

# SB1307



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1307

Introduced 2/9/2017, by Sen. Michael Connelly

### SYNOPSIS AS INTRODUCED:

5 ILCS 315/3

from Ch. 48, par. 1603

Amends Illinois Public Labor Relations Act. Provides that a secretary, assistant, or one of like position to a person who formulates, determines, and effectuates labor relations policy is presumed to be a "confidential employee". Provides that the following is considered to be a person who formulates, determines, and effectuates labor relations policy under the Act: (i) the mayor, village president, county board president, county board chairman, or other chief executive officer of a unit of local government, and (ii) any village or city manager or village or city administrator, or anyone in a like position in any unit of local government. Limits the provisions of the amendatory Act to a county with a population of more than 500,000 and municipalities that lie in whole or in part within such a county. Effective immediately.

LRB100 07132 RJF 17187 b

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 Section 3 as follows:

6 (5 ILCS 315/3) (from Ch. 48, par. 1603)

7 Sec. 3. Definitions. As used in this Act, unless the  
8 context otherwise requires:

9 (a) "Board" means the Illinois Labor Relations Board or,  
10 with respect to a matter over which the jurisdiction of the  
11 Board is assigned to the State Panel or the Local Panel under  
12 Section 5, the panel having jurisdiction over the matter.

13 (b) "Collective bargaining" means bargaining over terms  
14 and conditions of employment, including hours, wages, and other  
15 conditions of employment, as detailed in Section 7 and which  
16 are not excluded by Section 4.

17 (c) "Confidential employee" means an employee who, in the  
18 regular course of his or her duties, assists and acts in a  
19 confidential capacity to persons who formulate, determine, and  
20 effectuate management policies with regard to labor relations  
21 or who, in the regular course of his or her duties, has  
22 authorized access to information relating to the effectuation  
23 or review of the employer's collective bargaining policies.

1       (c-5) In addition to the provisions set forth in subsection  
2       (c) of this Section, a secretary, assistant, or one of like  
3       position to a person who formulates, determines, and  
4       effectuates labor relations policy is presumed to be a  
5       "confidential employee". The following is considered to be a  
6       person who formulates, determines, and effectuates labor  
7       relations policy under the Act: (i) the mayor, village  
8       president, county board president, county board chairman, or  
9       other chief executive officer of a unit of local government,  
10       and (ii) any village or city manager or village or city  
11       administrator, or anyone in a like position in any unit of  
12       local government.

13       The provisions of this subsection (c-5) apply only to a  
14       county with a population of more than 500,000 and  
15       municipalities that lie in whole or in part within such a  
16       county. Nothing in this subsection (c-5) shall affect the  
17       employee status of individuals who were covered by a collective  
18       bargaining agreement on the effective date of this amendatory  
19       Act of the 100th General Assembly.

20       (d) "Craft employees" means skilled journeymen, crafts  
21       persons, and their apprentices and helpers.

22       (e) "Essential services employees" means those public  
23       employees performing functions so essential that the  
24       interruption or termination of the function will constitute a  
25       clear and present danger to the health and safety of the  
26       persons in the affected community.

1 (f) "Exclusive representative", except with respect to  
2 non-State fire fighters and paramedics employed by fire  
3 departments and fire protection districts, non-State peace  
4 officers, and peace officers in the Department of State Police,  
5 means the labor organization that has been (i) designated by  
6 the Board as the representative of a majority of public  
7 employees in an appropriate bargaining unit in accordance with  
8 the procedures contained in this Act, (ii) historically  
9 recognized by the State of Illinois or any political  
10 subdivision of the State before July 1, 1984 (the effective  
11 date of this Act) as the exclusive representative of the  
12 employees in an appropriate bargaining unit, (iii) after July  
13 1, 1984 (the effective date of this Act) recognized by an  
14 employer upon evidence, acceptable to the Board, that the labor  
15 organization has been designated as the exclusive  
16 representative by a majority of the employees in an appropriate  
17 bargaining unit; (iv) recognized as the exclusive  
18 representative of personal assistants under Executive Order  
19 2003-8 prior to the effective date of this amendatory Act of  
20 the 93rd General Assembly, and the organization shall be  
21 considered to be the exclusive representative of the personal  
22 assistants as defined in this Section; or (v) recognized as the  
23 exclusive representative of child and day care home providers,  
24 including licensed and license exempt providers, pursuant to an  
25 election held under Executive Order 2005-1 prior to the  
26 effective date of this amendatory Act of the 94th General

