



Sen. Karen McConnaughay

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1 AMENDMENT TO SENATE BILL 981

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 981 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Labor Relations Act is  
5 amended by changing Sections 3, 9, 15, and 21.5 and by adding  
6 Section 29 as follows:

7 (5 ILCS 315/3) (from Ch. 48, par. 1603)

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

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

14 (b) "Collective bargaining" means bargaining over terms  
15 and conditions of employment, including hours, wages, and other  
16 conditions of employment, as detailed in Section 7 and as

1 permitted by this Act and which are not excluded by Section 4.

2 (c) "Confidential employee" means an employee who, in the  
3 regular course of his or her duties, assists and acts in a  
4 confidential capacity to persons who formulate, determine, or  
5 ~~and~~ effectuate management policies with regard to labor  
6 relations or who, in the regular course of his or her duties,  
7 has authorized access to information relating to the  
8 formulation, determination, or effectuation of management  
9 ~~effectuation or review of the employer's collective bargaining~~  
10 policies.

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

13 (e) "Essential services employees" means those public  
14 employees performing functions so essential that the  
15 interruption or termination of the function will constitute a  
16 clear and present danger to the health and safety of the  
17 persons in the affected community.

18 (f) "Exclusive representative", except with respect to  
19 non-State fire fighters and paramedics employed by fire  
20 departments and fire protection districts, non-State peace  
21 officers, and peace officers in the Department of State Police,  
22 means the labor organization that has been (i) designated by  
23 the Board as the representative of a majority of public  
24 employees in an appropriate bargaining unit in accordance with  
25 the procedures contained in this Act, (ii) historically  
26 recognized by the State of Illinois or any political

1 subdivision of the State before July 1, 1984 (the effective  
2 date of this Act) as the exclusive representative of the  
3 employees in an appropriate bargaining unit, (iii) after July  
4 1, 1984 (the effective date of this Act) recognized by an  
5 employer upon evidence, acceptable to the Board, that the labor  
6 organization has been designated as the exclusive  
7 representative by a majority of the employees in an appropriate  
8 bargaining unit; (iv) recognized as the exclusive  
9 representative of personal assistants under Executive Order  
10 2003-8 prior to the effective date of this amendatory Act of  
11 the 93rd General Assembly, and the organization shall be  
12 considered to be the exclusive representative of the personal  
13 assistants as defined in this Section; or (v) recognized as the  
14 exclusive representative of child and day care home providers,  
15 including licensed and license exempt providers, pursuant to an  
16 election held under Executive Order 2005-1 prior to the  
17 effective date of this amendatory Act of the 94th General  
18 Assembly, and the organization shall be considered to be the  
19 exclusive representative of the child and day care home  
20 providers as defined in this Section.

21 With respect to non-State fire fighters and paramedics  
22 employed by fire departments and fire protection districts,  
23 non-State peace officers, and peace officers in the Department  
24 of State Police, "exclusive representative" means the labor  
25 organization that has been (i) designated by the Board as the  
26 representative of a majority of peace officers or fire fighters

1 in an appropriate bargaining unit in accordance with the  
2 procedures contained in this Act, (ii) historically recognized  
3 by the State of Illinois or any political subdivision of the  
4 State before January 1, 1986 (the effective date of this  
5 amendatory Act of 1985) as the exclusive representative by a  
6 majority of the peace officers or fire fighters in an  
7 appropriate bargaining unit, or (iii) after January 1, 1986  
8 (the effective date of this amendatory Act of 1985) recognized  
9 by an employer upon evidence, acceptable to the Board, that the  
10 labor organization has been designated as the exclusive  
11 representative by a majority of the peace officers or fire  
12 fighters in an appropriate bargaining unit.

13 Where a historical pattern of representation exists for the  
14 workers of a water system that was owned by a public utility,  
15 as defined in Section 3-105 of the Public Utilities Act, prior  
16 to becoming certified employees of a municipality or  
17 municipalities once the municipality or municipalities have  
18 acquired the water system as authorized in Section 11-124-5 of  
19 the Illinois Municipal Code, the Board shall find the labor  
20 organization that has historically represented the workers to  
21 be the exclusive representative under this Act, and shall find  
22 the unit represented by the exclusive representative to be the  
23 appropriate unit.

24 (g) "Fair share agreement" means an agreement between the  
25 employer and an employee organization under which all or any of  
26 the employees in a collective bargaining unit are required to

1 pay their proportionate share of the costs of the collective  
2 bargaining process, contract administration, and pursuing  
3 matters affecting wages, hours, and other conditions of  
4 employment, but not to exceed the amount of dues uniformly  
5 required of members. The amount certified by the exclusive  
6 representative shall not include any fees for contributions  
7 related to the election or support of any candidate for  
8 political office. Nothing in this subsection (g) shall preclude  
9 an employee from making voluntary political contributions in  
10 conjunction with his or her fair share payment.

