



Rep. John E. Bradley

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1 AMENDMENT TO HOUSE BILL 682

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 682, AS AMENDED, by  
3 inserting the following Sections in their proper numeric  
4 sequence as follows:

5 "Section 1. Short title. This Act may be cited as the Local  
6 Government Taxpayer Protection Act of 2015.

7 Section 2. Legislative intent. As of 2015, Illinois  
8 taxpayers are paying the second highest median property taxes  
9 in the United States. While property taxes are a critical  
10 source of revenue for units of local government, school  
11 districts, and other local governmental entities, the high  
12 property tax burden hinders economic growth. The General  
13 Assembly finds that freezing property tax extensions until  
14 voters, acting by referendum, approve an increase in the tax  
15 extension will return control of local tax and spending policy  
16 to voters and, as property values begin to grow, reduce

1 property tax rates.

2 To ensure that units of local government, school districts,  
3 and other governmental entities that depend upon property tax  
4 revenue are able to continue providing critical services to  
5 their residents notwithstanding this property tax freeze, the  
6 General Assembly further finds that it is necessary to reduce  
7 the State-imposed mandates on local governments that have  
8 increased the cost of providing these services. These mandates  
9 include the following:

10 (1) According to the United States Census Bureau's 2012  
11 report on state and local government finance, employee  
12 wages and benefits are the largest operational expense of  
13 local governments in Illinois. Although the Illinois  
14 Public Labor Relations Act and the Illinois Educational  
15 Labor Relations Act are intended to afford local  
16 governments with discretion over their budgets, employee  
17 costs remain a significant expense. The changes made by  
18 this amendatory Act of the 99th General Assembly to the  
19 Illinois Public Labor Relations Act and the Illinois  
20 Educational Labor Relations Act are intended to empower  
21 local governments to contain these costs.

22 (2) Despite critical infrastructure and capital needs,  
23 the cost of capital projects is often higher for local  
24 governments than for the private sector. In particular,  
25 labor costs are higher due to the State's mandated  
26 prevailing wage, which often exceeds the wage required for

1           federally funded projects and the wage that actually  
2           prevails in the market, and the use of project labor  
3           agreements.

4           The purpose of this amendatory Act of the 99th General  
5           Assembly is to alleviate the property tax burden. To offset the  
6           property tax freeze, it is necessary to reduce labor and  
7           capital costs incurred by units of local government, school  
8           districts, and other local governmental entities as a result of  
9           State mandates.

10           Section 3. The Illinois Public Labor Relations Act is  
11           amended by changing Section 4 and by adding Section 4.5 as  
12           follows:

13           (5 ILCS 315/4) (from Ch. 48, par. 1604)

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

16           Sec. 4. Management Rights.

17           (a) Employers shall not be required to bargain over matters  
18           of inherent managerial policy, which shall include such areas  
19           of discretion or policy as the functions of the employer,  
20           standards of services, its overall budget, the organizational  
21           structure and selection of new employees, examination  
22           techniques and direction of employees. Employers, however,  
23           shall be required to bargain collectively with regard to policy  
24           matters directly affecting wages, hours and terms and

1 conditions of employment as well as the impact thereon upon  
2 request by employee representatives, except as provided in this  
3 Section or Section 7.5.

4 To preserve the rights of employers and exclusive  
5 representatives which have established collective bargaining  
6 relationships or negotiated collective bargaining agreements  
7 prior to the effective date of this Act, employers shall be  
8 required to bargain collectively with regard to any matter  
9 concerning wages, hours or conditions of employment about which  
10 they have bargained for and agreed to in a collective  
11 bargaining agreement prior to the effective date of this Act,  
12 except as provided in this Section or Section 7.5.

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

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

23 (b) In any unit of local government or school district to  
24 which this subsection applies, as provided in Section 4.5 of  
25 this Act, public employees or a labor organization may not  
26 bargain collectively on:

1           (1) the decision of the employer to contract with a  
2           third party for any services, the process for bidding on  
3           such a contract, the identity of the provider of such  
4           services, or the effect of any such contract on bargaining  
5           unit members, provided that this subsection does not limit  
6           the ability of employees or a labor organization to bid on  
7           any such contract;

8           (2) any pay increase, either through changes to the pay  
9           schedule or as a result of accumulated years of service, in  
10           excess of the amount specified by ordinance or resolution  
11           of the governing authority of the public employer;

12           (3) the provision of any health insurance, including  
13           the payment of premiums, the extent of coverage, or the  
14           identity of the insurer;

15           (4) the use of employee time for business of the labor  
16           organization, other than reasonable time provided to an  
17           employee to attend a grievance hearing when his or her  
18           rights are substantially affected by the hearing or his or  
19           her testimony is needed for the determination of any  
20           substantial factual question;

21           (5) required levels of staffing for departments,  
22           divisions, shifts, stations, or assignments; or

23           (6) procedures, processes, forms, and criteria for  
24           personnel evaluations, or the use of evaluations or  
25           seniority in assignments, promotions, layoffs, and  
26           reductions-in-force.

