



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4587

Introduced 2/5/2020, by Rep. Stephanie A. Kifowit

SYNOPSIS AS INTRODUCED:

5 ILCS 315/3

from Ch. 48, par. 1603

5 ILCS 315/6

from Ch. 48, par. 1606

Amends the Illinois Public Labor Relations Act. Provides for the right to organize and bargain collectively for legislative assistants of the General Assembly as public employees under the Act. Makes conforming changes.

LRB101 16739 RJF 66128 b

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 3 and 6 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 (d) "Craft employees" means skilled journeymen, crafts
2 persons, and their apprentices and helpers.

3 (e) "Essential services employees" means those public
4 employees performing functions so essential that the
5 interruption or termination of the function will constitute a
6 clear and present danger to the health and safety of the
7 persons in the affected community.

8 (f) "Exclusive representative", except with respect to
9 non-State fire fighters and paramedics employed by fire
10 departments and fire protection districts, non-State peace
11 officers, and peace officers in the Department of State Police,
12 means the labor organization that has been (i) designated by
13 the Board as the representative of a majority of public
14 employees in an appropriate bargaining unit in accordance with
15 the procedures contained in this Act, (ii) historically
16 recognized by the State of Illinois or any political
17 subdivision of the State before July 1, 1984 (the effective
18 date of this Act) as the exclusive representative of the
19 employees in an appropriate bargaining unit, (iii) after July
20 1, 1984 (the effective date of this Act) recognized by an
21 employer upon evidence, acceptable to the Board, that the labor
22 organization has been designated as the exclusive
23 representative by a majority of the employees in an appropriate
24 bargaining unit; (iv) recognized as the exclusive
25 representative of personal assistants under Executive Order
26 2003-8 prior to the effective date of this amendatory Act of

1 the 93rd General Assembly, and the organization shall be
2 considered to be the exclusive representative of the personal
3 assistants as defined in this Section; or (v) recognized as the
4 exclusive representative of child and day care home providers,
5 including licensed and license exempt providers, pursuant to an
6 election held under Executive Order 2005-1 prior to the
7 effective date of this amendatory Act of the 94th General
8 Assembly, and the organization shall be considered to be the
9 exclusive representative of the child and day care home
10 providers as defined in this Section.

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

1 representative by a majority of the peace officers or fire
2 fighters in an appropriate bargaining unit.

3 Where a historical pattern of representation exists for the
4 workers of a water system that was owned by a public utility,
5 as defined in Section 3-105 of the Public Utilities Act, prior
6 to becoming certified employees of a municipality or
7 municipalities once the municipality or municipalities have
8 acquired the water system as authorized in Section 11-124-5 of
9 the Illinois Municipal Code, the Board shall find the labor
10 organization that has historically represented the workers to
11 be the exclusive representative under this Act, and shall find
12 the unit represented by the exclusive representative to be the
13 appropriate unit.

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

1 (g-1) "Fire fighter" means, for the purposes of this Act
2 only, any person who has been or is hereafter appointed to a
3 fire department or fire protection district or employed by a
4 state university and sworn or commissioned to perform fire
5 fighter duties or paramedic duties, including paramedics
6 employed by a unit of local government, except that the
7 following persons are not included: part-time fire fighters,
8 auxiliary, reserve or voluntary fire fighters, including paid
9 on-call fire fighters, clerks and dispatchers or other civilian
10 employees of a fire department or fire protection district who
11 are not routinely expected to perform fire fighter duties, or
12 elected officials.

13 (g-2) "General Assembly of the State of Illinois" means the
14 legislative branch of the government of the State of Illinois,
15 as provided for under Article IV of the Constitution of the
16 State of Illinois, and includes but is not limited to the House
17 of Representatives, the Senate, the Speaker of the House of
18 Representatives, the Minority Leader of the House of
19 Representatives, the President of the Senate, the Minority
20 Leader of the Senate, the Joint Committee on Legislative
21 Support Services and any legislative support services agency
22 listed in the Legislative Commission Reorganization Act of
23 1984.

24 (h) "Governing body" means, in the case of the State, the
25 State Panel of the Illinois Labor Relations Board, the Director
26 of the Department of Central Management Services, and the

1 Director of the Department of Labor; the county board in the
2 case of a county; the corporate authorities in the case of a
3 municipality; and the appropriate body authorized to provide
4 for expenditures of its funds in the case of any other unit of
5 government.

6 (i) "Labor organization" means any organization in which
7 public employees participate and that exists for the purpose,
8 in whole or in part, of dealing with a public employer
9 concerning wages, hours, and other terms and conditions of
10 employment, including the settlement of grievances.

