



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB1380

by Rep. Brandon W. Phelps

#### SYNOPSIS AS INTRODUCED:

5 ILCS 315/8	from Ch. 48, par. 1608
5 ILCS 315/11	from Ch. 48, par. 1611
5 ILCS 315/14	from Ch. 48, par. 1614

Amends the Illinois Public Labor Relations Act. Provides that, unless mutually agreed otherwise, any party to a collective bargaining agreement who fails to timely comply with an arbitration award or who, after timely demand, fails to submit a grievance dispute concerning the administration or interpretation of an agreement to arbitration shall pay to the prevailing party all reasonable costs of the proceeding in the trial and reviewing courts, including reasonable attorneys' fees. Provides that a charging party or person who, pursuant to an application for judicial review of an order of the Board issued in relation to an unfair labor practice proceeding, obtains a stay of the Board's order pending judicial review shall pay all reasonable costs of the proceedings in the reviewing courts, including reasonable attorneys' fees, as determined by the court, in the event the final unappealable decision of the reviewing courts is adverse to the party obtaining the stay. Makes other changes. Effective immediately.

LRB099 06009 JLK 26063 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Labor Relations Act is  
5 amended by changing Sections 8, 11, and 14 as follows:

6 (5 ILCS 315/8) (from Ch. 48, par. 1608)

7 Sec. 8. Grievance Procedure; attorneys' fees. The  
8 collective bargaining agreement negotiated between the  
9 employer and the exclusive representative shall contain a  
10 grievance resolution procedure which shall apply to all  
11 employees in the bargaining unit and shall provide for final  
12 and binding arbitration of disputes concerning the  
13 administration or interpretation of the agreement unless  
14 mutually agreed otherwise. Any agreement containing a final and  
15 binding arbitration provision shall also contain a provision  
16 prohibiting strikes for the duration of the agreement. The  
17 grievance and arbitration provisions of any collective  
18 bargaining agreement shall be subject to the Illinois "Uniform  
19 Arbitration Act". The costs of such arbitration shall be borne  
20 equally by the employer and the employee organization.

21 Unless mutually agreed otherwise, any party to a collective  
22 bargaining agreement who fails to timely comply with an  
23 arbitration award or who, after timely demand, fails to submit

1 a grievance dispute concerning the administration or  
2 interpretation of an agreement to arbitration shall pay to the  
3 prevailing party all reasonable costs of the proceeding in the  
4 trial and reviewing courts, including reasonable attorneys'  
5 fees, as determined by the court, incurred in relation to any  
6 action to confirm or amend an award or to compel or stay  
7 arbitration of a grievance in the event the final, unappealable  
8 decision of the reviewing courts is adverse to the  
9 non-compliant party. Any mutual agreements otherwise shall be a  
10 permissive subject of bargaining.

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

12 (5 ILCS 315/11) (from Ch. 48, par. 1611)

13 Sec. 11. Unfair Labor Practice Procedures. Unfair labor  
14 practices may be dealt with by the Board in the following  
15 manner:

16 (a) Whenever it is charged that any person has engaged in  
17 or is engaging in any unfair labor practice, the Board or any  
18 agent designated by the Board for such purposes, shall conduct  
19 an investigation of the charge. If after such investigation the  
20 Board finds that the charge involves a dispositive issue of law  
21 or fact the Board shall issue a complaint and cause to be  
22 served upon the person a complaint stating the charges,  
23 accompanied by a notice of hearing before the Board or a member  
24 thereof designated by the Board, or before a qualified hearing  
25 officer designated by the Board at the offices of the Board or