1 Assembly, and the organization shall be considered to be the  
2 exclusive representative of the child and day care home  
3 providers as defined in this Section.

4 With respect to non-State fire fighters and paramedics  
5 employed by fire departments and fire protection districts,  
6 non-State peace officers, and peace officers in the Department  
7 of State Police, "exclusive representative" means the labor  
8 organization that has been (i) designated by the Board as the  
9 representative of a majority of peace officers or fire fighters  
10 in an appropriate bargaining unit in accordance with the  
11 procedures contained in this Act, (ii) historically recognized  
12 by the State of Illinois or any political subdivision of the  
13 State before January 1, 1986 (the effective date of this  
14 amendatory Act of 1985) as the exclusive representative by a  
15 majority of the peace officers or fire fighters in an  
16 appropriate bargaining unit, or (iii) after January 1, 1986  
17 (the effective date of this amendatory Act of 1985) recognized  
18 by an employer upon evidence, acceptable to the Board, that the  
19 labor organization has been designated as the exclusive  
20 representative by a majority of the peace officers or fire  
21 fighters in an appropriate bargaining unit.

22 Where a historical pattern of representation exists for the  
23 workers of a water system that was owned by a public utility,  
24 as defined in Section 3-105 of the Public Utilities Act, prior  
25 to becoming certified employees of a municipality or  
26 municipalities once the municipality or municipalities have

1 acquired the water system as authorized in Section 11-124-5 of  
2 the Illinois Municipal Code, the Board shall find the labor  
3 organization that has historically represented the workers to  
4 be the exclusive representative under this Act, and shall find  
5 the unit represented by the exclusive representative to be the  
6 appropriate unit.

7 (g) "Fair share agreement" means an agreement between the  
8 employer and an employee organization under which all or any of  
9 the employees in a collective bargaining unit are required to  
10 pay their proportionate share of the costs of the collective  
11 bargaining process, contract administration, and pursuing  
12 matters affecting wages, hours, and other conditions of  
13 employment, but not to exceed the amount of dues uniformly  
14 required of members. The amount certified by the exclusive  
15 representative shall not include any fees for contributions  
16 related to the election or support of any candidate for  
17 political office. Nothing in this subsection (g) shall preclude  
18 an employee from making voluntary political contributions in  
19 conjunction with his or her fair share payment.

20 (g-1) "Fire fighter" means, for the purposes of this Act  
21 only, any person who has been or is hereafter appointed to a  
22 fire department or fire protection district or employed by a  
23 state university and sworn or commissioned to perform fire  
24 fighter duties or paramedic duties, except that the following  
25 persons are not included: part-time fire fighters, auxiliary,  
26 reserve or voluntary fire fighters, including paid on-call fire

1 fighters, clerks and dispatchers or other civilian employees of  
2 a fire department or fire protection district who are not  
3 routinely expected to perform fire fighter duties, or elected  
4 officials.

5 (g-2) "General Assembly of the State of Illinois" means the  
6 legislative branch of the government of the State of Illinois,  
7 as provided for under Article IV of the Constitution of the  
8 State of Illinois, and includes but is not limited to the House  
9 of Representatives, the Senate, the Speaker of the House of  
10 Representatives, the Minority Leader of the House of  
11 Representatives, the President of the Senate, the Minority  
12 Leader of the Senate, the Joint Committee on Legislative  
13 Support Services and any legislative support services agency  
14 listed in the Legislative Commission Reorganization Act of  
15 1984.