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

18 (j) "Managerial employee" means an individual who is
19 engaged predominantly in executive and management functions
20 and is charged with the responsibility of directing the
21 effectuation of management policies and practices. With
22 respect only to State employees in positions under the
23 jurisdiction of the Attorney General, Secretary of State,
24 Comptroller, or Treasurer (i) that were certified in a
25 bargaining unit on or after December 2, 2008, (ii) for which a
26 petition is filed with the Illinois Public Labor Relations

1 Board on or after April 5, 2013 (the effective date of Public
2 Act 97-1172), or (iii) for which a petition is pending before
3 the Illinois Public Labor Relations Board on that date,
4 "managerial employee" means an individual who is engaged in
5 executive and management functions or who is charged with the
6 effectuation of management policies and practices or who
7 represents management interests by taking or recommending
8 discretionary actions that effectively control or implement
9 policy. Nothing in this definition prohibits an individual from
10 also meeting the definition of "supervisor" under subsection
11 (r) of this Section.

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

1 lot attendants, clerks and dispatchers or other civilian
2 employees of a police department who are not routinely expected
3 to effect arrests, or elected officials.

4 (l) "Person" includes one or more individuals, labor
5 organizations, public employees, associations, corporations,
6 legal representatives, trustees, trustees in bankruptcy,
7 receivers, or the State of Illinois or any political
8 subdivision of the State or governing body, but does not
9 include the General Assembly of the State of Illinois or any
10 individual employed by the General Assembly of the State of
11 Illinois.

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

1 performing related work under the supervision of a professional
2 person to qualify to become a professional employee as defined
3 in this subsection (m).

4 (n) "Public employee" or "employee", for the purposes of
5 this Act, means any individual employed by a public employer,
6 including (i) interns and residents at public hospitals, (ii)
7 as of the effective date of this amendatory Act of the 93rd
8 General Assembly, but not before, personal assistants working
9 under the Home Services Program under Section 3 of the
10 Rehabilitation of Persons with Disabilities Act, subject to the
11 limitations set forth in this Act and in the Rehabilitation of
12 Persons with Disabilities Act, (iii) as of the effective date
13 of this amendatory Act of the 94th General Assembly, but not
14 before, child and day care home providers participating in the
15 child care assistance program under Section 9A-11 of the
16 Illinois Public Aid Code, subject to the limitations set forth
17 in this Act and in Section 9A-11 of the Illinois Public Aid
18 Code, (iv) as of January 29, 2013 (the effective date of Public
19 Act 97-1158), but not before except as otherwise provided in
20 this subsection (n), home care and home health workers who
21 function as personal assistants and individual maintenance
22 home health workers and who also work under the Home Services
23 Program under Section 3 of the Rehabilitation of Persons with
24 Disabilities Act, no matter whether the State provides those
25 services through direct fee-for-service arrangements, with the
26 assistance of a managed care organization or other

1 intermediary, or otherwise, (v) beginning on the effective date
2 of this amendatory Act of the 98th General Assembly and
3 notwithstanding any other provision of this Act, any person
4 employed by a public employer and who is classified as or who
5 holds the employment title of Chief Stationary Engineer,
6 Assistant Chief Stationary Engineer, Sewage Plant Operator,
7 Water Plant Operator, Stationary Engineer, Plant Operating
8 Engineer, and any other employee who holds the position of:
9 Civil Engineer V, Civil Engineer VI, Civil Engineer VII,
10 Technical Manager I, Technical Manager II, Technical Manager
11 III, Technical Manager IV, Technical Manager V, Technical
12 Manager VI, Realty Specialist III, Realty Specialist IV, Realty
13 Specialist V, Technical Advisor I, Technical Advisor II,
14 Technical Advisor III, Technical Advisor IV, or Technical
15 Advisor V employed by the Department of Transportation who is
16 in a position which is certified in a bargaining unit on or
17 before the effective date of this amendatory Act of the 98th
18 General Assembly, ~~and~~ (vi) beginning on the effective date of
19 this amendatory Act of the 98th General Assembly and
20 notwithstanding any other provision of this Act, any mental
21 health administrator in the Department of Corrections who is
22 classified as or who holds the position of Public Service
23 Administrator (Option 8K), any employee of the Office of the
24 Inspector General in the Department of Human Services who is
25 classified as or who holds the position of Public Service
26 Administrator (Option 7), any Deputy of Intelligence in the

1 Department of Corrections who is classified as or who holds the
2 position of Public Service Administrator (Option 7), and any
3 employee of the Department of State Police who handles issues
4 concerning the Illinois State Police Sex Offender Registry and
5 who is classified as or holds the position of Public Service
6 Administrator (Option 7), and (vii) beginning on the effective
7 date of this amendatory Act of the 101st General Assembly,
8 legislative assistants employed by members of the General
9 Assembly under Section 4 of the General Assembly Compensation
10 Act.