1 such other location as the Board deems appropriate, not less  
2 than 5 days after serving of such complaint provided that no  
3 complaint shall issue based upon any unfair labor practice  
4 occurring more than six months prior to the filing of a charge  
5 with the Board and the service of a copy thereof upon the  
6 person against whom the charge is made, unless the person  
7 aggrieved thereby did not reasonably have knowledge of the  
8 alleged unfair labor practice or was prevented from filing such  
9 a charge by reason of service in the armed forces, in which  
10 event the six month period shall be computed from the date of  
11 his discharge. Any such complaint may be amended by the member  
12 or hearing officer conducting the hearing for the Board in his  
13 discretion at any time prior to the issuance of an order based  
14 thereon. The person who is the subject of the complaint has the  
15 right to file an answer to the original or amended complaint  
16 and to appear in person or by a representative and give  
17 testimony at the place and time fixed in the complaint. In the  
18 discretion of the member or hearing officer conducting the  
19 hearing or the Board, any other person may be allowed to  
20 intervene in the proceeding and to present testimony. In any  
21 hearing conducted by the Board, neither the Board nor the  
22 member or agent conducting the hearing shall be bound by the  
23 rules of evidence applicable to courts, except as to the rules  
24 of privilege recognized by law.

25 (b) The Board shall have the power to issue subpoenas and  
26 administer oaths. If any party wilfully fails or neglects to

1 appear or testify or to produce books, papers and records  
2 pursuant to the issuance of a subpoena by the Board, the Board  
3 may apply to a court of competent jurisdiction to request that  
4 such party be ordered to appear before the Board to testify or  
5 produce the requested evidence.

6 (c) Any testimony taken by the Board, or a member  
7 designated by the Board or a hearing officer thereof, must be  
8 reduced to writing and filed with the Board. A full and  
9 complete record shall be kept of all proceedings before the  
10 Board, and all proceedings shall be transcribed by a reporter  
11 appointed by the Board. The party on whom the burden of proof  
12 rests shall be required to sustain such burden by a  
13 preponderance of the evidence. If, upon a preponderance of the  
14 evidence taken, the Board is of the opinion that any person  
15 named in the charge has engaged in or is engaging in an unfair  
16 labor practice, then it shall state its findings of fact and  
17 shall issue and cause to be served upon the person an order  
18 requiring him to cease and desist from the unfair labor  
19 practice, and to take such affirmative action, including  
20 reinstatement of public employees with or without back pay, as  
21 will effectuate the policies of this Act. If the Board awards  
22 back pay, it shall also award interest at the rate of 7% per  
23 annum. The Board's order may further require the person to make  
24 reports from time to time, and demonstrate the extent to which  
25 he has complied with the order. If there is no preponderance of  
26 evidence to indicate to the Board that the person named in the

1 charge has engaged in or is engaging in the unfair labor  
2 practice, then the Board shall state its findings of fact and  
3 shall issue an order dismissing the complaint. The Board's  
4 order may in its discretion also include an appropriate  
5 sanction, based on the Board's rules and regulations, and the  
6 sanction may include an order to pay the other party or  
7 parties' reasonable expenses including costs and reasonable  
8 attorney's fee, if the other party has made allegations or  
9 denials without reasonable cause and found to be untrue or has  
10 engaged in frivolous litigation for the purpose of delay or  
11 needless increase in the cost of litigation; the State of  
12 Illinois or any agency thereof shall be subject to the  
13 provisions of this sentence in the same manner as any other  
14 party.

15 (d) Until the record in a case has been filed in court, the  
16 Board at any time, upon reasonable notice and in such manner as  
17 it deems proper, may modify or set aside, in whole or in part,  
18 any finding or order made or issued by it.

19 (e) A charging party or any person aggrieved by a final  
20 order of the Board granting or denying in whole or in part the  
21 relief sought may apply for and obtain judicial review of an  
22 order of the Board entered under this Act, in accordance with  
23 the provisions of the Administrative Review Law, as now or  
24 hereafter amended, except that such judicial review shall be  
25 afforded directly in the appellate court for the district in  
26 which the aggrieved party resides or transacts business, and