16 (h) "Governing body" means, in the case of the State, the  
17 State Panel of the Illinois Labor Relations Board, the Director  
18 of the Department of Central Management Services, and the  
19 Director of the Department of Labor; the county board in the  
20 case of a county; the corporate authorities in the case of a  
21 municipality; and the appropriate body authorized to provide  
22 for expenditures of its funds in the case of any other unit of  
23 government.

24 (i) "Labor organization" means any organization in which  
25 public employees participate and that exists for the purpose,  
26 in whole or in part, of dealing with a public employer

1 concerning wages, hours, and other terms and conditions of  
2 employment, including the settlement of grievances.

3 (i-5) "Legislative liaison" means a person who is an  
4 employee of a State agency, the Attorney General, the Secretary  
5 of State, the Comptroller, or the Treasurer, as the case may  
6 be, and whose job duties require the person to regularly  
7 communicate in the course of his or her employment with any  
8 official or staff of the General Assembly of the State of  
9 Illinois for the purpose of influencing any legislative action.

10 (j) "Managerial employee" means an individual who is  
11 engaged predominantly in executive and management functions  
12 and is charged with the responsibility of directing the  
13 effectuation of management policies and practices. With  
14 respect only to State employees in positions under the  
15 jurisdiction of the Attorney General, Secretary of State,  
16 Comptroller, or Treasurer (i) that were certified in a  
17 bargaining unit on or after December 2, 2008, (ii) for which a  
18 petition is filed with the Illinois Public Labor Relations  
19 Board on or after April 5, 2013 (the effective date of Public  
20 Act 97-1172), or (iii) for which a petition is pending before  
21 the Illinois Public Labor Relations Board on that date,  
22 "managerial employee" means an individual who is engaged in  
23 executive and management functions or who is charged with the  
24 effectuation of management policies and practices or who  
25 represents management interests by taking or recommending  
26 discretionary actions that effectively control or implement



1 policy. Nothing in this definition prohibits an individual from  
2 also meeting the definition of "supervisor" under subsection  
3 (r) of this Section.

4 (k) "Peace officer" means, for the purposes of this Act  
5 only, any persons who have been or are hereafter appointed to a  
6 police force, department, or agency and sworn or commissioned  
7 to perform police duties, except that the following persons are  
8 not included: part-time police officers, special police  
9 officers, auxiliary police as defined by Section 3.1-30-20 of  
10 the Illinois Municipal Code, night watchmen, "merchant  
11 police", court security officers as defined by Section 3-6012.1  
12 of the Counties Code, temporary employees, traffic guards or  
13 wardens, civilian parking meter and parking facilities  
14 personnel or other individuals specially appointed to aid or  
15 direct traffic at or near schools or public functions or to aid  
16 in civil defense or disaster, parking enforcement employees who  
17 are not commissioned as peace officers and who are not armed  
18 and who are not routinely expected to effect arrests, parking  
19 lot attendants, clerks and dispatchers or other civilian  
20 employees of a police department who are not routinely expected  
21 to effect arrests, or elected officials.

22 (l) "Person" includes one or more individuals, labor  
23 organizations, public employees, associations, corporations,  
24 legal representatives, trustees, trustees in bankruptcy,  
25 receivers, or the State of Illinois or any political  
26 subdivision of the State or governing body, but does not

1 include the General Assembly of the State of Illinois or any  
2 individual employed by the General Assembly of the State of  
3 Illinois.

4 (m) "Professional employee" means any employee engaged in  
5 work predominantly intellectual and varied in character rather  
6 than routine mental, manual, mechanical or physical work;  
7 involving the consistent exercise of discretion and adjustment  
8 in its performance; of such a character that the output  
9 produced or the result accomplished cannot be standardized in  
10 relation to a given period of time; and requiring advanced  
11 knowledge in a field of science or learning customarily  
12 acquired by a prolonged course of specialized intellectual  
13 instruction and study in an institution of higher learning or a  
14 hospital, as distinguished from a general academic education or  
15 from apprenticeship or from training in the performance of  
16 routine mental, manual, or physical processes; or any employee  
17 who has completed the courses of specialized intellectual  
18 instruction and study prescribed in this subsection (m) and is  
19 performing related work under the supervision of a professional  
20 person to qualify to become a professional employee as defined  
21 in this subsection (m).