11 "Public employee" or "employee" does not include but
12 excluding all of the following: employees of the General
13 Assembly of the State of Illinois, other than legislative
14 assistants; elected officials; executive heads of a
15 department; members of boards or commissions; the Executive
16 Inspectors General; any special Executive Inspectors General;
17 employees of each Office of an Executive Inspector General;
18 commissioners and employees of the Executive Ethics
19 Commission; the Auditor General's Inspector General; employees
20 of the Office of the Auditor General's Inspector General; the
21 Legislative Inspector General; any special Legislative
22 Inspectors General; employees of the Office of the Legislative
23 Inspector General; commissioners and employees of the
24 Legislative Ethics Commission; employees of any agency, board
25 or commission created by this Act; employees appointed to State
26 positions of a temporary or emergency nature; all employees of

1 school districts and higher education institutions except
2 firefighters and peace officers employed by a state university
3 and except peace officers employed by a school district in its
4 own police department in existence on the effective date of
5 this amendatory Act of the 96th General Assembly; managerial
6 employees; short-term employees; legislative liaisons; a
7 person who is a State employee under the jurisdiction of the
8 Office of the Attorney General who is licensed to practice law
9 or whose position authorizes, either directly or indirectly,
10 meaningful input into government decision-making on issues
11 where there is room for principled disagreement on goals or
12 their implementation; a person who is a State employee under
13 the jurisdiction of the Office of the Comptroller who holds the
14 position of Public Service Administrator or whose position is
15 otherwise exempt under the Comptroller Merit Employment Code; a
16 person who is a State employee under the jurisdiction of the
17 Secretary of State who holds the position classification of
18 Executive I or higher, whose position authorizes, either
19 directly or indirectly, meaningful input into government
20 decision-making on issues where there is room for principled
21 disagreement on goals or their implementation, or who is
22 otherwise exempt under the Secretary of State Merit Employment
23 Code; employees in the Office of the Secretary of State who are
24 completely exempt from jurisdiction B of the Secretary of State
25 Merit Employment Code and who are in Rutan-exempt positions on
26 or after April 5, 2013 (the effective date of Public Act

1 97-1172); a person who is a State employee under the
2 jurisdiction of the Treasurer who holds a position that is
3 exempt from the State Treasurer Employment Code; any employee
4 of a State agency who (i) holds the title or position of, or
5 exercises substantially similar duties as a legislative
6 liaison, Agency General Counsel, Agency Chief of Staff, Agency
7 Executive Director, Agency Deputy Director, Agency Chief
8 Fiscal Officer, Agency Human Resources Director, Public
9 Information Officer, or Chief Information Officer and (ii) was
10 neither included in a bargaining unit nor subject to an active
11 petition for certification in a bargaining unit; any employee
12 of a State agency who (i) is in a position that is
13 Rutan-exempt, as designated by the employer, and completely
14 exempt from jurisdiction B of the Personnel Code and (ii) was
15 neither included in a bargaining unit nor subject to an active
16 petition for certification in a bargaining unit; any term
17 appointed employee of a State agency pursuant to Section 8b.18
18 or 8b.19 of the Personnel Code who was neither included in a
19 bargaining unit nor subject to an active petition for
20 certification in a bargaining unit; any employment position
21 properly designated pursuant to Section 6.1 of this Act;
22 confidential employees; independent contractors; and
23 supervisors except as provided in this Act.

24 Home care and home health workers who function as personal
25 assistants and individual maintenance home health workers and
26 who also work under the Home Services Program under Section 3

1 of the Rehabilitation of Persons with Disabilities Act shall
2 not be considered public employees for any purposes not
3 specifically provided for in Public Act 93-204 or Public Act
4 97-1158, including but not limited to, purposes of vicarious
5 liability in tort and purposes of statutory retirement or
6 health insurance benefits. Home care and home health workers
7 who function as personal assistants and individual maintenance
8 home health workers and who also work under the Home Services
9 Program under Section 3 of the Rehabilitation of Persons with
10 Disabilities Act shall not be covered by the State Employees
11 Group Insurance Act of 1971 (5 ILCS 375/).

12 Child and day care home providers shall not be considered
13 public employees for any purposes not specifically provided for
14 in this amendatory Act of the 94th General Assembly, including
15 but not limited to, purposes of vicarious liability in tort and
16 purposes of statutory retirement or health insurance benefits.
17 Child and day care home providers shall not be covered by the
18 State Employees Group Insurance Act of 1971.

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

23 (o) Except as otherwise in subsection (o-5), "public
24 employer" or "employer" means the State of Illinois; any
25 political subdivision of the State, unit of local government or
26 school district; authorities including departments, divisions,

1 bureaus, boards, commissions, or other agencies of the
2 foregoing entities; and any person acting within the scope of
3 his or her authority, express or implied, on behalf of those
4 entities in dealing with its employees. As of the effective
5 date of the amendatory Act of the 93rd General Assembly, but
6 not before, the State of Illinois shall be considered the
7 employer of the personal assistants working under the Home
8 Services Program under Section 3 of the Rehabilitation of
9 Persons with Disabilities Act, subject to the limitations set
10 forth in this Act and in the Rehabilitation of Persons with
11 Disabilities Act. As of January 29, 2013 (the effective date of
12 Public Act 97-1158), but not before except as otherwise
13 provided in this subsection (o), the State shall be considered
14 the employer of home care and home health workers who function
15 as personal assistants and individual maintenance home health
16 workers and who also work under the Home Services Program under
17 Section 3 of the Rehabilitation of Persons with Disabilities
18 Act, no matter whether the State provides those services
19 through direct fee-for-service arrangements, with the
20 assistance of a managed care organization or other
21 intermediary, or otherwise, but subject to the limitations set
22 forth in this Act and the Rehabilitation of Persons with
23 Disabilities Act. The State shall not be considered to be the
24 employer of home care and home health workers who function as
25 personal assistants and individual maintenance home health
26 workers and who also work under the Home Services Program under