11 (g-1) "Fire fighter" means, for the purposes of this Act  
12 only, any person who has been or is hereafter appointed to a  
13 fire department or fire protection district or employed by a  
14 state university and sworn or commissioned to perform fire  
15 fighter duties or paramedic duties, except that the following  
16 persons are not included: part-time fire fighters, auxiliary,  
17 reserve or voluntary fire fighters, including paid on-call fire  
18 fighters, clerks and dispatchers or other civilian employees of  
19 a fire department or fire protection district who are not  
20 routinely expected to perform fire fighter duties, or elected  
21 officials.

22 (g-2) "General Assembly of the State of Illinois" means the  
23 legislative branch of the government of the State of Illinois,  
24 as provided for under Article IV of the Constitution of the  
25 State of Illinois, and includes but is not limited to the House  
26 of Representatives, the Senate, the Speaker of the House of

1 Representatives, the Minority Leader of the House of  
2 Representatives, the President of the Senate, the Minority  
3 Leader of the Senate, the Joint Committee on Legislative  
4 Support Services and any legislative support services agency  
5 listed in the Legislative Commission Reorganization Act of  
6 1984.

7 (h) "Governing body" means, in the case of the State, the  
8 State Panel of the Illinois Labor Relations Board, the Director  
9 of the Department of Central Management Services, and the  
10 Director of the Department of Labor; the county board in the  
11 case of a county; the corporate authorities in the case of a  
12 municipality; and the appropriate body authorized to provide  
13 for expenditures of its funds in the case of any other unit of  
14 government.

15 (i) "Labor organization" means any organization in which  
16 public employees participate and that exists for the purpose,  
17 in whole or in part, of dealing with a public employer  
18 concerning wages, hours, and other terms and conditions of  
19 employment, as permitted in this Act, including the settlement  
20 of grievances.

21 (i-5) "Legislative liaison" means a person who is an  
22 employee of a State agency, the Attorney General, the Secretary  
23 of State, the Comptroller, or the Treasurer, as the case may  
24 be, and whose job duties require the person to regularly  
25 communicate in the course of his or her employment with any  
26 official or staff of the General Assembly of the State of

1 Illinois for the purpose of influencing any legislative action.

2 (j) "Managerial employee" means (i) an individual who is  
3 engaged predominantly in executive and management functions  
4 and is charged with the responsibility of directing the  
5 effectuation of management policies and practices. With  
6 respect only to State employees in positions under the  
7 jurisdiction of the Attorney General, Secretary of State,  
8 Comptroller, or Treasurer (i) that were certified in a  
9 bargaining unit on or after December 2, 2008, (ii) for which a  
10 petition is filed with the Illinois Public Labor Relations  
11 Board on or after April 5, 2013 (the effective date of Public  
12 Act 97-1172), or (iii) for which a petition is pending before  
13 the Illinois Public Labor Relations Board on that date,  
14 "managerial employee" means an individual who is engaged in  
15 executive and management functions or who is charged with the  
16 effectuation of management policies and practices or who  
17 represents management interests by taking or recommending  
18 discretionary actions that effectively control or implement  
19 policy; (ii) an individual who is a "confidential employee"  
20 under subsection (c) of this Section; (iii) an individual who  
21 is engaged in personnel work, including position  
22 classifications and Rutan-exempt determinations, or is engaged  
23 in labor relations work including discipline, grievance  
24 resolution, and the creation or implementation of labor or  
25 employment policy in other than a purely clerical capacity;  
26 (iv) an individual who is engaged in administering the

1 provisions of this amendatory Act of the 99th General Assembly;  
2 (v) an individual who is engaged in investigation or audit  
3 functions relating to the work of public employees; (vi) an  
4 individual engaged in intelligence, counterintelligence,  
5 investigative, or security work that affects national  
6 security; or (vii) an individual hired, transferred, or  
7 otherwise moved into a Rutan-exempt position. Nothing in this  
8 definition prohibits an individual from also meeting the  
9 definition of "supervisor" under subsection (r) of this  
10 Section.

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

1 employees of a police department who are not routinely expected  
2 to effect arrests, or elected officials.