1       (c) Any agreement, understanding, or practice, whether  
2 written or oral, and whether express or implied, between any  
3 labor organization and any public employer made in violation of  
4 this Section is hereby declared to be unlawful, null and void,  
5 and of no legal effect.

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

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

9       Sec. 4. Management Rights.

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

21       To preserve the rights of employers and exclusive  
22 representatives which have established collective bargaining  
23 relationships or negotiated collective bargaining agreements  
24 prior to the effective date of this Act, employers shall be  
25 required to bargain collectively with regard to any matter

1 concerning wages, hours or conditions of employment about which  
2 they have bargained for and agreed to in a collective  
3 bargaining agreement prior to the effective date of this Act,  
4 except as provided in this Section.

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

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

15 (b) In any unit of local government or school district to  
16 which this subsection applies, as provided in Section 4.5 of  
17 this Act, public employees or a labor organization may not  
18 bargain collectively on:

19 (1) the decision of the employer to contract with a  
20 third party for any services, the process for bidding on  
21 such a contract, the identity of the provider of such  
22 services, or the effect of any such contract on bargaining  
23 unit members, provided that this subsection does not limit  
24 the ability of employees or a labor organization to bid on  
25 any such contract;

26 (2) any pay increase, either through changes to the pay

1 schedule or as a result of accumulated years of service, in  
2 excess of the amount specified by ordinance or resolution  
3 of the governing authority of the public employer;

4 (3) the provision of any health insurance, including  
5 the payment of premiums, the extent of coverage, or the  
6 identity of the insurer;

7 (4) the use of employee time for business of the labor  
8 organization, other than reasonable time provided to an  
9 employee to attend a grievance hearing when his or her  
10 rights are substantially affected by the hearing or his or  
11 her testimony is needed for the determination of any  
12 substantial factual question;

13 (5) required levels of staffing for departments,  
14 divisions, shifts, stations, or assignments; or

15 (6) procedures, processes, forms, and criteria for  
16 personnel evaluations, or the use of evaluations or  
17 seniority in assignments, promotions, layoffs, and  
18 reductions-in-force.

19 (c) Any agreement, understanding, or practice, whether  
20 written or oral, and whether express or implied, between any  
21 labor organization and any public employer made in violation of  
22 this Section is hereby declared to be unlawful, null and void,  
23 and of no legal effect.

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



1       Sec. 4.5. Adoption of limitations on subjects of collective  
2 bargaining.

3       (a) The county board or board of county commissioners of a  
4 county may by ordinance elect to apply the limitations under  
5 subsection (b) of Section 4 to bargaining with that county and  
6 with any other public employer whose boundaries are entirely  
7 within that county.

8       (b) The corporate authorities of a municipality may by  
9 ordinance elect to apply the limitations under subsection (b)  
10 of Section 4 to bargaining with that municipality and with any  
11 other public employer whose boundaries are entirely within that  
12 municipality.

13       (c) The governing authority of a unit of local government  
14 or school district, including a county or municipality, may by  
15 ordinance or resolution elect to apply the limitations under  
16 subsection (b) of Section 4 to bargaining with that unit of  
17 local government or school district.

18       (d) If a petition, signed by a number of registered voters  
19 equal in number to at least 5% of the total number of  
20 registered voters in a county or municipality, asking to apply  
21 the limitations under subsection (b) of Section 4 to collective  
22 bargaining in that county or municipality is presented to the  
23 clerk of that county or municipality, the clerk shall certify  
24 the question of whether to apply such limitations in that  
25 county or municipality to the proper election authority, who  
26 shall submit the question at the next election in accordance

1 with the general election law.

2 The question of whether to apply the limitations under  
3 subsection (b) of Section 4 shall be presented in substantially  
4 the following form:

5 Shall each unit of local government and school district  
6 located within (legal name of the county or municipality)  
7 be free to determine certain matters without negotiating  
8 with employee unions, such as the use of service providers,  
9 the decision to provide health benefits, caps on total  
10 payroll, employees' use of government time for union  
11 matters, required staffing levels, evaluation procedures,  
12 and, in the case of schools, curriculum?

13 The votes must be recorded as "Yes" or "No". If a majority  
14 of voters voting on the question are in favor of applying such  
15 limitations, subsection (b) of Section 4 shall apply to  
16 bargaining with that county or municipality and with any other  
17 public employer whose boundaries are entirely within that  
18 county or municipality.

19 (e) If a petition, signed by a number of registered voters  
20 equal in number to at least 5% of the total number of  
21 registered voters in a unit of local government or school  
22 district, asking to apply the limitations under subsection (b)  
23 of Section 4 to collective bargaining with that unit of local  
24 government or school district is presented to the clerk of that  
25 unit of local government or school district, the clerk shall  
26 certify the question of whether to apply such limitations to

1 that unit of local government or school district to the proper  
2 election authority, who shall submit the question at the next  
3 election in accordance with the general election law.