1 Section 3 of the Rehabilitation of Persons with Disabilities
2 Act, for any purposes not specifically provided for in Public
3 Act 93-204 or Public Act 97-1158, including but not limited to,
4 purposes of vicarious liability in tort and purposes of
5 statutory retirement or health insurance benefits. Home care
6 and home health workers who function as personal assistants and
7 individual maintenance home health workers and who also work
8 under the Home Services Program under Section 3 of the
9 Rehabilitation of Persons with Disabilities Act shall not be
10 covered by the State Employees Group Insurance Act of 1971 (5
11 ILCS 375/). As of the effective date of this amendatory Act of
12 the 94th General Assembly but not before, the State of Illinois
13 shall be considered the employer of the day and child care home
14 providers participating in the child care assistance program
15 under Section 9A-11 of the Illinois Public Aid Code, subject to
16 the limitations set forth in this Act and in Section 9A-11 of
17 the Illinois Public Aid Code. The State shall not be considered
18 to be the employer of child and day care home providers for any
19 purposes not specifically provided for in this amendatory Act
20 of the 94th General Assembly, including but not limited to,
21 purposes of vicarious liability in tort and purposes of
22 statutory retirement or health insurance benefits. Child and
23 day care home providers shall not be covered by the State
24 Employees Group Insurance Act of 1971.

25 For the purposes of collective bargaining under this Act,
26 the State of Illinois shall be considered the public employer

1 of legislative assistants employed by members of the General
2 Assembly under Section 4 of the General Assembly Compensation
3 Act.

4 "Public employer" or "employer" as used in this Act,
5 however, does not mean and shall not include the General
6 Assembly of the State of Illinois, the Executive Ethics
7 Commission, the Offices of the Executive Inspectors General,
8 the Legislative Ethics Commission, the Office of the
9 Legislative Inspector General, the Office of the Auditor
10 General's Inspector General, the Office of the Governor, the
11 Governor's Office of Management and Budget, the Illinois
12 Finance Authority, the Office of the Lieutenant Governor, the
13 State Board of Elections, and educational employers or
14 employers as defined in the Illinois Educational Labor
15 Relations Act, except with respect to a state university in its
16 employment of firefighters and peace officers and except with
17 respect to a school district in the employment of peace
18 officers in its own police department in existence on the
19 effective date of this amendatory Act of the 96th General
20 Assembly. County boards and county sheriffs shall be designated
21 as joint or co-employers of county peace officers appointed
22 under the authority of a county sheriff. Nothing in this
23 subsection (o) shall be construed to prevent the State Panel or
24 the Local Panel from determining that employers are joint or
25 co-employers.

26 (o-5) With respect to wages, fringe benefits, hours,

1 holidays, vacations, proficiency examinations, sick leave, and
2 other conditions of employment, the public employer of public
3 employees who are court reporters, as defined in the Court
4 Reporters Act, shall be determined as follows:

5 (1) For court reporters employed by the Cook County
6 Judicial Circuit, the chief judge of the Cook County
7 Circuit Court is the public employer and employer
8 representative.

9 (2) For court reporters employed by the 12th, 18th,
10 19th, and, on and after December 4, 2006, the 22nd judicial
11 circuits, a group consisting of the chief judges of those
12 circuits, acting jointly by majority vote, is the public
13 employer and employer representative.

14 (3) For court reporters employed by all other judicial
15 circuits, a group consisting of the chief judges of those
16 circuits, acting jointly by majority vote, is the public
17 employer and employer representative.

18 (p) "Security employee" means an employee who is
19 responsible for the supervision and control of inmates at
20 correctional facilities. The term also includes other
21 non-security employees in bargaining units having the majority
22 of employees being responsible for the supervision and control
23 of inmates at correctional facilities.

24 (q) "Short-term employee" means an employee who is employed
25 for less than 2 consecutive calendar quarters during a calendar
26 year and who does not have a reasonable assurance that he or

1 she will be rehired by the same employer for the same service
2 in a subsequent calendar year.

3 (q-5) "State agency" means an agency directly responsible
4 to the Governor, as defined in Section 3.1 of the Executive
5 Reorganization Implementation Act, and the Illinois Commerce
6 Commission, the Illinois Workers' Compensation Commission, the
7 Civil Service Commission, the Pollution Control Board, the
8 Illinois Racing Board, and the Department of State Police Merit
9 Board.