22 (n) "Public employee" or "employee", for the purposes of  
23 this Act, means any individual employed by a public employer,  
24 including (i) interns and residents at public hospitals, (ii)  
25 as of the effective date of this amendatory Act of the 93rd  
26 General Assembly, but not before, personal assistants working

1 under the Home Services Program under Section 3 of the  
2 Rehabilitation of Persons with Disabilities Act, subject to the  
3 limitations set forth in this Act and in the Rehabilitation of  
4 Persons with Disabilities Act, (iii) as of the effective date  
5 of this amendatory Act of the 94th General Assembly, but not  
6 before, child and day care home providers participating in the  
7 child care assistance program under Section 9A-11 of the  
8 Illinois Public Aid Code, subject to the limitations set forth  
9 in this Act and in Section 9A-11 of the Illinois Public Aid  
10 Code, (iv) as of January 29, 2013 (the effective date of Public  
11 Act 97-1158), but not before except as otherwise provided in  
12 this subsection (n), home care and home health workers who  
13 function as personal assistants and individual maintenance  
14 home health workers and who also work under the Home Services  
15 Program under Section 3 of the Rehabilitation of Persons with  
16 Disabilities Act, no matter whether the State provides those  
17 services through direct fee-for-service arrangements, with the  
18 assistance of a managed care organization or other  
19 intermediary, or otherwise, (v) beginning on the effective date  
20 of this amendatory Act of the 98th General Assembly and  
21 notwithstanding any other provision of this Act, any person  
22 employed by a public employer and who is classified as or who  
23 holds the employment title of Chief Stationary Engineer,  
24 Assistant Chief Stationary Engineer, Sewage Plant Operator,  
25 Water Plant Operator, Stationary Engineer, Plant Operating  
26 Engineer, and any other employee who holds the position of:

1 Civil Engineer V, Civil Engineer VI, Civil Engineer VII,  
2 Technical Manager I, Technical Manager II, Technical Manager  
3 III, Technical Manager IV, Technical Manager V, Technical  
4 Manager VI, Realty Specialist III, Realty Specialist IV, Realty  
5 Specialist V, Technical Advisor I, Technical Advisor II,  
6 Technical Advisor III, Technical Advisor IV, or Technical  
7 Advisor V employed by the Department of Transportation who is  
8 in a position which is certified in a bargaining unit on or  
9 before the effective date of this amendatory Act of the 98th  
10 General Assembly, and (vi) beginning on the effective date of  
11 this amendatory Act of the 98th General Assembly and  
12 notwithstanding any other provision of this Act, any mental  
13 health administrator in the Department of Corrections who is  
14 classified as or who holds the position of Public Service  
15 Administrator (Option 8K), any employee of the Office of the  
16 Inspector General in the Department of Human Services who is  
17 classified as or who holds the position of Public Service  
18 Administrator (Option 7), any Deputy of Intelligence in the  
19 Department of Corrections who is classified as or who holds the  
20 position of Public Service Administrator (Option 7), and any  
21 employee of the Department of State Police who handles issues  
22 concerning the Illinois State Police Sex Offender Registry and  
23 who is classified as or holds the position of Public Service  
24 Administrator (Option 7), but excluding all of the following:  
25 employees of the General Assembly of the State of Illinois;  
26 elected officials; executive heads of a department; members of