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

11 (m) "Professional employee" means any employee whose  
12 primary duty is the performance of work requiring advanced  
13 knowledge, defined as work that is predominantly intellectual  
14 in character and requires the consistent exercise of discretion  
15 and judgment. The advanced knowledge of professional employees  
16 must be in a field of science or learning and must be  
17 customarily acquired by a prolonged course of specialized  
18 intellectual instruction ~~engaged in work predominantly~~  
19 ~~intellectual and varied in character rather than routine~~  
20 ~~mental, manual, mechanical or physical work; involving the~~  
21 ~~consistent exercise of discretion and adjustment in its~~  
22 ~~performance; of such a character that the output produced or~~  
23 ~~the result accomplished cannot be standardized in relation to a~~  
24 ~~given period of time; and requiring advanced knowledge in a~~  
25 ~~field of science or learning customarily acquired by a~~  
26 ~~prolonged course of specialized intellectual instruction and~~

1 ~~study in an institution of higher learning or a hospital, as~~  
2 ~~distinguished from a general academic education or from~~  
3 ~~apprenticeship or from training in the performance of routine~~  
4 ~~mental, manual, or physical processes; or any employee who has~~  
5 ~~completed the courses of specialized intellectual instruction~~  
6 ~~and study prescribed in this subsection (m) and is performing~~  
7 ~~related work under the supervision of a professional person to~~  
8 ~~qualify to become a professional employee as defined in this~~  
9 ~~subsection (m).~~

10 (n) "Public employee" or "employee", for the purposes of  
11 this Act, means any individual employed by a public employer,  
12 including (i) interns and residents at public hospitals, (ii)  
13 as of the effective date of this amendatory Act of the 93rd  
14 General Assembly, but not before, personal assistants working  
15 under the Home Services Program under Section 3 of the Disabled  
16 Persons Rehabilitation Act, subject to the limitations set  
17 forth in this Act and in the Disabled Persons Rehabilitation  
18 Act, (iii) as of the effective date of this amendatory Act of  
19 the 94th General Assembly, but not before, child and day care  
20 home providers participating in the child care assistance  
21 program under Section 9A-11 of the Illinois Public Aid Code,  
22 subject to the limitations set forth in this Act and in Section  
23 9A-11 of the Illinois Public Aid Code, (iv) as of January 29,  
24 2013 (the effective date of Public Act 97-1158), but not before  
25 except as otherwise provided in this subsection (n), home care  
26 and home health workers who function as personal assistants and

1 individual maintenance home health workers and who also work  
2 under the Home Services Program under Section 3 of the Disabled  
3 Persons Rehabilitation Act, no matter whether the State  
4 provides those services through direct fee-for-service  
5 arrangements, with the assistance of a managed care  
6 organization or other intermediary, or otherwise, (v)  
7 beginning on the effective date of this amendatory Act of the  
8 98th General Assembly and notwithstanding any other provision  
9 of this Act, any person employed by a public employer and who  
10 is classified as or who holds the employment title of Chief  
11 Stationary Engineer, Assistant Chief Stationary Engineer,  
12 Sewage Plant Operator, Water Plant Operator, Stationary  
13 Engineer, Plant Operating Engineer, and any other employee who  
14 holds the position of: Civil Engineer V, Civil Engineer VI,  
15 Civil Engineer VII, Technical Manager I, Technical Manager II,  
16 Technical Manager III, Technical Manager IV, Technical Manager  
17 V, Technical Manager VI, Realty Specialist III, Realty  
18 Specialist IV, Realty Specialist V, Technical Advisor I,  
19 Technical Advisor II, Technical Advisor III, Technical Advisor  
20 IV, or Technical Advisor V employed by the Department of  
21 Transportation who is in a position which is certified in a  
22 bargaining unit on or before the effective date of this  
23 amendatory Act of the 98th General Assembly, and (vi) beginning  
24 on the effective date of this amendatory Act of the 98th  
25 General Assembly and notwithstanding any other provision of  
26 this Act, any mental health administrator in the Department of

1 Corrections who is classified as or who holds the position of  
2 Public Service Administrator (Option 8K), any employee of the  
3 Office of the Inspector General in the Department of Human  
4 Services who is classified as or who holds the position of  
5 Public Service Administrator (Option 7), any Deputy of  
6 Intelligence in the Department of Corrections who is classified  
7 as or who holds the position of Public Service Administrator  
8 (Option 7), and any employee of the Department of State Police  
9 who handles issues concerning the Illinois State Police Sex  
10 Offender Registry and who is classified as or holds the  
11 position of Public Service Administrator (Option 7), but  
12 excluding all of the following: employees of the General  
13 Assembly of the State of Illinois; elected officials; executive  
14 heads of a department; members of boards or commissions; the  
15 Executive Inspectors General; any special Executive Inspectors  
16 General; employees of each Office of an Executive Inspector  
17 General; commissioners and employees of the Executive Ethics  
18 Commission; the Auditor General's Inspector General; employees  
19 of the Office of the Auditor General's Inspector General; the  
20 Legislative Inspector General; any special Legislative  
21 Inspectors General; employees of the Office of the Legislative  
22 Inspector General; commissioners and employees of the  
23 Legislative Ethics Commission; employees of any agency, board  
24 or commission created by this Act; employees appointed to State  
25 positions of a temporary or emergency nature; all employees of  
26 school districts and higher education institutions except