4 The question of whether to apply the limitations under  
5 subsection (b) of Section 4 shall be presented in substantially  
6 the following form:

7 Shall (the legal name of the unit of local government  
8 or school district) be free to determine certain matters  
9 without negotiating with employee unions, such as the use  
10 of service providers, the decision to provide health  
11 benefits, caps on total payroll, employees' use of  
12 government time for union matters, required staffing  
13 levels, evaluation procedures, and, in the case of schools,  
14 curriculum?

15 The votes must be recorded as "Yes" or "No". If a majority  
16 of voters voting on the question are in favor of applying such  
17 limitations, subsection (b) of Section 4 shall apply to  
18 bargaining with that unit of local government or school  
19 district.

20 Section 10. The Local Government Energy Conservation Act is  
21 amended by changing Section 3 as follows:

22 (50 ILCS 515/3)

23 Sec. 3. Applicable laws. Other State laws and related  
24 administrative requirements apply to this Act, including, but

1 not limited to, the following laws and related administrative  
2 requirements: the Illinois Human Rights Act, ~~the Prevailing~~  
3 ~~Wage Act,~~ the Public Construction Bond Act, the Public Works  
4 Preference Act (repealed on June 16, 2010 by Public Act  
5 96-929), the Employment of Illinois Workers on Public Works  
6 Act, the Freedom of Information Act, the Open Meetings Act, the  
7 Illinois Architecture Practice Act of 1989, the Professional  
8 Engineering Practice Act of 1989, the Structural Engineering  
9 Practice Act of 1989, the Local Government Professional  
10 Services Selection Act, and the Contractor Unified License and  
11 Permit Bond Act.

12 (Source: P.A. 97-333, eff. 8-12-11.)

13 Section 15. The Local Government Facility Lease Act is  
14 amended by changing Section 35 as follows:

15 (50 ILCS 615/35)

16 Sec. 35. Wage requirements. In order to protect the wages,  
17 working conditions, and job opportunities of employees  
18 employed by the lessee of leased facility property used for  
19 airport purposes to perform work on the site of the leased  
20 premises previously performed by employees of the lessor on the  
21 site of the leased premises and who were in recognized  
22 bargaining units at the time of the lease, the lessee, and any  
23 subcontractor retained by the lessee to perform such work on  
24 the site of the leased premises, shall be required to pay to

1 those employees an amount not less than the economic equivalent  
2 of the standard of wages and benefits enjoyed by the lessor's  
3 employees who previously performed that work. The lessor shall  
4 certify to the lessee the amount of wages and benefits (or  
5 their equivalent) as of the time of the lease, and any changes  
6 to those amounts as they may occur during the term of the  
7 lease. ~~All projects at the leased facility property used for~~  
8 ~~airport purposes shall be considered public works for purposes~~  
9 ~~of the Prevailing Wage Act.~~

10 (Source: P.A. 94-750, eff. 5-9-06.)

11 Section 20. The Counties Code is amended by changing  
12 Section 5-1134 as follows:

13 (55 ILCS 5/5-1134)

14 Sec. 5-1134. Project labor agreements.

15 (a) ~~Any sports, arts, or entertainment facilities that~~  
16 ~~receive revenue from a tax imposed under subsection (b) of~~  
17 ~~Section 5-1030 of this Code shall be considered to be public~~  
18 ~~works within the meaning of the Prevailing Wage Act.~~ The county  
19 authorities responsible for the construction, renovation,  
20 modification, or alteration of the sports, arts, or  
21 entertainment facilities shall enter into project labor  
22 agreements with labor organizations as defined in the National  
23 Labor Relations Act to assure that no labor dispute interrupts  
24 or interferes with the construction, renovation, modification,

1 or alteration of the projects.

2 (b) The project labor agreements must include the  
3 following:

4 (1) provisions establishing the minimum hourly wage  
5 for each class of labor organization employees;

6 (2) provisions establishing the benefits and other  
7 compensation for such class of labor organization; and

8 (3) provisions establishing that no strike or disputes  
9 will be engaged in by the labor organization employees.

10 The county, taxing bodies, municipalities, and the labor  
11 organizations shall have the authority to include other terms  
12 and conditions as they deem necessary.

13 (c) The project labor agreement shall be filed with the  
14 Director of the Illinois Department of Labor in accordance with  
15 procedures established by the Department. At a minimum, the  
16 project labor agreement must provide the names, addresses, and  
17 occupations of the owner of the facilities and the individuals  
18 representing the labor organization employees participating in  
19 the project labor agreement. The agreement must also specify  
20 the terms and conditions required in subsection (b) of this  
21 Section.