10 (r) "Supervisor" is:

11 (1) An employee whose principal work is substantially
12 different from that of his or her subordinates and who has
13 authority, in the interest of the employer, to hire,
14 transfer, suspend, lay off, recall, promote, discharge,
15 direct, reward, or discipline employees, to adjust their
16 grievances, or to effectively recommend any of those
17 actions, if the exercise of that authority is not of a
18 merely routine or clerical nature, but requires the
19 consistent use of independent judgment. Except with
20 respect to police employment, the term "supervisor"
21 includes only those individuals who devote a preponderance
22 of their employment time to exercising that authority,
23 State supervisors notwithstanding. Nothing in this
24 definition prohibits an individual from also meeting the
25 definition of "managerial employee" under subsection (j)
26 of this Section. In addition, in determining supervisory

1 status in police employment, rank shall not be
2 determinative. The Board shall consider, as evidence of
3 bargaining unit inclusion or exclusion, the common law
4 enforcement policies and relationships between police
5 officer ranks and certification under applicable civil
6 service law, ordinances, personnel codes, or Division 2.1
7 of Article 10 of the Illinois Municipal Code, but these
8 factors shall not be the sole or predominant factors
9 considered by the Board in determining police supervisory
10 status.

11 Notwithstanding the provisions of the preceding
12 paragraph, in determining supervisory status in fire
13 fighter employment, no fire fighter shall be excluded as a
14 supervisor who has established representation rights under
15 Section 9 of this Act. Further, in new fire fighter units,
16 employees shall consist of fire fighters of the rank of
17 company officer and below. If a company officer otherwise
18 qualifies as a supervisor under the preceding paragraph,
19 however, he or she shall not be included in the fire
20 fighter unit. If there is no rank between that of chief and
21 the highest company officer, the employer may designate a
22 position on each shift as a Shift Commander, and the
23 persons occupying those positions shall be supervisors.
24 All other ranks above that of company officer shall be
25 supervisors.

26 (2) With respect only to State employees in positions

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

13 (s) (1) "Unit" means a class of jobs or positions that are
14 held by employees whose collective interests may suitably be
15 represented by a labor organization for collective bargaining.
16 Except with respect to non-State fire fighters and paramedics
17 employed by fire departments and fire protection districts,
18 non-State peace officers, and peace officers in the Department
19 of State Police, a bargaining unit determined by the Board
20 shall not include both employees and supervisors, or
21 supervisors only, except as provided in paragraph (2) of this
22 subsection (s) and except for bargaining units in existence on
23 July 1, 1984 (the effective date of this Act). With respect to
24 non-State fire fighters and paramedics employed by fire
25 departments and fire protection districts, non-State peace
26 officers, and peace officers in the Department of State Police,

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

19 (2) Notwithstanding the exclusion of supervisors from
20 bargaining units as provided in paragraph (1) of this
21 subsection (s), a public employer may agree to permit its
22 supervisory employees to form bargaining units and may bargain
23 with those units. This Act shall apply if the public employer
24 chooses to bargain under this subsection.

25 (3) Public employees who are court reporters, as defined in
26 the Court Reporters Act, shall be divided into 3 units for

1 collective bargaining purposes. One unit shall be court
2 reporters employed by the Cook County Judicial Circuit; one
3 unit shall be court reporters employed by the 12th, 18th, 19th,
4 and, on and after December 4, 2006, the 22nd judicial circuits;
5 and one unit shall be court reporters employed by all other
6 judicial circuits.

7 (t) "Active petition for certification in a bargaining
8 unit" means a petition for certification filed with the Board
9 under one of the following case numbers: S-RC-11-110;
10 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;
11 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;
12 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;
13 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;
14 S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220;
15 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;
16 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;
17 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;
18 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;
19 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;
20 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;
21 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;
22 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or
23 S-RC-07-100.

24 (Source: P.A. 99-143, eff. 7-27-15; 100-1131, eff. 11-28-18.)

25 (5 ILCS 315/6) (from Ch. 48, par. 1606)

1 Sec. 6. Right to organize and bargain collectively;
2 exclusive representation; and fair share arrangements.

3 (a) Employees of the State and any political subdivision of
4 the State, excluding employees of the General Assembly of the
5 State of Illinois, other than legislative assistants, and
6 employees excluded from the definition of "public employee"
7 under subsection (n) of Section 3 of this Act, have, and are
8 protected in the exercise of, the right of self-organization,
9 and may form, join or assist any labor organization, to bargain
10 collectively through representatives of their own choosing on
11 questions of wages, hours and other conditions of employment,
12 not excluded by Section 4 of this Act, and to engage in other
13 concerted activities not otherwise prohibited by law for the
14 purposes of collective bargaining or other mutual aid or
15 protection, free from interference, restraint or coercion.
16 Employees also have, and are protected in the exercise of, the
17 right to refrain from participating in any such concerted
18 activities. Employees may be required, pursuant to the terms of
19 a lawful fair share agreement, to pay a fee which shall be
20 their proportionate share of the costs of the collective
21 bargaining process, contract administration and pursuing
22 matters affecting wages, hours and other conditions of
23 employment as defined in Section 3(g).

