BILL 580

2 AMENDMENT NO. _____. Amend House Bill 580 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 2 and 4 and by adding Section 7.7
6 as follows:

7 (5 ILCS 315/2) (from Ch. 48, par. 1602)

8 Sec. 2. Policy. It is the public policy of the State of
9 Illinois to grant public employees full freedom of association,
10 self-organization, and designation of representatives of their
11 own choosing for the purpose of negotiating wages, hours and
12 other conditions of employment or other mutual aid or
13 protection.

14 It is also the public policy of the State of Illinois to
15 eliminate underutilization, and to promote advancement, of
16 African Americans in State government jobs. Where skill and

1 ability are relatively equal and there exists an
2 underutilization of an African American employee in a given
3 geographical region or job category, it is the State's moral
4 obligation to set aside arbitrary barriers like seniority rules
5 that stand in the way of eradicating underutilization.

6 It is the purpose of this Act to regulate labor relations
7 between public employers and employees, including the
8 designation of employee representatives, negotiation of wages,
9 hours and other conditions of employment, and resolution of
10 disputes arising under collective bargaining agreements.

11 It is the purpose of this Act to prescribe the legitimate
12 rights of both public employees and public employers, to
13 protect the public health and safety of the citizens of
14 Illinois, and to provide peaceful and orderly procedures for
15 protection of the rights of all. To prevent labor strife and to
16 protect the public health and safety of the citizens of
17 Illinois, all collective bargaining disputes involving persons
18 designated by the Board as performing essential services and
19 those persons defined herein as security employees shall be
20 submitted to impartial arbitrators, who shall be authorized to
21 issue awards in order to resolve such disputes. It is the
22 public policy of the State of Illinois that where the right of
23 employees to strike is prohibited by law, it is necessary to
24 afford an alternate, expeditious, equitable and effective
25 procedure for the resolution of labor disputes subject to
26 approval procedures mandated by this Act. To that end, the

1 provisions for such awards shall be liberally construed.

2 (Source: P.A. 83-1012.)

3 (5 ILCS 315/4) (from Ch. 48, par. 1604)

4 (Text of Section WITH the changes made by P.A. 98-599,
5 which has been held unconstitutional)

6 Sec. 4. Management Rights. Employers shall not be required
7 to bargain over matters of inherent managerial policy, which
8 shall include such areas of discretion or policy as the
9 functions of the employer, standards of services, its overall
10 budget, the organizational structure and selection of new
11 employees, examination techniques and direction of employees.
12 Employers, however, shall be required to bargain collectively
13 with regard to policy matters directly affecting wages, hours
14 and terms and conditions of employment as well as the impact
15 thereon upon request by employee representatives, except as
16 provided in Section 7.5.

17 To preserve the rights of employers and exclusive
18 representatives which have established collective bargaining
19 relationships or negotiated collective bargaining agreements
20 prior to the effective date of this Act, employers shall be
21 required to bargain collectively with regard to any matter
22 concerning wages, hours or conditions of employment about which
23 they have bargained for and agreed to in a collective
24 bargaining agreement prior to the effective date of this Act,
25 except as provided in Section 7.5.

1 The chief judge of the judicial circuit that employs a
2 public employee who is a court reporter, as defined in the
3 Court Reporters Act, has the authority to hire, appoint,
4 promote, evaluate, discipline, and discharge court reporters
5 within that judicial circuit.

6 Nothing in this amendatory Act of the 94th General Assembly
7 shall be construed to intrude upon the judicial functions of
8 any court. This amendatory Act of the 94th General Assembly
9 applies only to nonjudicial administrative matters relating to
10 the collective bargaining rights of court reporters.

11 (Source: P.A. 98-599, eff. 6-1-14.)

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

14 Sec. 4. Management Rights. Employers shall not be required
15 to bargain over matters of inherent managerial policy, which
16 shall include such areas of discretion or policy as the
17 functions of the employer, standards of services, its overall
18 budget, the organizational structure and selection of new
19 employees, examination techniques and direction of employees.
20 Employers, however, shall be required to bargain collectively
21 with regard to policy matters directly affecting wages, hours
22 and terms and conditions of employment as well as the impact
23 thereon upon request by employee representatives, except as
24 provided in Section 7.7.

25 To preserve the rights of employers and exclusive

1 representatives which have established collective bargaining
2 relationships or negotiated collective bargaining agreements
3 prior to the effective date of this Act, employers shall be
4 required to bargain collectively with regard to any matter
5 concerning wages, hours or conditions of employment about which
6 they have bargained for and agreed to in a collective
7 bargaining agreement prior to the effective date of this Act,
8 except as provided in Section 7.7.

9 The chief judge of the judicial circuit that employs a
10 public employee who is a court reporter, as defined in the
11 Court Reporters Act, has the authority to hire, appoint,
12 promote, evaluate, discipline, and discharge court reporters
13 within that judicial circuit.

14 Nothing in this amendatory Act of the 94th General Assembly
15 shall be construed to intrude upon the judicial functions of
16 any court. This amendatory Act of the 94th General Assembly
17 applies only to nonjudicial administrative matters relating to
18 the collective bargaining rights of court reporters.

19 (Source: P.A. 94-98, eff. 7-1-05.)

20 (5 ILCS 315/7.7 new)

21 Sec. 7.7. Prohibited subjects of bargaining.

22 (a) Notwithstanding any provision of this Act, an employer
23 shall not be required to bargain over matters of employee
24 seniority (or time in service) when consideration of seniority
25 would prevent the employer from filling a vacancy by hiring or

1 promoting an equally qualified employee who helps reduce
2 African American employee underutilization in the geographical
3 region or job category where the vacancy occurred.

4 (b) In case of any conflict between this Section and any
5 other provisions of this Act or any other law, the provisions
6 of this Section shall control.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".