22 (d) In any agreement for the construction or rehabilitation  
23 of a facility using revenue generated under subsection (b) of  
24 Section 5-1030 of this Code, in connection with the  
25 prequalification of general contractors for construction or  
26 rehabilitation of the facility, it shall be required that a

1 commitment will be submitted detailing how the general  
2 contractor will expend 15% or more of the aggregate dollar  
3 value of the project as a whole with one or more minority-owned  
4 businesses, female-owned businesses, or businesses owned by a  
5 person with a disability, as these terms are defined in Section  
6 2 of the Business Enterprise for Minorities, Females, and  
7 Persons with Disabilities Act.

8 (Source: P.A. 98-313, eff. 8-12-13; 98-756, eff. 7-16-14.)

9 (60 ILCS 1/100-20 rep.)

10 Section 25. The Township Code is amended by repealing  
11 Section 100-20.

12 Section 30. The School Code is amended by changing Section  
13 19b-15 as follows:

14 (105 ILCS 5/19b-15)

15 Sec. 19b-15. Applicable laws. Other State laws and related  
16 administrative requirements apply to this Article, including,  
17 but not limited to, the following laws and related  
18 administrative requirements: the Illinois Human Rights Act,  
19 ~~the Prevailing Wage Act,~~ the Public Construction Bond Act, the  
20 Public Works Preference Act (repealed on June 16, 2010 by  
21 Public Act 96-929), the Employment of Illinois Workers on  
22 Public Works Act, the Freedom of Information Act, the Open  
23 Meetings Act, the Illinois Architecture Practice Act of 1989,

1 the Professional Engineering Practice Act of 1989, the  
2 Structural Engineering Practice Act of 1989, the Local  
3 Government Professional Services Selection Act, and the  
4 Contractor Unified License and Permit Bond Act.

5 (Source: P.A. 97-333, eff. 8-12-11.)

6 Section 35. The Public Community College Act is amended by  
7 changing Section 1-3 as follows:

8 (110 ILCS 805/1-3)

9 Sec. 1-3. Applicable laws. Other State laws and related  
10 administrative requirements apply to this Act, including, but  
11 not limited to, the following laws and related administrative  
12 requirements: the Illinois Human Rights Act, ~~the Prevailing~~  
13 ~~Wage Act,~~ the Public Construction Bond Act, the Employment of  
14 Illinois Workers on Public Works Act, the Freedom of  
15 Information Act, the Open Meetings Act, the Illinois  
16 Architecture Practice Act of 1989, the Professional  
17 Engineering Practice Act of 1989, the Structural Engineering  
18 Practice Act of 1989, the Local Government Professional  
19 Services Selection Act, and the Contractor Unified License and  
20 Permit Bond Act. The provisions of the Procurement of Domestic  
21 Products Act shall apply to this Act to the extent practicable,  
22 provided that the Procurement of Domestic Products Act must not  
23 be applied to this Act in a manner that is inconsistent with  
24 the requirements of this Act.



1 (Source: P.A. 97-333, eff. 8-12-11; 97-1105, eff. 8-27-12.)

2 Section 40. The Illinois Educational Labor Relations Act is  
3 amended by changing Sections 4.5 and 7 and by adding Section  
4 4.7 as follows:

5 (115 ILCS 5/4.5)

6 Sec. 4.5. Subjects of collective bargaining.

7 (a) Notwithstanding the existence of any other provision in  
8 this Act or other law, collective bargaining between an  
9 educational employer whose territorial boundaries are  
10 coterminous with those of a city having a population in excess  
11 of 500,000 and an exclusive representative of its employees may  
12 include any of the following subjects:

13 (1) (Blank).

14 (2) Decisions to contract with a third party for one or  
15 more services otherwise performed by employees in a  
16 bargaining unit and the procedures for obtaining such  
17 contract or the identity of the third party, except as  
18 provided in subsection (d).

19 (3) Decisions to layoff or reduce in force employees,   
20 except as provided in subsection (d) with respect to a  
21 layoff or reduction in force resulting from a service  
22 contract.

23 (4) Decisions to determine class size, class staffing  
24 and assignment, class schedules, academic calendar, length

1 of the work and school day with respect to a public school  
2 district organized under Article 34 of the School Code  
3 only, length of the work and school year with respect to a  
4 public school district organized under Article 34 of the  
5 School Code only, hours and places of instruction, or pupil  
6 assessment policies.

7 (5) Decisions concerning use and staffing of  
8 experimental or pilot programs and decisions concerning  
9 use of technology to deliver educational programs and  
10 services and staffing to provide the technology.

11 (b) The subject or matters described in subsection (a) are  
12 permissive subjects of bargaining between an educational  
13 employer and an exclusive representative of its employees and,  
14 for the purpose of this Act, are within the sole discretion of  
15 the educational employer to decide to bargain, provided that  
16 the educational employer is required to bargain over the impact  
17 of a decision concerning such subject or matter on the  
18 bargaining unit upon request by the exclusive representative.  
19 During this bargaining, the educational employer shall not be  
20 precluded from implementing its decision. If, after a  
21 reasonable period of bargaining, a dispute or impasse exists  
22 between the educational employer and the exclusive  
23 representative, the dispute or impasse shall be resolved  
24 exclusively as set forth in subsection (b) of Section 12 of  
25 this Act in lieu of a strike under Section 13 of this Act.  
26 Neither the Board nor any mediator or fact-finder appointed

1 pursuant to subsection (a-10) of Section 12 of this Act shall  
2 have jurisdiction over such a dispute or impasse.