1 provided, that such judicial review shall not be available for  
2 the purpose of challenging a final order issued by the Board  
3 pursuant to Section 9 of this Act for which judicial review has  
4 been petitioned pursuant to subsection (i) of Section 9. Any  
5 direct appeal to the Appellate Court shall be filed within 35  
6 days from the date that a copy of the decision sought to be  
7 reviewed was served upon the party affected by the decision.  
8 The Board in proceedings under this Section may obtain an order  
9 of the court for the enforcement of its order. A charging party  
10 or person who, pursuant to an application for judicial review  
11 of an order of the Board issued in relation to an unfair labor  
12 practice proceeding, obtains a stay of the Board's order  
13 pending judicial review shall pay all reasonable costs of the  
14 proceedings in the reviewing courts, including reasonable  
15 attorneys' fees, as determined by the court, in the event the  
16 final unappealable decision of the reviewing courts is adverse  
17 to the party obtaining the stay.

18 (f) Whenever it appears that any person has violated a  
19 final order of the Board issued pursuant to this Section, the  
20 Board must commence an action in the name of the People of the  
21 State of Illinois by petition, alleging the violation,  
22 attaching a copy of the order of the Board, and praying for the  
23 issuance of an order directing the person, his officers,  
24 agents, servants, successors, and assigns to comply with the  
25 order of the Board. The Board shall be represented in this  
26 action by the Attorney General in accordance with the Attorney

1 General Act. The court may grant or refuse, in whole or in  
2 part, the relief sought, provided that the court may stay an  
3 order of the Board in accordance with the Administrative Review  
4 Law, pending disposition of the proceedings. The court may  
5 punish a violation of its order as in civil contempt.

6 (g) The proceedings provided in paragraph (f) of this  
7 Section shall be commenced in the Appellate Court for the  
8 district where the unfair labor practice which is the subject  
9 of the Board's order was committed, or where a person required  
10 to cease and desist by such order resides or transacts  
11 business.

12 (h) The Board through the Attorney General, shall have  
13 power, upon issuance of an unfair labor practice complaint  
14 alleging that a person has engaged in or is engaging in an  
15 unfair labor practice, to petition the circuit court where the  
16 alleged unfair labor practice which is the subject of the  
17 Board's complaint was allegedly committed, or where a person  
18 required to cease and desist from such alleged unfair labor  
19 practice resides or transacts business, for appropriate  
20 temporary relief or restraining order. Upon the filing of any  
21 such petition, the court shall cause notice thereof to be  
22 served upon such persons, and thereupon shall have jurisdiction  
23 to grant to the Board such temporary relief or restraining  
24 order as it deems just and proper.

25 (i) If an unfair labor practice charge involves the  
26 interpretation or application of a collective bargaining



1 agreement and said agreement contains a grievance procedure  
2 with binding arbitration as its terminal step, the Board may  
3 defer the resolution of such dispute to the grievance and  
4 arbitration procedure contained in said agreement.

5 (Source: P.A. 87-736; 88-1.)

6 (5 ILCS 315/14) (from Ch. 48, par. 1614)

7 Sec. 14. Security Employee, Peace Officer and Fire Fighter  
8 Disputes.

9 (a) In the case of collective bargaining agreements  
10 involving units of security employees of a public employer,  
11 Peace Officer Units, or units of fire fighters or paramedics,  
12 and in the case of disputes under Section 18, unless the  
13 parties mutually agree to some other time limit, mediation  
14 shall commence 30 days prior to the expiration date of such  
15 agreement or at such later time as the mediation services  
16 chosen under subsection (b) of Section 12 can be provided to  
17 the parties. In the case of negotiations for an initial  
18 collective bargaining agreement, mediation shall commence upon  
19 15 days notice from either party or at such later time as the  
20 mediation services chosen pursuant to subsection (b) of Section  
21 12 can be provided to the parties. In mediation under this  
22 Section, if either party requests the use of mediation services  
23 from the Federal Mediation and Conciliation Service, the other  
24 party shall either join in such request or bear the additional  
25 cost of mediation services from another source. The mediator

1 shall have a duty to keep the Board informed on the progress of  
2 the mediation. If any dispute has not been resolved within 15  
3 days after the first meeting of the parties and the mediator,  
4 or within such other time limit as may be mutually agreed upon  
5 by the parties, either the exclusive representative or employer  
6 may request of the other, in writing, arbitration, and shall  
7 submit a copy of the request to the Board.