24 (b) Nothing in this Act prevents an employee from
25 presenting a grievance to the employer and having the grievance
26 heard and settled without the intervention of an employee

1 organization; provided that the exclusive bargaining
2 representative is afforded the opportunity to be present at
3 such conference and that any settlement made shall not be
4 inconsistent with the terms of any agreement in effect between
5 the employer and the exclusive bargaining representative.

6 (c) A labor organization designated by the Board as the
7 representative of the majority of public employees in an
8 appropriate unit in accordance with the procedures herein or
9 recognized by a public employer as the representative of the
10 majority of public employees in an appropriate unit is the
11 exclusive representative for the employees of such unit for the
12 purpose of collective bargaining with respect to rates of pay,
13 wages, hours and other conditions of employment not excluded by
14 Section 4 of this Act. Unless otherwise mutually agreed, a
15 public employer is required at least once each month and upon
16 request, to furnish the exclusive bargaining representative
17 with a complete list of the names and addresses of the public
18 employees in the bargaining unit, provided that a public
19 employer shall not be required to furnish such a list more than
20 once per payroll period. The exclusive bargaining
21 representative shall use the list exclusively for bargaining
22 representation purposes and shall not disclose any information
23 contained in the list for any other purpose. Nothing in this
24 Section, however, shall prohibit a bargaining representative
25 from disseminating a list of its union members.

26 At the time the public employer provides such list, it

1 shall also provide to the exclusive representative, in an Excel
2 file or other mutually agreed upon editable digital file
3 format, the employee's job title, worksite location, work
4 telephone numbers, identification number if available, and any
5 home and personal cellular telephone numbers on file with the
6 employer, date of hire, work email address, and any personal
7 email address on file with the employer. In addition, unless
8 otherwise mutually agreed, within 10 calendar days from the
9 date of hire of a bargaining unit employee, the public employer
10 shall provide to the exclusive representative, in an electronic
11 file or other mutually agreed upon format, the following
12 information about the new employee: the employee's name, job
13 title, worksite location, home address, work telephone
14 numbers, and any home and personal cellular telephone numbers
15 on file with the employer, date of hire, work email address,
16 and any personal email address on file with the employer.

17 (c-5) No employer shall disclose the following information
18 of any employee: (1) the employee's home address (including ZIP
19 code and county); (2) the employee's date of birth; (3) the
20 employee's home and personal phone number; (4) the employee's
21 personal email address; (5) any information personally
22 identifying employee membership or membership status in a labor
23 organization or other voluntary association affiliated with a
24 labor organization or a labor federation (including whether
25 employees are members of such organization, the identity of
26 such organization, whether or not employees pay or authorize

1 the payment of any dues or moneys to such organization, and the
2 amounts of such dues or moneys); and (6) emails or other
3 communications between a labor organization and its members.

4 As soon as practicable after receiving a request for any
5 information prohibited from disclosure under this subsection
6 (c-5), excluding a request from the exclusive bargaining
7 representative of the employee, the employer must provide a
8 written copy of the request, or a written summary of any oral
9 request, to the exclusive bargaining representative of the
10 employee or, if no such representative exists, to the employee.
11 The employer must also provide a copy of any response it has
12 made within 5 business days of sending the response to any
13 request.

14 If an employer discloses information in violation of this
15 subsection (c-5), an aggrieved employee of the employer or his
16 or her exclusive bargaining representative may file an unfair
17 labor practice charge with the Illinois Labor Relations Board
18 pursuant to Section 10 of this Act or commence an action in the
19 circuit court to enforce the provisions of this Act, including
20 actions to compel compliance, if an employer willfully and
21 wantonly discloses information in violation of this
22 subsection. The circuit court for the county in which the
23 complainant resides, in which the complainant is employed, or
24 in which the employer is located shall have jurisdiction in
25 this matter.

26 This subsection does not apply to disclosures (i) required

1 under the Freedom of Information Act, (ii) for purposes of
2 conducting public operations or business, or (iii) to the
3 exclusive representative.

4 (c-10) Employers shall provide to exclusive
5 representatives, including their agents and employees,
6 reasonable access to employees in the bargaining units they
7 represent. This access shall at all times be conducted in a
8 manner so as not to impede normal operations.