3 (c) A provision in a collective bargaining agreement that  
4 was rendered null and void because it involved a prohibited  
5 subject of collective bargaining under this subsection (c) as  
6 this subsection (c) existed before the effective date of this  
7 amendatory Act of the 93rd General Assembly remains null and  
8 void and shall not otherwise be reinstated in any successor  
9 agreement unless the educational employer and exclusive  
10 representative otherwise agree to include an agreement reached  
11 on a subject or matter described in subsection (a) of this  
12 Section as subsection (a) existed before this amendatory Act of  
13 the 93rd General Assembly.

14 (d) In any public school district to which this subsection  
15 applies, as provided in Section 4.7, public employees or a  
16 labor organization may not bargain collectively on:

17 (1) the decision of the educational employer to  
18 contract with a third party for any services, the process  
19 for bidding on such a contract, the identity of the  
20 provider of such services, or the effect of any such  
21 contract on bargaining unit members, provided that this  
22 subsection does not limit the ability of educational  
23 employees or a labor organization to bid on any such  
24 contract;

25 (2) any pay increase, either through changes to the pay  
26 schedule or as a result of accumulated years of service, in

1 excess of the amount specified by resolution of the  
2 governing body of the public school district;

3 (3) the provision of any health insurance, including  
4 the payment of premiums, the extent of coverage, or the  
5 identity of the insurer;

6 (4) the use of educational employee time for business  
7 of the labor organization, other than reasonable time  
8 provided to an educational employee to attend a grievance  
9 hearing when his or her rights are substantially affected  
10 by the hearing or his or her testimony is needed for the  
11 determination of any substantial factual question;

12 (5) required levels of staffing for departments,  
13 divisions, shifts, stations, or assignments;

14 (6) procedures, processes, forms, and criteria for  
15 personnel evaluations, or the use of evaluations or  
16 seniority in assignments, promotions, layoffs, and  
17 reductions-in-force; or

18 (7) curriculum or standards of student academic  
19 performance, conduct, and discipline in school.

20 (e) If subsection (b) of Section 4 of the Illinois Public  
21 Labor Relations Act applies to a public school district,  
22 educational employees or a labor organization may not bargain  
23 collectively on the matters described in that subsection or on  
24 the matters described in paragraph (7) of subsection (d) of  
25 this Section.

26 (f) Any agreement, understanding, or practice, whether

1 written or oral, and whether express or implied, between any  
2 labor organization and any educational employer made in  
3 violation of this Section is hereby declared to be unlawful,  
4 null and void, and of no legal effect.

5 (Source: P.A. 97-7, eff. 6-13-11; 97-8, eff. 6-13-11.)

6 (115 ILCS 5/4.7 new)

7 Sec. 4.7. Adoption of limitations on subjects of collective  
8 bargaining.

9 (a) The governing body of a public school district may by  
10 resolution prohibit elect to apply the limitations under  
11 subsection (d) of Section 4.5 to bargaining with that public  
12 school district.

13 (b) If a petition, signed by a number of registered voters  
14 equal in number to at least 5% of the total number of  
15 registered voters in a public school district, asking to apply  
16 the limitations under subsection (d) of Section 4.5 to that  
17 public school district is presented to the clerk of that public  
18 school district, the clerk shall certify the question of  
19 whether to apply such limitations to that public school  
20 district to the proper election authority, who shall submit the  
21 question at the next election in accordance with the general  
22 election law.

23 The question of whether to apply the limitations under  
24 subsection (d) of Section 4.5 shall be presented in  
25 substantially the following form:

1           Shall (the legal name of the public school district) be  
2           free to determine certain matters without negotiating with  
3           employee unions, such as the use of service providers, the  
4           decision to provide health benefits, caps on total payroll,  
5           employees' use of government time for union matters,  
6           required staffing levels, evaluation procedures, and  
7           curriculum?

8           The votes must be recorded as "Yes" or "No". If a majority  
9           of voters voting on the question are in favor of applying such  
10           limitations, subsection (d) of Section 4.5 shall apply to  
11           bargaining with that public school district.

12           (115 ILCS 5/7) (from Ch. 48, par. 1707)

13           Sec. 7. Recognition of exclusive bargaining  
14           representatives - unit determination. The Board is empowered  
15           to administer the recognition of bargaining representatives of  
16           employees of public school districts, including employees of  
17           districts which have entered into joint agreements, or  
18           employees of public community college districts, or any State  
19           college or university, and any State agency whose major  
20           function is providing educational services, making certain  
21           that each bargaining unit contains employees with an  
22           identifiable community of interest and that no unit includes  
23           both professional employees and nonprofessional employees  
24           unless a majority of employees in each group vote for inclusion  
25           in the unit.

