



Rep. John E. Bradley

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1 AMENDMENT TO HOUSE BILL 685

2 AMENDMENT NO. _____. Amend House Bill 685, 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.)".