9 (1) Access includes the following:

10 (A) the right to meet with one or more employees on
11 the employer's premises during the work day to
12 investigate and discuss grievances and
13 workplace-related complaints without charge to pay or
14 leave time of employees or agents of the exclusive
15 representative;

16 (B) the right to conduct worksite meetings during
17 lunch and other non-work breaks, and before and after
18 the workday, on the employer's premises to discuss
19 collective bargaining negotiations, the administration
20 of collective bargaining agreements, other matters
21 related to the duties of the exclusive representative,
22 and internal matters involving the governance or
23 business of the exclusive representative, without
24 charge to pay or leave time of employees or agents of
25 the exclusive representative;

26 (C) the right to meet with newly hired employees,

1 without charge to pay or leave time of the employees or
2 agents of the exclusive representative, on the
3 employer's premises or at a location mutually agreed to
4 by the employer and exclusive representative for up to
5 one hour either within the first two weeks of
6 employment in the bargaining unit or at a later date
7 and time if mutually agreed upon by the employer and
8 the exclusive representative; and

9 (D) the right to use the facility mailboxes and
10 bulletin boards of the employer to communicate with
11 bargaining unit employees regarding collective
12 bargaining negotiations, the administration of the
13 collective bargaining agreements, the investigation of
14 grievances, other workplace-related complaints and
15 issues, and internal matters involving the governance
16 or business of the exclusive representative.

17 (2) Nothing in this Section shall prohibit an employer
18 and exclusive representative from agreeing in a collective
19 bargaining agreement to provide the exclusive
20 representative greater access to bargaining unit
21 employees, including through the use of the employer's
22 email system.

23 (d) Labor organizations recognized by a public employer as
24 the exclusive representative or so designated in accordance
25 with the provisions of this Act are responsible for
26 representing the interests of all public employees in the unit.

1 Nothing herein shall be construed to limit an exclusive
2 representative's right to exercise its discretion to refuse to
3 process grievances of employees that are unmeritorious.

4 (e) When a collective bargaining agreement is entered into
5 with an exclusive representative, it may include in the
6 agreement a provision requiring employees covered by the
7 agreement who are not members of the organization to pay their
8 proportionate share of the costs of the collective bargaining
9 process, contract administration and pursuing matters
10 affecting wages, hours and conditions of employment, as defined
11 in Section 3 (g), but not to exceed the amount of dues
12 uniformly required of members. The organization shall certify
13 to the employer the amount constituting each nonmember
14 employee's proportionate share which shall not exceed dues
15 uniformly required of members. In such case, the proportionate
16 share payment in this Section shall be deducted by the employer
17 from the earnings of the nonmember employees and paid to the
18 employee organization.

19 (f) Employers shall make payroll deductions of labor
20 organization dues, initiation fees, assessments, and other
21 payments for a labor organization that is the exclusive
22 representative. Such deductions shall be made in accordance
23 with the terms of an employee's written authorization, and
24 shall be paid to the exclusive representative. Written
25 authorization may be evidenced by electronic communications,
26 and such writing or communication may be evidenced by the

1 electronic signature of the employee as provided under Section
2 5-120 of the Electronic Commerce Security Act.

3 There is no impediment to an employee's right to resign
4 union membership at any time. However, notwithstanding any
5 other provision of law to the contrary regarding authorization
6 and deduction of dues or other payments to a labor
7 organization, the exclusive representative and a public
8 employee may agree to reasonable limits on the right of the
9 employee to revoke such authorization, including a period of
10 irrevocability that exceeds one year. An authorization that is
11 irrevocable for one year, which may be automatically renewed
12 for successive annual periods in accordance with the terms of
13 the authorization, and that contains at least an annual 10-day
14 period of time during which the employee may revoke the
15 authorization, shall be deemed reasonable.

16 This Section shall apply to all claims that allege that a
17 labor organization or a public employer has improperly deducted
18 or collected dues from an employee without regard to whether
19 the claims or the facts upon which they are based occurred
20 before, on, or after the effective date of this amendatory Act
21 of the 101st General Assembly and shall apply retroactively to
22 the maximum extent permitted by law.

23 (f-5) Where a collective bargaining agreement is
24 terminated, or continues in effect beyond its scheduled
25 expiration date pending the negotiation of a successor
26 agreement or the resolution of an impasse under Section 14, the

1 employer shall continue to honor and abide by any dues
2 deduction or fair share clause contained therein until a new
3 agreement is reached including dues deduction or a fair share
4 clause. For the benefit of any successor exclusive
5 representative certified under this Act, this provision shall
6 be applicable, provided the successor exclusive
7 representative:

8 (i) certifies to the employer the amount constituting
9 each non-member's proportionate share under subsection
10 (e); or

11 (ii) presents the employer with employee written
12 authorizations for the deduction of dues, assessments, and
13 fees under this subsection.

14 Failure to so honor and abide by dues deduction or fair
15 share clauses for the benefit of any exclusive representative,
16 including a successor, shall be a violation of the duty to
17 bargain and an unfair labor practice.

18 (f-10) Upon receiving written notice of authorization, the
19 public employer must commence dues deductions as soon as
20 practicable, but in no case later than 30 days after receiving
21 notice from the labor organization. Employee deductions shall
22 be transmitted to the labor organization no later than 30 days
23 after they are deducted unless a shorter period is mutually
24 agreed to.

25 (f-15) Deductions shall remain in effect until:

26 (1) the public employer receives notice that a public

1 employee has revoked their authorization in writing in
2 accordance with the terms of the authorization; or

3 (2) the individual employee is no longer employed by
4 the public employer in a bargaining unit position
5 represented by the same exclusive representative, provided
6 that if the employee is, within a period of one year,
7 employed by the same public employer in a position
8 represented by the same labor organization, the right to
9 dues deduction shall be automatically reinstated.