1           (a) In determining the appropriateness of a unit, the Board  
2 shall decide in each case, in order to ensure employees the  
3 fullest freedom in exercising the rights guaranteed by this  
4 Act, the unit appropriate for the purpose of collective  
5 bargaining, based upon but not limited to such factors as  
6 historical pattern of recognition, community of interest,  
7 including employee skills and functions, degree of functional  
8 integration, interchangeability and contact among employees,  
9 common supervision, wages, hours and other working conditions  
10 of the employees involved, and the desires of the employees.  
11 Nothing in this Act, except as herein provided, shall interfere  
12 with or negate the current representation rights or patterns  
13 and practices of employee organizations which have  
14 historically represented employees for the purposes of  
15 collective bargaining, including but not limited to the  
16 negotiations of wages, hours and working conditions,  
17 resolutions of employees' grievances, or resolution of  
18 jurisdictional disputes, ~~or the establishment and maintenance~~  
19 ~~of prevailing wage rates,~~ unless a majority of the employees so  
20 represented expresses a contrary desire under the procedures  
21 set forth in this Act. This Section, however, does not prohibit  
22 multi-unit bargaining. Notwithstanding the above factors,  
23 where the majority of public employees of a craft so decide,  
24 the Board shall designate such craft as a unit appropriate for  
25 the purposes of collective bargaining.

26           The sole appropriate bargaining unit for tenured and

1 tenure-track academic faculty at each campus of the University  
2 of Illinois shall be a unit that is comprised of  
3 non-supervisory academic faculty employed more than half-time  
4 and that includes all tenured and tenure-track faculty of that  
5 University campus employed by the board of trustees in all of  
6 the campus's undergraduate, graduate, and professional schools  
7 and degree and non-degree programs (with the exception of the  
8 college of medicine, the college of pharmacy, the college of  
9 dentistry, the college of law, and the college of veterinary  
10 medicine, each of which shall have its own separate unit),  
11 regardless of current or historical representation rights or  
12 patterns or the application of any other factors. Any decision,  
13 rule, or regulation promulgated by the Board to the contrary  
14 shall be null and void.

15 (b) An educational employer shall voluntarily recognize a  
16 labor organization for collective bargaining purposes if that  
17 organization appears to represent a majority of employees in  
18 the unit. The employer shall post notice of its intent to so  
19 recognize for a period of at least 20 school days on bulletin  
20 boards or other places used or reserved for employee notices.  
21 Thereafter, the employer, if satisfied as to the majority  
22 status of the employee organization, shall send written  
23 notification of such recognition to the Board for  
24 certification. Any dispute regarding the majority status of a  
25 labor organization shall be resolved by the Board which shall  
26 make the determination of majority status.



1           Within the 20 day notice period, however, any other  
2 interested employee organization may petition the Board to seek  
3 recognition as the exclusive representative of the unit in the  
4 manner specified by rules and regulations prescribed by the  
5 Board, if such interested employee organization has been  
6 designated by at least 15% of the employees in an appropriate  
7 bargaining unit which includes all or some of the employees in  
8 the unit intended to be recognized by the employer. In such  
9 event, the Board shall proceed with the petition in the same  
10 manner as provided in paragraph (c) of this Section.

11           (c) A labor organization may also gain recognition as the  
12 exclusive representative by an election of the employees in the  
13 unit. Petitions requesting an election may be filed with the  
14 Board:

15           (1) by an employee or group of employees or any labor  
16 organizations acting on their behalf alleging and  
17 presenting evidence that 30% or more of the employees in a  
18 bargaining unit wish to be represented for collective  
19 bargaining or that the labor organization which has been  
20 acting as the exclusive bargaining representative is no  
21 longer representative of a majority of the employees in the  
22 unit; or

23           (2) by an employer alleging that one or more labor  
24 organizations have presented a claim to be recognized as an  
25 exclusive bargaining representative of a majority of the  
26 employees in an appropriate unit and that it doubts the

1 majority status of any of the organizations or that it  
2 doubts the majority status of an exclusive bargaining  
3 representative.

4 The Board shall investigate the petition and if it has  
5 reasonable cause to suspect that a question of representation  
6 exists, it shall give notice and conduct a hearing. If it finds  
7 upon the record of the hearing that a question of  
8 representation exists, it shall direct an election, which shall  
9 be held no later than 90 days after the date the petition was  
10 filed. Nothing prohibits the waiving of hearings by the parties  
11 and the conduct of consent elections.