8 (b) Within 10 days after such a request for arbitration has  
9 been made, the employer shall choose a delegate and the  
10 employees' exclusive representative shall choose a delegate to  
11 a panel of arbitration as provided in this Section. The  
12 employer and employees shall forthwith advise the other and the  
13 Board of their selections.

14 (c) Within 7 days after the request of either party, the  
15 parties shall request a panel of impartial arbitrators from  
16 which they shall select the neutral chairman according to the  
17 procedures provided in this Section. If the parties have agreed  
18 to a contract that contains a grievance resolution procedure as  
19 provided in Section 8, the chairman shall be selected using  
20 their agreed contract procedure unless they mutually agree to  
21 another procedure. If the parties fail to notify the Board of  
22 their selection of neutral chairman within 7 days after receipt  
23 of the list of impartial arbitrators, the Board shall appoint,  
24 at random, a neutral chairman from the list. In the absence of  
25 an agreed contract procedure for selecting an impartial  
26 arbitrator, either party may request a panel from the Board.

1 Within 7 days of the request of either party, the Board shall  
2 select from the Public Employees Labor Mediation Roster 7  
3 persons who are on the labor arbitration panels of either the  
4 American Arbitration Association or the Federal Mediation and  
5 Conciliation Service, or who are members of the National  
6 Academy of Arbitrators, as nominees for impartial arbitrator of  
7 the arbitration panel. The parties may select an individual on  
8 the list provided by the Board or any other individual mutually  
9 agreed upon by the parties. Within 7 days following the receipt  
10 of the list, the parties shall notify the Board of the person  
11 they have selected. Unless the parties agree on an alternate  
12 selection procedure, they shall alternatively strike one name  
13 from the list provided by the Board until only one name  
14 remains. A coin toss shall determine which party shall strike  
15 the first name. If the parties fail to notify the Board in a  
16 timely manner of their selection for neutral chairman, the  
17 Board shall appoint a neutral chairman from the Illinois Public  
18 Employees Mediation/Arbitration Roster.

19 (d) The chairman shall call a hearing to begin within 15  
20 days and give reasonable notice of the time and place of the  
21 hearing. The hearing shall be held at the offices of the Board  
22 or at such other location as the Board deems appropriate. The  
23 chairman shall preside over the hearing and shall take  
24 testimony. Any oral or documentary evidence and other data  
25 deemed relevant by the arbitration panel may be received in  
26 evidence. The proceedings shall be informal. Technical rules of

1 evidence shall not apply and the competency of the evidence  
2 shall not thereby be deemed impaired. A verbatim record of the  
3 proceedings shall be made and the arbitrator shall arrange for  
4 the necessary recording service. Transcripts may be ordered at  
5 the expense of the party ordering them, but the transcripts  
6 shall not be necessary for a decision by the arbitration panel.  
7 The expense of the proceedings, including a fee for the  
8 chairman, shall be borne equally by each of the parties to the  
9 dispute. The delegates, if public officers or employees, shall  
10 continue on the payroll of the public employer without loss of  
11 pay. The hearing conducted by the arbitration panel may be  
12 adjourned from time to time, but unless otherwise agreed by the  
13 parties, shall be concluded within 30 days of the time of its  
14 commencement. Majority actions and rulings shall constitute  
15 the actions and rulings of the arbitration panel. Arbitration  
16 proceedings under this Section shall not be interrupted or  
17 terminated by reason of any unfair labor practice charge filed  
18 by either party at any time.

19 (e) The arbitration panel may administer oaths, require the  
20 attendance of witnesses, and the production of such books,  
21 papers, contracts, agreements and documents as may be deemed by  
22 it material to a just determination of the issues in dispute,  
23 and for such purpose may issue subpoenas. If any person refuses  
24 to obey a subpoena, or refuses to be sworn or to testify, or if  
25 any witness, party or attorney is guilty of any contempt while  
26 in attendance at any hearing, the arbitration panel may, or the

1 attorney general if requested shall, invoke the aid of any  
2 circuit court within the jurisdiction in which the hearing is  
3 being held, which court shall issue an appropriate order. Any  
4 failure to obey the order may be punished by the court as  
5 contempt.

