



Rep. John E. Bradley

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1 AMENDMENT TO HOUSE BILL 691

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 691, 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           Sec. 4. Management rights.

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

1 Section or Section 7.5.

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

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

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

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

25 (1) the decision of the employer to contract with a  
26 third party for any services, the process for bidding on

1 such a contract, the identity of the provider of such  
2 services, or the effect of any such contract on bargaining  
3 unit members, provided that this subsection does not limit  
4 the ability of employees or a labor organization to bid on  
5 any such contract;

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

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

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

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

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

25 (c) Any agreement, understanding, or practice, whether  
26 written or oral, and whether express or implied, between any

1 labor organization and any public employer made in violation of  
2 this Section is hereby declared to be unlawful, null and void,  
3 and of no legal effect.

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

5 (5 ILCS 315/4.5 new)

6 Sec. 4.5. Adoption of limitations on subjects of collective  
7 bargaining.

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

13 (b) The corporate authorities of a municipality may by  
14 ordinance elect to apply the limitations under subsection (b)  
15 of Section 4 to bargaining with that municipality and with any  
16 other public employer whose boundaries are entirely within that  
17 municipality.

18 (c) The governing authority of a unit of local government  
19 or school district, including a county or municipality, may by  
20 ordinance or resolution elect to apply the limitations under  
21 subsection (b) of Section 4 to bargaining with that unit of  
22 local government or school district.

23 (d) If a petition, signed by a number of registered voters  
24 equal in number to at least 5% of the total number of  
25 registered voters in a county or municipality, asking to apply

1 the limitations under subsection (b) of Section 4 to collective  
2 bargaining in that county or municipality is presented to the  
3 clerk of that county or municipality, the clerk shall certify  
4 the question of whether to apply such limitations in that  
5 county or municipality to the proper election authority, who  
6 shall submit the question at the next election in accordance  
7 with the general election law.

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

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

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

25 (e) If a petition, signed by a number of registered voters  
26 equal in number to at least 5% of the total number of

1 registered voters in a unit of local government or school  
2 district, asking to apply the limitations under subsection (b)  
3 of Section 4 to collective bargaining with that unit of local  
4 government or school district is presented to the clerk of that  
5 unit of local government or school district, the clerk shall  
6 certify the question of whether to apply such limitations to  
7 that unit of local government or school district to the proper  
8 election authority, who shall submit the question at the next  
9 election in accordance with the general election law.

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

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

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



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

3           (50 ILCS 515/3)

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

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

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

20           (50 ILCS 615/35)

21           Sec. 35. Wage requirements. In order to protect the wages,  
22 working conditions, and job opportunities of employees  
23 employed by the lessee of leased facility property used for

1 airport purposes to perform work on the site of the leased  
2 premises previously performed by employees of the lessor on the  
3 site of the leased premises and who were in recognized  
4 bargaining units at the time of the lease, the lessee, and any  
5 subcontractor retained by the lessee to perform such work on  
6 the site of the leased premises, shall be required to pay to  
7 those employees an amount not less than the economic equivalent  
8 of the standard of wages and benefits enjoyed by the lessor's  
9 employees who previously performed that work. The lessor shall  
10 certify to the lessee the amount of wages and benefits (or  
11 their equivalent) as of the time of the lease, and any changes  
12 to those amounts as they may occur during the term of the  
13 lease. ~~All projects at the leased facility property used for  
14 airport purposes shall be considered public works for purposes  
15 of the Prevailing Wage Act.~~

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

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

19 (55 ILCS 5/5-1134)

20 Sec. 5-1134. Project labor agreements.

21 (a) ~~Any sports, arts, or entertainment facilities that  
22 receive revenue from a tax imposed under subsection (b) of  
23 Section 5-1030 of this Code shall be considered to be public  
24 works within the meaning of the Prevailing Wage Act.~~ The county

1 authorities responsible for the construction, renovation,  
2 modification, or alteration of the sports, arts, or  
3 entertainment facilities shall enter into project labor  
4 agreements with labor organizations as defined in the National  
5 Labor Relations Act to assure that no labor dispute interrupts  
6 or interferes with the construction, renovation, modification,  
7 or alteration of the projects.