1 boards or commissions; the Executive Inspectors General; any  
2 special Executive Inspectors General; employees of each Office  
3 of an Executive Inspector General; commissioners and employees  
4 of the Executive Ethics Commission; the Auditor General's  
5 Inspector General; employees of the Office of the Auditor  
6 General's Inspector General; the Legislative Inspector  
7 General; any special Legislative Inspectors General; employees  
8 of the Office of the Legislative Inspector General;  
9 commissioners and employees of the Legislative Ethics  
10 Commission; employees of any agency, board or commission  
11 created by this Act; employees appointed to State positions of  
12 a temporary or emergency nature; all employees of school  
13 districts and higher education institutions except  
14 firefighters and peace officers employed by a state university  
15 and except peace officers employed by a school district in its  
16 own police department in existence on the effective date of  
17 this amendatory Act of the 96th General Assembly; managerial  
18 employees; short-term employees; legislative liaisons; a  
19 person who is a State employee under the jurisdiction of the  
20 Office of the Attorney General who is licensed to practice law  
21 or whose position authorizes, either directly or indirectly,  
22 meaningful input into government decision-making on issues  
23 where there is room for principled disagreement on goals or  
24 their implementation; a person who is a State employee under  
25 the jurisdiction of the Office of the Comptroller who holds the  
26 position of Public Service Administrator or whose position is

1 otherwise exempt under the Comptroller Merit Employment Code; a  
2 person who is a State employee under the jurisdiction of the  
3 Secretary of State who holds the position classification of  
4 Executive I or higher, whose position authorizes, either  
5 directly or indirectly, meaningful input into government  
6 decision-making on issues where there is room for principled  
7 disagreement on goals or their implementation, or who is  
8 otherwise exempt under the Secretary of State Merit Employment  
9 Code; employees in the Office of the Secretary of State who are  
10 completely exempt from jurisdiction B of the Secretary of State  
11 Merit Employment Code and who are in Rutan-exempt positions on  
12 or after April 5, 2013 (the effective date of Public Act  
13 97-1172); a person who is a State employee under the  
14 jurisdiction of the Treasurer who holds a position that is  
15 exempt from the State Treasurer Employment Code; any employee  
16 of a State agency who (i) holds the title or position of, or  
17 exercises substantially similar duties as a legislative  
18 liaison, Agency General Counsel, Agency Chief of Staff, Agency  
19 Executive Director, Agency Deputy Director, Agency Chief  
20 Fiscal Officer, Agency Human Resources Director, Public  
21 Information Officer, or Chief Information Officer and (ii) was  
22 neither included in a bargaining unit nor subject to an active  
23 petition for certification in a bargaining unit; any employee  
24 of a State agency who (i) is in a position that is  
25 Rutan-exempt, as designated by the employer, and completely  
26 exempt from jurisdiction B of the Personnel Code and (ii) was

1 neither included in a bargaining unit nor subject to an active  
2 petition for certification in a bargaining unit; any term  
3 appointed employee of a State agency pursuant to Section 8b.18  
4 or 8b.19 of the Personnel Code who was neither included in a  
5 bargaining unit nor subject to an active petition for  
6 certification in a bargaining unit; any employment position  
7 properly designated pursuant to Section 6.1 of this Act;  
8 confidential employees; independent contractors; and  
9 supervisors except as provided in this Act.

10 Home care and home health workers who function as personal  
11 assistants and individual maintenance home health workers and  
12 who also work under the Home Services Program under Section 3  
13 of the Rehabilitation of Persons with Disabilities Act shall  
14 not be considered public employees for any purposes not  
15 specifically provided for in Public Act 93-204 or Public Act  
16 97-1158, including but not limited to, purposes of vicarious  
17 liability in tort and purposes of statutory retirement or  
18 health insurance benefits. Home care and home health workers  
19 who function as personal assistants and individual maintenance  
20 home health workers and who also work under the Home Services  
21 Program under Section 3 of the Rehabilitation of Persons with  
22 Disabilities Act shall not be covered by the State Employees  
23 Group Insurance Act of 1971 (5 ILCS 375/).

24 Child and day care home providers shall not be considered  
25 public employees for any purposes not specifically provided for  
26 in this amendatory Act of the 94th General Assembly, including

1 but not limited to, purposes of vicarious liability in tort and  
2 purposes of statutory retirement or health insurance benefits.  
3 Child and day care home providers shall not be covered by the  
4 State Employees Group Insurance Act of 1971.