6 (f) At any time before the rendering of an award, the  
7 chairman of the arbitration panel, if he is of the opinion that  
8 it would be useful or beneficial to do so, may remand the  
9 dispute to the parties for further collective bargaining for a  
10 period not to exceed 2 weeks. If the dispute is remanded for  
11 further collective bargaining the time provisions of this Act  
12 shall be extended for a time period equal to that of the  
13 remand. The chairman of the panel of arbitration shall notify  
14 the Board of the remand.

15 (g) At or before the conclusion of the hearing held  
16 pursuant to subsection (d), the arbitration panel shall  
17 identify the economic issues in dispute, and direct each of the  
18 parties to submit, within such time limit as the panel shall  
19 prescribe, to the arbitration panel and to each other its last  
20 offer of settlement on each economic issue. The determination  
21 of the arbitration panel as to the issues in dispute and as to  
22 which of these issues are economic shall be conclusive. The  
23 arbitration panel, within 30 days after the conclusion of the  
24 hearing, or such further additional periods to which the  
25 parties may agree, shall make written findings of fact and  
26 promulgate a written opinion and shall mail or otherwise

1 deliver a true copy thereof to the parties and their  
2 representatives and to the Board. As to each economic issue,  
3 the arbitration panel shall adopt the last offer of settlement  
4 which, in the opinion of the arbitration panel, more nearly  
5 complies with the applicable factors prescribed in subsection  
6 (h). The findings, opinions and order as to all other issues  
7 shall be based upon the applicable factors prescribed in  
8 subsection (h).

9 (h) Where there is no agreement between the parties, or  
10 where there is an agreement but the parties have begun  
11 negotiations or discussions looking to a new agreement or  
12 amendment of the existing agreement, and wage rates or other  
13 conditions of employment under the proposed new or amended  
14 agreement are in dispute, the arbitration panel shall base its  
15 findings, opinions and order upon the following factors, as  
16 applicable:

17 (1) The lawful authority of the employer.

18 (2) Stipulations of the parties.

19 (3) The interests and welfare of the public and the  
20 financial ability of the unit of government to meet those  
21 costs.

22 (4) Comparison of the wages, hours and conditions of  
23 employment of the employees involved in the arbitration  
24 proceeding with the wages, hours and conditions of  
25 employment of other employees performing similar services  
26 and with other employees generally:

1           (A) In public employment in comparable  
2 communities.

3           (B) In private employment in comparable  
4 communities.

5           (5) The average consumer prices for goods and services,  
6 commonly known as the cost of living.

7           (6) The overall compensation presently received by the  
8 employees, including direct wage compensation, vacations,  
9 holidays and other excused time, insurance and pensions,  
10 medical and hospitalization benefits, the continuity and  
11 stability of employment and all other benefits received.

12           (7) Changes in any of the foregoing circumstances  
13 during the pendency of the arbitration proceedings.

14           (8) Such other factors, not confined to the foregoing,  
15 which are normally or traditionally taken into  
16 consideration in the determination of wages, hours and  
17 conditions of employment through voluntary collective  
18 bargaining, mediation, fact-finding, arbitration or  
19 otherwise between the parties, in the public service or in  
20 private employment.