8 (b) The project labor agreements must include the  
9 following:

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

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

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

16 The county, taxing bodies, municipalities, and the labor  
17 organizations shall have the authority to include other terms  
18 and conditions as they deem necessary.

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

1 Section.

2 (d) In any agreement for the construction or rehabilitation  
3 of a facility using revenue generated under subsection (b) of  
4 Section 5-1030 of this Code, in connection with the  
5 prequalification of general contractors for construction or  
6 rehabilitation of the facility, it shall be required that a  
7 commitment will be submitted detailing how the general  
8 contractor will expend 15% or more of the aggregate dollar  
9 value of the project as a whole with one or more minority-owned  
10 businesses, female-owned businesses, or businesses owned by a  
11 person with a disability, as these terms are defined in Section  
12 2 of the Business Enterprise for Minorities, Females, and  
13 Persons with Disabilities Act.

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

15 (60 ILCS 1/100-20 rep.)

16 Section 25. The Township Code is amended by repealing  
17 Section 100-20.

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

20 (105 ILCS 5/19b-15)

21 Sec. 19b-15. Applicable laws. Other State laws and related  
22 administrative requirements apply to this Article, including,  
23 but not limited to, the following laws and related

1 administrative requirements: the Illinois Human Rights Act,  
2 ~~the Prevailing Wage Act,~~ the Public Construction Bond Act, the  
3 Public Works Preference Act (repealed on June 16, 2010 by  
4 Public Act 96-929), the Employment of Illinois Workers on  
5 Public Works Act, the Freedom of Information Act, the Open  
6 Meetings Act, the Illinois Architecture Practice Act of 1989,  
7 the Professional Engineering Practice Act of 1989, the  
8 Structural Engineering Practice Act of 1989, the Local  
9 Government Professional Services Selection Act, and the  
10 Contractor Unified License and Permit Bond Act.

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

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

14 (110 ILCS 805/1-3)

15 Sec. 1-3. Applicable laws. Other State laws and related  
16 administrative requirements apply to this Act, including, but  
17 not limited to, the following laws and related administrative  
18 requirements: the Illinois Human Rights Act, ~~the Prevailing~~  
19 ~~Wage Act,~~ the Public Construction Bond Act, the Employment of  
20 Illinois Workers on Public Works Act, the Freedom of  
21 Information Act, the Open Meetings Act, the Illinois  
22 Architecture Practice Act of 1989, the Professional  
23 Engineering Practice Act of 1989, the Structural Engineering  
24 Practice Act of 1989, the Local Government Professional

1 Services Selection Act, and the Contractor Unified License and  
2 Permit Bond Act. The provisions of the Procurement of Domestic  
3 Products Act shall apply to this Act to the extent practicable,  
4 provided that the Procurement of Domestic Products Act must not  
5 be applied to this Act in a manner that is inconsistent with  
6 the requirements of this Act.

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

8 Section 40. The Illinois Educational Labor Relations Act is  
9 amended by changing Sections 4.5 and 7 and by adding Section  
10 4.7 as follows:

11 (115 ILCS 5/4.5)

12 Sec. 4.5. Subjects of collective bargaining.

13 (a) Notwithstanding the existence of any other provision in  
14 this Act or other law, collective bargaining between an  
15 educational employer whose territorial boundaries are  
16 coterminous with those of a city having a population in excess  
17 of 500,000 and an exclusive representative of its employees may  
18 include any of the following subjects:

19 (1) (Blank).

20 (2) Decisions to contract with a third party for one or  
21 more services otherwise performed by employees in a  
22 bargaining unit and the procedures for obtaining such  
23 contract or the identity of the third party, except as  
24 provided in subsection (d).

1           (3) Decisions to layoff or reduce in force employees,  
2           except as provided in subsection (d) with respect to a  
3           layoff or reduction in force resulting from a service  
4           contract.