12 (c-5) The Board shall designate an exclusive  
13 representative for purposes of collective bargaining when the  
14 representative demonstrates a showing of majority interest by  
15 employees in the unit. If the parties to a dispute are without  
16 agreement on the means to ascertain the choice, if any, of  
17 employee organization as their representative, the Board shall  
18 ascertain the employees' choice of employee organization, on  
19 the basis of dues deduction authorization or other evidence,  
20 or, if necessary, by conducting an election. All evidence  
21 submitted by an employee organization to the Board to ascertain  
22 an employee's choice of an employee organization is  
23 confidential and shall not be submitted to the employer for  
24 review. The Board shall ascertain the employee's choice of  
25 employee organization within 120 days after the filing of the  
26 majority interest petition; however, the Board may extend time

1 by an additional 60 days, upon its own motion or upon the  
2 motion of a party to the proceeding. If either party provides  
3 to the Board, before the designation of a representative, clear  
4 and convincing evidence that the dues deduction  
5 authorizations, and other evidence upon which the Board would  
6 otherwise rely to ascertain the employees' choice of  
7 representative, are fraudulent or were obtained through  
8 coercion, the Board shall promptly thereafter conduct an  
9 election. The Board shall also investigate and consider a  
10 party's allegations that the dues deduction authorizations and  
11 other evidence submitted in support of a designation of  
12 representative without an election were subsequently changed,  
13 altered, withdrawn, or withheld as a result of employer fraud,  
14 coercion, or any other unfair labor practice by the employer.  
15 If the Board determines that a labor organization would have  
16 had a majority interest but for an employer's fraud, coercion,  
17 or unfair labor practice, it shall designate the labor  
18 organization as an exclusive representative without conducting  
19 an election. If a hearing is necessary to resolve any issues of  
20 representation under this Section, the Board shall conclude its  
21 hearing process and issue a certification of the entire  
22 appropriate unit not later than 120 days after the date the  
23 petition was filed. The 120-day period may be extended one or  
24 more times by the agreement of all parties to a hearing to a  
25 date certain.

26 (c-6) A labor organization or an employer may file a unit

1 clarification petition seeking to clarify an existing  
2 bargaining unit. The Board shall conclude its investigation,  
3 including any hearing process deemed necessary, and issue a  
4 certification of clarified unit or dismiss the petition not  
5 later than 120 days after the date the petition was filed. The  
6 120-day period may be extended one or more times by the  
7 agreement of all parties to a hearing to a date certain.

8 (d) An order of the Board dismissing a representation  
9 petition, determining and certifying that a labor organization  
10 has been fairly and freely chosen by a majority of employees in  
11 an appropriate bargaining unit, determining and certifying  
12 that a labor organization has not been fairly and freely chosen  
13 by a majority of employees in the bargaining unit or certifying  
14 a labor organization as the exclusive representative of  
15 employees in an appropriate bargaining unit because of a  
16 determination by the Board that the labor organization is the  
17 historical bargaining representative of employees in the  
18 bargaining unit, is a final order. Any person aggrieved by any  
19 such order issued on or after the effective date of this  
20 amendatory Act of 1987 may apply for and obtain judicial review  
21 in accordance with provisions of the Administrative Review Law,  
22 as now or hereafter amended, except that such review shall be  
23 afforded directly in the Appellate Court of a judicial district  
24 in which the Board maintains an office. Any direct appeal to  
25 the Appellate Court shall be filed within 35 days from the date  
26 that a copy of the decision sought to be reviewed was served

1 upon the party affected by the decision.

2 No election may be conducted in any bargaining unit during  
3 the term of a collective bargaining agreement covering such  
4 unit or subdivision thereof, except the Board may direct an  
5 election after the filing of a petition between January 15 and  
6 March 1 of the final year of a collective bargaining agreement.  
7 Nothing in this Section prohibits the negotiation of a  
8 collective bargaining agreement covering a period not  
9 exceeding 3 years. A collective bargaining agreement of less  
10 than 3 years may be extended up to 3 years by the parties if the  
11 extension is agreed to in writing before the filing of a  
12 petition under this Section. In such case, the final year of  
13 the extension is the final year of the collective bargaining  
14 agreement. No election may be conducted in a bargaining unit,  
15 or subdivision thereof, in which a valid election has been held  
16 within the preceding 12 month period.

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

18 Section 45. The Prevailing Wage Act is amended by changing  
19 Section 2 as follows:

20 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

21 Sec. 2. This Act applies to the wages of laborers,  
22 mechanics and other workers employed in any public works, as  
23 hereinafter defined, by any public body and to anyone under  
24 contracts for public works. This includes any maintenance,

1 repair, assembly, or disassembly work performed on equipment  
2 whether owned, leased, or rented.