10 Nothing in this subsection prevents an employee from
11 continuing to authorize payroll deductions when no longer
12 represented by the exclusive representative that would receive
13 such deduction.

14 Should the individual employee who has signed a dues
15 deduction authorization card either be removed from a public
16 employer's payroll or otherwise placed on any type of
17 involuntary or voluntary leave of absence, whether paid or
18 unpaid, the public employee's dues deduction shall be continued
19 upon that public employee's return to the payroll in a
20 bargaining unit position represented by the same exclusive
21 representative or restoration to active duty from such a leave
22 of absence.

23 (f-20) Unless otherwise mutually agreed by the public
24 employer and the exclusive representative, employee requests
25 to authorize, revoke, cancel, or change authorizations for
26 payroll deductions for labor organizations shall be directed to

1 the labor organization rather than to the public employer. The
2 labor organization shall be responsible for initially
3 processing and notifying the public employer of proper requests
4 or providing proper requests to the employer. If the requests
5 are not provided to the public employer, the employer shall
6 rely on information provided by the labor organization
7 regarding whether deductions for a labor organization were
8 properly authorized, revoked, canceled, or changed, and the
9 labor organization shall indemnify the public employer for any
10 damages and reasonable costs incurred for any claims made by
11 employees for deductions made in good faith reliance on that
12 information.

13 (f-25) Upon receipt by the exclusive representative of an
14 appropriate written authorization from an employee, written
15 notice of authorization shall be provided to the employer and
16 any authorized deductions shall be made in accordance with law.
17 The labor organization shall indemnify the public employer for
18 any damages and reasonable costs incurred for any claims made
19 by employees for deductions made in good faith reliance on its
20 notification.

21 (f-30) The failure of an employer to comply with the
22 provisions of this Section shall be a violation of the duty to
23 bargain and an unfair labor practice. Relief for the violation
24 shall be reimbursement by the public employer of dues that
25 should have been deducted or paid based on a valid
26 authorization given by the employee or employees. In addition,

1 the provisions of a collective bargaining agreement that
2 contain the obligations set forth in this Section may be
3 enforced in accordance with Sections 8 and 16.

4 (f-35) The Illinois Labor Relations Board shall have
5 exclusive jurisdiction over claims under Illinois law that
6 allege that a labor organization has unlawfully collected dues
7 from a public employee in violation of this Act. The Board
8 shall by rule require that in cases in which a public employee
9 alleges that a labor organization has unlawfully collected
10 dues, the public employer shall continue to deduct the
11 employee's dues from the employee's pay, but shall transmit the
12 dues to the Board for deposit in an escrow account maintained
13 by the Board. If the exclusive representative maintains an
14 escrow account for the purpose of holding dues to which an
15 employee has objected, the employer shall transmit the entire
16 amount of dues to the exclusive representative, and the
17 exclusive representative shall hold in escrow the dues that the
18 employer would otherwise have been required to transmit to the
19 Board for escrow; provided that the escrow account maintained
20 by the exclusive representative complies with rules adopted by
21 the Board or that the collective bargaining agreement requiring
22 the payment of the dues contains an indemnification provision
23 for the purpose of indemnifying the employer with respect to
24 the employer's transmission of dues to the exclusive
25 representative.

26 (f-40) If any clause, sentence, paragraph, or subparagraph

1 of this Section shall be adjudged by a court of competent
2 jurisdiction to be unconstitutional or otherwise invalid, that
3 judgment shall not affect, impair, or invalidate the remainder
4 thereof, but shall be confined in its operation to the clause,
5 sentence, paragraph, or subparagraph of this Section directly
6 involved in the controversy in which that judgment shall have
7 been rendered.

8 If any clause, sentence, paragraph, or part of a signed
9 authorization for payroll deductions shall be adjudged by a
10 court of competent jurisdiction to be unconstitutional or
11 otherwise invalid, that judgment shall not affect, impair, or
12 invalidate the remainder of the signed authorization, but shall
13 be confined in its operation to the clause, sentence,
14 paragraph, or part of the signed authorization directly
15 involved in the controversy in which that judgment shall have
16 been rendered.

17 (g) Agreements containing a fair share agreement must
18 safeguard the right of nonassociation of employees based upon
19 bona fide religious tenets or teachings of a church or
20 religious body of which such employees are members. Such
21 employees may be required to pay an amount equal to their fair
22 share, determined under a lawful fair share agreement, to a
23 nonreligious charitable organization mutually agreed upon by
24 the employees affected and the exclusive bargaining
25 representative to which such employees would otherwise pay such
26 service fee. If the affected employees and the bargaining

1 representative are unable to reach an agreement on the matter,
2 the Board may establish an approved list of charitable
3 organizations to which such payments may be made.

4 (Source: P.A. 101-620, eff. 12-20-19.)