5           (4) Decisions to determine class size, class staffing  
6           and assignment, class schedules, academic calendar, length  
7           of the work and school day with respect to a public school  
8           district organized under Article 34 of the School Code  
9           only, length of the work and school year with respect to a  
10          public school district organized under Article 34 of the  
11          School Code only, hours and places of instruction, or pupil  
12          assessment policies.

13          (5) Decisions concerning use and staffing of  
14          experimental or pilot programs and decisions concerning  
15          use of technology to deliver educational programs and  
16          services and staffing to provide the technology.

17          (b) The subject or matters described in subsection (a) are  
18          permissive subjects of bargaining between an educational  
19          employer and an exclusive representative of its employees and,  
20          for the purpose of this Act, are within the sole discretion of  
21          the educational employer to decide to bargain, provided that  
22          the educational employer is required to bargain over the impact  
23          of a decision concerning such subject or matter on the  
24          bargaining unit upon request by the exclusive representative.  
25          During this bargaining, the educational employer shall not be  
26          precluded from implementing its decision. If, after a

1 reasonable period of bargaining, a dispute or impasse exists  
2 between the educational employer and the exclusive  
3 representative, the dispute or impasse shall be resolved  
4 exclusively as set forth in subsection (b) of Section 12 of  
5 this Act in lieu of a strike under Section 13 of this Act.  
6 Neither the Board nor any mediator or fact-finder appointed  
7 pursuant to subsection (a-10) of Section 12 of this Act shall  
8 have jurisdiction over such a dispute or impasse.

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

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

23 (1) the decision of the educational employer to  
24 contract with a third party for any services, the process  
25 for bidding on such a contract, the identity of the  
26 provider of such services, or the effect of any such



1 contract on bargaining unit members, provided that this  
2 subsection does not limit the ability of educational  
3 employees or a labor organization to bid on any such  
4 contract;

5 (2) any pay increase, either through changes to the pay  
6 schedule or as a result of accumulated years of service, in  
7 excess of the amount specified by resolution of the  
8 governing body of the public school district;

9 (3) the provision of any health insurance, including  
10 the payment of premiums, the extent of coverage, or the  
11 identity of the insurer;

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

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

20 (6) procedures, processes, forms, and criteria for  
21 personnel evaluations, or the use of evaluations or  
22 seniority in assignments, promotions, layoffs, and  
23 reductions-in-force; or

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

26 (e) If subsection (b) of Section 4 of the Illinois Public

1 Labor Relations Act applies to a public school district,  
2 educational employees or a labor organization may not bargain  
3 collectively on the matters described in that subsection or on  
4 the matters described in paragraph (7) of subsection (d) of  
5 this Section.

6 (f) Any agreement, understanding, or practice, whether  
7 written or oral, and whether express or implied, between any  
8 labor organization and any educational employer made in  
9 violation of this Section is hereby declared to be unlawful,  
10 null and void, and of no legal effect.

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

12 (115 ILCS 5/4.7 new)

13 Sec. 4.7. Adoption of limitations on subjects of collective  
14 bargaining.

15 (a) The governing body of a public school district may by  
16 resolution prohibit elect to apply the limitations under  
17 subsection (d) of Section 4.5 to bargaining with that public  
18 school district.

19 (b) 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 public school district, asking to apply  
22 the limitations under subsection (d) of Section 4.5 to that  
23 public school district is presented to the clerk of that public  
24 school district, the clerk shall certify the question of  
25 whether to apply such limitations to that public school

1 district to the proper election authority, who shall submit the  
2 question at the next election in accordance with the general  
3 election law.

4 The question of whether to apply the limitations under  
5 subsection (d) of Section 4.5 shall be presented in  
6 substantially the following form:

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

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

18 (115 ILCS 5/7) (from Ch. 48, par. 1707)

19 Sec. 7. Recognition of exclusive bargaining  
20 representatives - unit determination. The Board is empowered  
21 to administer the recognition of bargaining representatives of  
22 employees of public school districts, including employees of  
23 districts which have entered into joint agreements, or  
24 employees of public community college districts, or any State  
25 college or university, and any State agency whose major

1 function is providing educational services, making certain  
2 that each bargaining unit contains employees with an  
3 identifiable community of interest and that no unit includes  
4 both professional employees and nonprofessional employees  
5 unless a majority of employees in each group vote for inclusion  
6 in the unit.