21           (i) In the case of peace officers, the arbitration decision  
22 shall be limited to wages, hours, and conditions of employment  
23 (which may include residency requirements in municipalities  
24 with a population under 1,000,000, but those residency  
25 requirements shall not allow residency outside of Illinois) and  
26 shall not include the following: i) residency requirements in

1 municipalities with a population of at least 1,000,000; ii) the  
2 type of equipment, other than uniforms, issued or used; iii)  
3 manning; iv) the total number of employees employed by the  
4 department; v) mutual aid and assistance agreements to other  
5 units of government; and vi) the criterion pursuant to which  
6 force, including deadly force, can be used; provided, nothing  
7 herein shall preclude an arbitration decision regarding  
8 equipment or manning levels if such decision is based on a  
9 finding that the equipment or manning considerations in a  
10 specific work assignment involve a serious risk to the safety  
11 of a peace officer beyond that which is inherent in the normal  
12 performance of police duties. Limitation of the terms of the  
13 arbitration decision pursuant to this subsection shall not be  
14 construed to limit the factors upon which the decision may be  
15 based, as set forth in subsection (h).

16 In the case of fire fighter, and fire department or fire  
17 district paramedic matters, the arbitration decision shall be  
18 limited to wages, hours, and conditions of employment (which  
19 may include residency requirements in municipalities with a  
20 population under 1,000,000, but those residency requirements  
21 shall not allow residency outside of Illinois) and shall not  
22 include the following matters: i) residency requirements in  
23 municipalities with a population of at least 1,000,000; ii) the  
24 type of equipment (other than uniforms and fire fighter turnout  
25 gear) issued or used; iii) the total number of employees  
26 employed by the department; iv) mutual aid and assistance



1 agreements to other units of government; and v) the criterion  
2 pursuant to which force, including deadly force, can be used;  
3 provided, however, nothing herein shall preclude an  
4 arbitration decision regarding equipment levels if such  
5 decision is based on a finding that the equipment  
6 considerations in a specific work assignment involve a serious  
7 risk to the safety of a fire fighter beyond that which is  
8 inherent in the normal performance of fire fighter duties.  
9 Limitation of the terms of the arbitration decision pursuant to  
10 this subsection shall not be construed to limit the facts upon  
11 which the decision may be based, as set forth in subsection  
12 (h).

13 The changes to this subsection (i) made by Public Act  
14 90-385 (relating to residency requirements) do not apply to  
15 persons who are employed by a combined department that performs  
16 both police and firefighting services; these persons shall be  
17 governed by the provisions of this subsection (i) relating to  
18 peace officers, as they existed before the amendment by Public  
19 Act 90-385.

20 To preserve historical bargaining rights, this subsection  
21 shall not apply to any provision of a fire fighter collective  
22 bargaining agreement in effect and applicable on the effective  
23 date of this Act; provided, however, nothing herein shall  
24 preclude arbitration with respect to any such provision.

25 (j) Arbitration procedures shall be deemed to be initiated  
26 by the filing of a letter requesting mediation as required

1 under subsection (a) of this Section. The commencement of a new  
2 municipal fiscal year after the initiation of arbitration  
3 procedures under this Act, but before the arbitration decision,  
4 or its enforcement, shall not be deemed to render a dispute  
5 moot, or to otherwise impair the jurisdiction or authority of  
6 the arbitration panel or its decision. Increases in rates of  
7 compensation awarded by the arbitration panel may be effective  
8 only at the start of the fiscal year next commencing after the  
9 date of the arbitration award. If a new fiscal year has  
10 commenced either since the initiation of arbitration  
11 procedures under this Act or since any mutually agreed  
12 extension of the statutorily required period of mediation under  
13 this Act by the parties to the labor dispute causing a delay in  
14 the initiation of arbitration, the foregoing limitations shall  
15 be inapplicable, and such awarded increases may be retroactive  
16 to the commencement of the fiscal year, any other statute or  
17 charter provisions to the contrary, notwithstanding. At any  
18 time the parties, by stipulation, may amend or modify an award  
19 of arbitration.