5 Notwithstanding Section 9, subsection (c), or any other  
6 provisions of this Act, all peace officers above the rank of  
7 captain in municipalities with more than 1,000,000 inhabitants  
8 shall be excluded from this Act.

9 (o) Except as otherwise in subsection (o-5), "public  
10 employer" or "employer" means the State of Illinois; any  
11 political subdivision of the State, unit of local government or  
12 school district; authorities including departments, divisions,  
13 bureaus, boards, commissions, or other agencies of the  
14 foregoing entities; and any person acting within the scope of  
15 his or her authority, express or implied, on behalf of those  
16 entities in dealing with its employees. As of the effective  
17 date of the amendatory Act of the 93rd General Assembly, but  
18 not before, the State of Illinois shall be considered the  
19 employer of the personal assistants working under the Home  
20 Services Program under Section 3 of the Rehabilitation of  
21 Persons with Disabilities Act, subject to the limitations set  
22 forth in this Act and in the Rehabilitation of Persons with  
23 Disabilities Act. As of January 29, 2013 (the effective date of  
24 Public Act 97-1158), but not before except as otherwise  
25 provided in this subsection (o), the State shall be considered  
26 the employer of home care and home health workers who function



1 as personal assistants and individual maintenance home health  
2 workers and who also work under the Home Services Program under  
3 Section 3 of the Rehabilitation of Persons with Disabilities  
4 Act, no matter whether the State provides those services  
5 through direct fee-for-service arrangements, with the  
6 assistance of a managed care organization or other  
7 intermediary, or otherwise, but subject to the limitations set  
8 forth in this Act and the Rehabilitation of Persons with  
9 Disabilities Act. The State shall not be considered to be the  
10 employer of home care and home health workers who function as  
11 personal assistants and individual maintenance home health  
12 workers and who also work under the Home Services Program under  
13 Section 3 of the Rehabilitation of Persons with Disabilities  
14 Act, for any purposes not specifically provided for in Public  
15 Act 93-204 or Public Act 97-1158, including but not limited to,  
16 purposes of vicarious liability in tort and purposes of  
17 statutory retirement or health insurance benefits. Home care  
18 and home health workers who function as personal assistants and  
19 individual maintenance home health workers and who also work  
20 under the Home Services Program under Section 3 of the  
21 Rehabilitation of Persons with Disabilities Act shall not be  
22 covered by the State Employees Group Insurance Act of 1971 (5  
23 ILCS 375/). As of the effective date of this amendatory Act of  
24 the 94th General Assembly but not before, the State of Illinois  
25 shall be considered the employer of the day and child care home  
26 providers participating in the child care assistance program

1 under Section 9A-11 of the Illinois Public Aid Code, subject to  
2 the limitations set forth in this Act and in Section 9A-11 of  
3 the Illinois Public Aid Code. The State shall not be considered  
4 to be the employer of child and day care home providers for any  
5 purposes not specifically provided for in this amendatory Act  
6 of the 94th General Assembly, including but not limited to,  
7 purposes of vicarious liability in tort and purposes of  
8 statutory retirement or health insurance benefits. Child and  
9 day care home providers shall not be covered by the State  
10 Employees Group Insurance Act of 1971.

11 "Public employer" or "employer" as used in this Act,  
12 however, does not mean and shall not include the General  
13 Assembly of the State of Illinois, the Executive Ethics  
14 Commission, the Offices of the Executive Inspectors General,  
15 the Legislative Ethics Commission, the Office of the  
16 Legislative Inspector General, the Office of the Auditor  
17 General's Inspector General, the Office of the Governor, the  
18 Governor's Office of Management and Budget, the Illinois  
19 Finance Authority, the Office of the Lieutenant Governor, the  
20 State Board of Elections, and educational employers or  
21 employers as defined in the Illinois Educational Labor  
22 Relations Act, except with respect to a state university in its  
23 employment of firefighters and peace officers and except with  
24 respect to a school district in the employment of peace  
25 officers in its own police department in existence on the  
26 effective date of this amendatory Act of the 96th General

1 Assembly. County boards and county sheriffs shall be designated  
2 as joint or co-employers of county peace officers appointed  
3 under the authority of a county sheriff. Nothing in this  
4 subsection (o) shall be construed to prevent the State Panel or  
5 the Local Panel from determining that employers are joint or  
6 co-employers.