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

1 set forth in this Act. This Section, however, does not prohibit  
2 multi-unit bargaining. Notwithstanding the above factors,  
3 where the majority of public employees of a craft so decide,  
4 the Board shall designate such craft as a unit appropriate for  
5 the purposes of collective bargaining.

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

21 (b) An educational employer shall voluntarily recognize a  
22 labor organization for collective bargaining purposes if that  
23 organization appears to represent a majority of employees in  
24 the unit. The employer shall post notice of its intent to so  
25 recognize for a period of at least 20 school days on bulletin  
26 boards or other places used or reserved for employee notices.

1     Thereafter, the employer, if satisfied as to the majority  
2     status of the employee organization, shall send written  
3     notification of such recognition to the Board for  
4     certification. Any dispute regarding the majority status of a  
5     labor organization shall be resolved by the Board which shall  
6     make the determination of majority status.

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

17            (c) A labor organization may also gain recognition as the  
18    exclusive representative by an election of the employees in the  
19    unit. Petitions requesting an election may be filed with the  
20    Board:

21            (1) by an employee or group of employees or any labor  
22    organizations acting on their behalf alleging and  
23    presenting evidence that 30% or more of the employees in a  
24    bargaining unit wish to be represented for collective  
25    bargaining or that the labor organization which has been  
26    acting as the exclusive bargaining representative is no

1 longer representative of a majority of the employees in the  
2 unit; or

3 (2) by an employer alleging that one or more labor  
4 organizations have presented a claim to be recognized as an  
5 exclusive bargaining representative of a majority of the  
6 employees in an appropriate unit and that it doubts the  
7 majority status of any of the organizations or that it  
8 doubts the majority status of an exclusive bargaining  
9 representative.

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

18 (c-5) The Board shall designate an exclusive  
19 representative for purposes of collective bargaining when the  
20 representative demonstrates a showing of majority interest by  
21 employees in the unit. If the parties to a dispute are without  
22 agreement on the means to ascertain the choice, if any, of  
23 employee organization as their representative, the Board shall  
24 ascertain the employees' choice of employee organization, on  
25 the basis of dues deduction authorization or other evidence,  
26 or, if necessary, by conducting an election. All evidence

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



1 hearing process and issue a certification of the entire  
2 appropriate unit not later than 120 days after the date the  
3 petition was filed. The 120-day period may be extended one or  
4 more times by the agreement of all parties to a hearing to a  
5 date certain.

6 (c-6) A labor organization or an employer may file a unit  
7 clarification petition seeking to clarify an existing  
8 bargaining unit. The Board shall conclude its investigation,  
9 including any hearing process deemed necessary, and issue a  
10 certification of clarified unit or dismiss the petition not  
11 later than 120 days after the date the petition was filed. The  
12 120-day period may be extended one or more times by the  
13 agreement of all parties to a hearing to a date certain.

14 (d) An order of the Board dismissing a representation  
15 petition, determining and certifying that a labor organization  
16 has been fairly and freely chosen by a majority of employees in  
17 an appropriate bargaining unit, determining and certifying  
18 that a labor organization has not been fairly and freely chosen  
19 by a majority of employees in the bargaining unit or certifying  
20 a labor organization as the exclusive representative of  
21 employees in an appropriate bargaining unit because of a  
22 determination by the Board that the labor organization is the  
23 historical bargaining representative of employees in the  
24 bargaining unit, is a final order. Any person aggrieved by any  
25 such order issued on or after the effective date of this  
26 amendatory Act of 1987 may apply for and obtain judicial review

1 in accordance with provisions of the Administrative Review Law,  
2 as now or hereafter amended, except that such review shall be  
3 afforded directly in the Appellate Court of a judicial district  
4 in which the Board maintains an office. Any direct appeal to  
5 the Appellate Court shall be filed within 35 days from the date  
6 that a copy of the decision sought to be reviewed was served  
7 upon the party affected by the decision.