20 (k) Orders of the arbitration panel shall be reviewable,  
21 upon appropriate petition by either the public employer or the  
22 exclusive bargaining representative, by the circuit court for  
23 the county in which the dispute arose or in which a majority of  
24 the affected employees reside, but only for reasons that the  
25 arbitration panel was without or exceeded its statutory  
26 authority; the order is arbitrary, or capricious; or the order

1 was procured by fraud, collusion or other similar and unlawful  
2 means. Such petitions for review must be filed with the  
3 appropriate circuit court within 90 days following the issuance  
4 of the arbitration order. The pendency of such proceeding for  
5 review shall not automatically stay the order of the  
6 arbitration panel. The party against whom the final decision of  
7 any such court shall be adverse, if such court finds such  
8 appeal or petition to be frivolous, shall pay reasonable  
9 attorneys' fees and costs to the successful party as determined  
10 by said court in its discretion. Any public employer who  
11 obtains a stay of an award issued by an arbitration panel or  
12 single arbitrator under the authority of this Section, or any  
13 mutually agreed procedures, shall pay all reasonable costs of  
14 the proceedings in the reviewing courts, including reasonable  
15 attorneys' fees, as determined by the court, in the event the  
16 final, unappealable decision of the reviewing courts is adverse  
17 to the public employer. Any mutually agreed procedures  
18 providing for submission of disputes to which this Section  
19 applies to an arbitrator other than an arbitration panel shall  
20 be a permissive subject of bargaining. If said court's decision  
21 affirms the award of money, such award, if retroactive, shall  
22 bear interest at the rate of 12 percent per annum from the  
23 effective retroactive date.

24 (1) During the pendency of proceedings before the  
25 arbitration panel, existing wages, hours, and other conditions  
26 of employment shall not be changed by action of either party

1 without the consent of the other but a party may so consent  
2 without prejudice to his rights or position under this Act. The  
3 proceedings are deemed to be pending before the arbitration  
4 panel upon the initiation of arbitration procedures under this  
5 Act.

6 (m) Security officers of public employers, and Peace  
7 Officers, Fire Fighters and fire department and fire protection  
8 district paramedics, covered by this Section may not withhold  
9 services, nor may public employers lock out or prevent such  
10 employees from performing services at any time.

11 (n) All of the terms decided upon by the arbitration panel  
12 shall be included in an agreement to be submitted to the public  
13 employer's governing body for ratification and adoption by law,  
14 ordinance or the equivalent appropriate means.

15 The governing body shall review each term decided by the  
16 arbitration panel. If the governing body fails to reject one or  
17 more terms of the arbitration panel's decision by a 3/5 vote of  
18 those duly elected and qualified members of the governing body,  
19 within 20 days of issuance, or in the case of firefighters  
20 employed by a state university, at the next regularly scheduled  
21 meeting of the governing body after issuance, such term or  
22 terms shall become a part of the collective bargaining  
23 agreement of the parties. If the governing body affirmatively  
24 rejects one or more terms of the arbitration panel's decision,  
25 it must provide reasons for such rejection with respect to each  
26 term so rejected, within 20 days of such rejection and the

1 parties shall return to the arbitration panel for further  
2 proceedings and issuance of a supplemental decision with  
3 respect to the rejected terms. Any supplemental decision by an  
4 arbitration panel or other decision maker agreed to by the  
5 parties shall be submitted to the governing body for  
6 ratification and adoption in accordance with the procedures and  
7 voting requirements set forth in this Section. The voting  
8 requirements of this subsection shall apply to all disputes  
9 submitted to arbitration pursuant to this Section  
10 notwithstanding any contrary voting requirements contained in  
11 any existing collective bargaining agreement between the  
12 parties.

13 (o) If the governing body of the employer votes to reject  
14 the panel's decision, the parties shall return to the panel  
15 within 30 days from the issuance of the reasons for rejection  
16 for further proceedings and issuance of a supplemental  
17 decision. All reasonable costs of such supplemental proceeding  
18 including the exclusive representative's reasonable attorney's  
19 fees, as established by the Board, shall be paid by the  
20 employer.

21 (p) Notwithstanding the provisions of this Section the  
22 employer and exclusive representative may agree to submit  
23 unresolved disputes concerning wages, hours, terms and  
24 conditions of employment to an alternative form of impasse  
25 resolution.

26 (Source: P.A. 98-535, eff. 1-1-14.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.