7 (o-5) With respect to wages, fringe benefits, hours,  
8 holidays, vacations, proficiency examinations, sick leave, and  
9 other conditions of employment, the public employer of public  
10 employees who are court reporters, as defined in the Court  
11 Reporters Act, shall be determined as follows:

12 (1) For court reporters employed by the Cook County  
13 Judicial Circuit, the chief judge of the Cook County  
14 Circuit Court is the public employer and employer  
15 representative.

16 (2) For court reporters employed by the 12th, 18th,  
17 19th, and, on and after December 4, 2006, the 22nd judicial  
18 circuits, a group consisting of the chief judges of those  
19 circuits, acting jointly by majority vote, is the public  
20 employer and employer representative.

21 (3) For court reporters employed by all other judicial  
22 circuits, a group consisting of the chief judges of those  
23 circuits, acting jointly by majority vote, is the public  
24 employer and employer representative.

25 (p) "Security employee" means an employee who is  
26 responsible for the supervision and control of inmates at

1 correctional facilities. The term also includes other  
2 non-security employees in bargaining units having the majority  
3 of employees being responsible for the supervision and control  
4 of inmates at correctional facilities.

5 (q) "Short-term employee" means an employee who is employed  
6 for less than 2 consecutive calendar quarters during a calendar  
7 year and who does not have a reasonable assurance that he or  
8 she will be rehired by the same employer for the same service  
9 in a subsequent calendar year.

10 (q-5) "State agency" means an agency directly responsible  
11 to the Governor, as defined in Section 3.1 of the Executive  
12 Reorganization Implementation Act, and the Illinois Commerce  
13 Commission, the Illinois Workers' Compensation Commission, the  
14 Civil Service Commission, the Pollution Control Board, the  
15 Illinois Racing Board, and the Department of State Police Merit  
16 Board.

17 (r) "Supervisor" is:

18 (1) An employee whose principal work is substantially  
19 different from that of his or her subordinates and who has  
20 authority, in the interest of the employer, to hire,  
21 transfer, suspend, lay off, recall, promote, discharge,  
22 direct, reward, or discipline employees, to adjust their  
23 grievances, or to effectively recommend any of those  
24 actions, if the exercise of that authority is not of a  
25 merely routine or clerical nature, but requires the  
26 consistent use of independent judgment. Except with

1 respect to police employment, the term "supervisor"  
2 includes only those individuals who devote a preponderance  
3 of their employment time to exercising that authority,  
4 State supervisors notwithstanding. Nothing in this  
5 definition prohibits an individual from also meeting the  
6 definition of "managerial employee" under subsection (j)  
7 of this Section. In addition, in determining supervisory  
8 status in police employment, rank shall not be  
9 determinative. The Board shall consider, as evidence of  
10 bargaining unit inclusion or exclusion, the common law  
11 enforcement policies and relationships between police  
12 officer ranks and certification under applicable civil  
13 service law, ordinances, personnel codes, or Division 2.1  
14 of Article 10 of the Illinois Municipal Code, but these  
15 factors shall not be the sole or predominant factors  
16 considered by the Board in determining police supervisory  
17 status.

18 Notwithstanding the provisions of the preceding  
19 paragraph, in determining supervisory status in fire  
20 fighter employment, no fire fighter shall be excluded as a  
21 supervisor who has established representation rights under  
22 Section 9 of this Act. Further, in new fire fighter units,  
23 employees shall consist of fire fighters of the rank of  
24 company officer and below. If a company officer otherwise  
25 qualifies as a supervisor under the preceding paragraph,  
26 however, he or she shall not be included in the fire

1 fighter unit. If there is no rank between that of chief and  
2 the highest company officer, the employer may designate a  
3 position on each shift as a Shift Commander, and the  
4 persons occupying those positions shall be supervisors.  
5 All other ranks above that of company officer shall be  
6 supervisors.