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

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

24 Section 45. The Prevailing Wage Act is amended by changing  
25 Section 2 as follows:

1 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

2 Sec. 2. This Act applies to the wages of laborers,  
3 mechanics and other workers employed in any public works, as  
4 hereinafter defined, by any public body and to anyone under  
5 contracts for public works. This includes any maintenance,  
6 repair, assembly, or disassembly work performed on equipment  
7 whether owned, leased, or rented.

8 As used in this Act, unless the context indicates  
9 otherwise:

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

1 ~~under Section 5 of the General Obligation Bond Act, funds~~  
2 ~~authorized under Section 3 of the School Construction Bond Act,~~  
3 ~~funds for school infrastructure under Section 6z-45 of the~~  
4 ~~State Finance Act,~~ and funds for transportation purposes under  
5 Section 4 of the General Obligation Bond Act. "Public works"  
6 also includes (i) all projects financed in whole or in part  
7 with funds from the Department of Commerce and Economic  
8 Opportunity under the Illinois Renewable Fuels Development  
9 Program Act for which there is no project labor agreement; (ii)  
10 all work performed pursuant to a public private agreement under  
11 the Public Private Agreements for the Illiana Expressway Act or  
12 the Public-Private Agreements for the South Suburban Airport  
13 Act; and (iii) all projects undertaken under a public-private  
14 agreement under the Public-Private Partnerships for  
15 Transportation Act. "Public works" also includes all projects  
16 at leased facility property used for airport purposes under  
17 Section 35 of the Local Government Facility Lease Act. "Public  
18 works" also includes the construction of a new wind power  
19 facility by a business designated as a High Impact Business  
20 under Section 5.5(a)(3)(E) of the Illinois Enterprise Zone Act.  
21 "Public works" does not include work done directly by any  
22 public utility company, whether or not done under public  
23 supervision or direction, or paid for wholly or in part out of  
24 public funds. "Public works" also includes any corrective  
25 action performed pursuant to Title XVI of the Environmental  
26 Protection Act for which payment from the Underground Storage

1 Tank Fund is requested. "Public works" does not include  
2 projects undertaken by the owner at an owner-occupied  
3 single-family residence or at an owner-occupied unit of a  
4 multi-family residence. "Public works" does not include work  
5 performed for soil and water conservation purposes on  
6 agricultural lands, whether or not done under public  
7 supervision or paid for wholly or in part out of public funds,  
8 done directly by an owner or person who has legal control of  
9 those lands.

10 "Public works" does not include work done or projects  
11 performed by or on behalf of a unit of local government or  
12 school district whether or not done under public supervision or  
13 paid for wholly or in part with public funds and whether or not  
14 owned by a unit of local government or a school district.

15 "Construction" means all work on public works involving  
16 laborers, workers or mechanics. This includes any maintenance,  
17 repair, assembly, or disassembly work performed on equipment  
18 whether owned, leased, or rented.

19 "Locality" means the county where the physical work upon  
20 public works is performed, except (1) that if there is not  
21 available in the county a sufficient number of competent  
22 skilled laborers, workers and mechanics to construct the public  
23 works efficiently and properly, "locality" includes any other  
24 county nearest the one in which the work or construction is to  
25 be performed and from which such persons may be obtained in  
26 sufficient numbers to perform the work and (2) that, with

1 respect to contracts for highway work with the Department of  
2 Transportation of this State, "locality" may at the discretion  
3 of the Secretary of the Department of Transportation be  
4 construed to include two or more adjacent counties from which  
5 workers may be accessible for work on such construction.

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

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

26 (Source: P.A. 97-502, eff. 8-23-11; 98-109, eff. 7-25-13;

1 98-482, eff. 1-1-14; 98-740, eff. 7-16-14; 98-756, eff.  
2 7-16-14.)".