3 As used in this Act, unless the context indicates  
4 otherwise:

5 "Public works" means all fixed works constructed or  
6 demolished by any public body, or paid for wholly or in part  
7 out of public funds. "Public works" as defined herein includes  
8 all projects financed in whole or in part with bonds, grants,  
9 loans, or other funds made available by or through the State or  
10 any of its political subdivisions, including but not limited  
11 to: bonds issued under the Industrial Project Revenue Bond Act  
12 (Article 11, Division 74 of the Illinois Municipal Code), the  
13 Industrial Building Revenue Bond Act, the Illinois Finance  
14 Authority Act, the Illinois Sports Facilities Authority Act, or  
15 the Build Illinois Bond Act; loans or other funds made  
16 available pursuant to the Build Illinois Act; loans or other  
17 funds made available pursuant to the Riverfront Development  
18 Fund under Section 10-15 of the River Edge Redevelopment Zone  
19 Act; or funds from the Fund for Illinois' Future under Section  
20 6z-47 of the State Finance Act, ~~funds for school construction~~  
21 ~~under Section 5 of the General Obligation Bond Act, funds~~  
22 ~~authorized under Section 3 of the School Construction Bond Act,~~  
23 ~~funds for school infrastructure under Section 6z-45 of the~~  
24 ~~State Finance Act,~~ and funds for transportation purposes under  
25 Section 4 of the General Obligation Bond Act. "Public works"  
26 also includes (i) all projects financed in whole or in part

1 with funds from the Department of Commerce and Economic  
2 Opportunity under the Illinois Renewable Fuels Development  
3 Program Act for which there is no project labor agreement; (ii)  
4 all work performed pursuant to a public private agreement under  
5 the Public Private Agreements for the Illiana Expressway Act or  
6 the Public-Private Agreements for the South Suburban Airport  
7 Act; and (iii) all projects undertaken under a public-private  
8 agreement under the Public-Private Partnerships for  
9 Transportation Act. "Public works" also includes all projects  
10 at leased facility property used for airport purposes under  
11 Section 35 of the Local Government Facility Lease Act. "Public  
12 works" also includes the construction of a new wind power  
13 facility by a business designated as a High Impact Business  
14 under Section 5.5(a)(3)(E) of the Illinois Enterprise Zone Act.  
15 "Public works" does not include work done directly by any  
16 public utility company, whether or not done under public  
17 supervision or direction, or paid for wholly or in part out of  
18 public funds. "Public works" also includes any corrective  
19 action performed pursuant to Title XVI of the Environmental  
20 Protection Act for which payment from the Underground Storage  
21 Tank Fund is requested. "Public works" does not include  
22 projects undertaken by the owner at an owner-occupied  
23 single-family residence or at an owner-occupied unit of a  
24 multi-family residence. "Public works" does not include work  
25 performed for soil and water conservation purposes on  
26 agricultural lands, whether or not done under public

1 supervision or paid for wholly or in part out of public funds,  
2 done directly by an owner or person who has legal control of  
3 those lands.

4 "Public works" does not include work done or projects  
5 performed by or on behalf of a unit of local government or  
6 school district whether or not done under public supervision or  
7 paid for wholly or in part with public funds and whether or not  
8 owned by a unit of local government or a school district.

9 "Construction" means all work on public works involving  
10 laborers, workers or mechanics. This includes any maintenance,  
11 repair, assembly, or disassembly work performed on equipment  
12 whether owned, leased, or rented.

13 "Locality" means the county where the physical work upon  
14 public works is performed, except (1) that if there is not  
15 available in the county a sufficient number of competent  
16 skilled laborers, workers and mechanics to construct the public  
17 works efficiently and properly, "locality" includes any other  
18 county nearest the one in which the work or construction is to  
19 be performed and from which such persons may be obtained in  
20 sufficient numbers to perform the work and (2) that, with  
21 respect to contracts for highway work with the Department of  
22 Transportation of this State, "locality" may at the discretion  
23 of the Secretary of the Department of Transportation be  
24 construed to include two or more adjacent counties from which  
25 workers may be accessible for work on such construction.

26 "Public body" means the State or any officer, board or



1 commission of the State or any political subdivision or  
2 department thereof, or any institution supported in whole or in  
3 part by public funds; "public body" does not, however, include  
4 a unit of local government or a school district, ~~and includes~~  
5 ~~every county, city, town, village, township, school district,~~  
6 ~~irrigation, utility, reclamation improvement or other district~~  
7 ~~and every other political subdivision, district or~~  
8 ~~municipality of the state whether such political subdivision,~~  
9 ~~municipality or district operates under a special charter or~~  
10 ~~not.~~

11 The terms "general prevailing rate of hourly wages",  
12 "general prevailing rate of wages" or "prevailing rate of  
13 wages" when used in this Act mean the hourly cash wages plus  
14 annualized fringe benefits for training and apprenticeship  
15 programs approved by the U.S. Department of Labor, Bureau of  
16 Apprenticeship and Training, health and welfare, insurance,  
17 vacations and pensions paid generally, in the locality in which  
18 the work is being performed, to employees engaged in work of a  
19 similar character on public works.

20 (Source: P.A. 97-502, eff. 8-23-11; 98-109, eff. 7-25-13;  
21 98-482, eff. 1-1-14; 98-740, eff. 7-16-14; 98-756, eff.  
22 7-16-14.)".