7 (2) With respect only to State employees in positions  
8 under the jurisdiction of the Attorney General, Secretary  
9 of State, Comptroller, or Treasurer (i) that were certified  
10 in a bargaining unit on or after December 2, 2008, (ii) for  
11 which a petition is filed with the Illinois Public Labor  
12 Relations Board on or after April 5, 2013 (the effective  
13 date of Public Act 97-1172), or (iii) for which a petition  
14 is pending before the Illinois Public Labor Relations Board  
15 on that date, an employee who qualifies as a supervisor  
16 under (A) Section 152 of the National Labor Relations Act  
17 and (B) orders of the National Labor Relations Board  
18 interpreting that provision or decisions of courts  
19 reviewing decisions of the National Labor Relations Board.

20 (s)(1) "Unit" means a class of jobs or positions that are  
21 held by employees whose collective interests may suitably be  
22 represented by a labor organization for collective bargaining.  
23 Except with respect to non-State fire fighters and paramedics  
24 employed by fire departments and fire protection districts,  
25 non-State peace officers, and peace officers in the Department  
26 of State Police, a bargaining unit determined by the Board

1 shall not include both employees and supervisors, or  
2 supervisors only, except as provided in paragraph (2) of this  
3 subsection (s) and except for bargaining units in existence on  
4 July 1, 1984 (the effective date of this Act). With respect to  
5 non-State fire fighters and paramedics employed by fire  
6 departments and fire protection districts, non-State peace  
7 officers, and peace officers in the Department of State Police,  
8 a bargaining unit determined by the Board shall not include  
9 both supervisors and nonsupervisors, or supervisors only,  
10 except as provided in paragraph (2) of this subsection (s) and  
11 except for bargaining units in existence on January 1, 1986  
12 (the effective date of this amendatory Act of 1985). A  
13 bargaining unit determined by the Board to contain peace  
14 officers shall contain no employees other than peace officers  
15 unless otherwise agreed to by the employer and the labor  
16 organization or labor organizations involved. Notwithstanding  
17 any other provision of this Act, a bargaining unit, including a  
18 historical bargaining unit, containing sworn peace officers of  
19 the Department of Natural Resources (formerly designated the  
20 Department of Conservation) shall contain no employees other  
21 than such sworn peace officers upon the effective date of this  
22 amendatory Act of 1990 or upon the expiration date of any  
23 collective bargaining agreement in effect upon the effective  
24 date of this amendatory Act of 1990 covering both such sworn  
25 peace officers and other employees.

26 (2) Notwithstanding the exclusion of supervisors from

1 bargaining units as provided in paragraph (1) of this  
2 subsection (s), a public employer may agree to permit its  
3 supervisory employees to form bargaining units and may bargain  
4 with those units. This Act shall apply if the public employer  
5 chooses to bargain under this subsection.

6 (3) Public employees who are court reporters, as defined in  
7 the Court Reporters Act, shall be divided into 3 units for  
8 collective bargaining purposes. One unit shall be court  
9 reporters employed by the Cook County Judicial Circuit; one  
10 unit shall be court reporters employed by the 12th, 18th, 19th,  
11 and, on and after December 4, 2006, the 22nd judicial circuits;  
12 and one unit shall be court reporters employed by all other  
13 judicial circuits.

14 (t) "Active petition for certification in a bargaining  
15 unit" means a petition for certification filed with the Board  
16 under one of the following case numbers: S-RC-11-110;  
17 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;  
18 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;  
19 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;  
20 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;  
21 S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220;  
22 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;  
23 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;  
24 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;  
25 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;  
26 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;



1 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;  
2 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;  
3 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or  
4 S-RC-07-100.

5 (Source: P.A. 98-100, eff. 7-19-13; 98-1004, eff. 8-18-14;  
6 99-143, eff. 7-27-15.)

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