1 firefighters and peace officers employed by a state university  
2 and except peace officers employed by a school district in its  
3 own police department in existence on the effective date of  
4 this amendatory Act of the 96th General Assembly; managerial  
5 employees; short-term employees; legislative liaisons; a  
6 person who is a State employee under the jurisdiction of the  
7 Office of the Attorney General who is licensed to practice law  
8 or whose position authorizes, either directly or indirectly,  
9 meaningful input into government decision-making on issues  
10 where there is room for principled disagreement on goals or  
11 their implementation; a person who is a State employee under  
12 the jurisdiction of the Office of the Comptroller who holds the  
13 position of Public Service Administrator or whose position is  
14 otherwise exempt under the Comptroller Merit Employment Code; a  
15 person who is a State employee under the jurisdiction of the  
16 Secretary of State who holds the position classification of  
17 Executive I or higher, whose position authorizes, either  
18 directly or indirectly, meaningful input into government  
19 decision-making on issues where there is room for principled  
20 disagreement on goals or their implementation, or who is  
21 otherwise exempt under the Secretary of State Merit Employment  
22 Code; employees in the Office of the Secretary of State who are  
23 completely exempt from jurisdiction B of the Secretary of State  
24 Merit Employment Code and who are in Rutan-exempt positions on  
25 or after April 5, 2013 (the effective date of Public Act  
26 97-1172); a person who is a State employee under the

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

23 Home care and home health workers who function as personal  
24 assistants and individual maintenance home health workers and  
25 who also work under the Home Services Program under Section 3  
26 of the Disabled Persons Rehabilitation Act shall not be

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

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

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

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

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

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

23 "Public employer" or "employer" as used in this Act,  
24 however, does not mean and shall not include the General  
25 Assembly of the State of Illinois, the Executive Ethics  
26 Commission, the Offices of the Executive Inspectors General,

1 the Legislative Ethics Commission, the Office of the  
2 Legislative Inspector General, the Office of the Auditor  
3 General's Inspector General, the Office of the Governor, the  
4 Governor's Office of Management and Budget, the Illinois  
5 Finance Authority, the Office of the Lieutenant Governor, the  
6 State Board of Elections, and educational employers or  
7 employers as defined in the Illinois Educational Labor  
8 Relations Act, except with respect to a state university in its  
9 employment of firefighters and peace officers and except with  
10 respect to a school district in the employment of peace  
11 officers in its own police department in existence on the  
12 effective date of this amendatory Act of the 96th General  
13 Assembly. County boards and county sheriffs shall be designated  
14 as joint or co-employers of county peace officers appointed  
15 under the authority of a county sheriff. Nothing in this  
16 subsection (o) shall be construed to prevent the State Panel or  
17 the Local Panel from determining that employers are joint or  
18 co-employers.

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

24 (1) For court reporters employed by the Cook County  
25 Judicial Circuit, the chief judge of the Cook County  
26 Circuit Court is the public employer and employer

1 representative.

2 (2) For court reporters employed by the 12th, 18th,  
3 19th, and, on and after December 4, 2006, the 22nd judicial  
4 circuits, a group consisting of the chief judges of those  
5 circuits, acting jointly by majority vote, is the public  
6 employer and employer representative.

7 (3) For court reporters employed by all other judicial  
8 circuits, a group consisting of the chief judges of those  
9 circuits, acting jointly by majority vote, is the public  
10 employer and employer representative.

11 (p) "Security employee" means an employee who is  
12 responsible for the supervision and control of inmates at  
13 correctional facilities. The term also includes other  
14 non-security employees in bargaining units having the majority  
15 of employees being responsible for the supervision and control  
16 of inmates at correctional facilities.

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

22 (q-5) "State agency" means an agency directly responsible  
23 to the Governor, as defined in Section 3.1 of the Executive  
24 Reorganization Implementation Act, and the Illinois Commerce  
25 Commission, the Illinois Workers' Compensation Commission, the  
26 Civil Service Commission, the Pollution Control Board, the

1 Illinois Racing Board, and the Department of State Police Merit  
2 Board.

3 (r) "Supervisor" is:

4 (1) An employee ~~whose principal work is substantially~~  
5 ~~different from that of his or her subordinates and who has~~  
6 authority, in the interest of the employer, to hire,  
7 transfer, suspend, lay off, recall, promote, discharge,  
8 direct, assign, supervise, reward, or discipline  
9 employees, to adjust their grievances, or to effectively  
10 recommend any of those actions, ~~if the exercise of that~~  
11 ~~authority is not of a merely routine or clerical nature,~~  
12 ~~but requires the consistent use of independent judgment.~~

13 Except with respect to police employment, the term  
14 "supervisor" includes only those individuals who devote a  
15 preponderance of their employment time to exercising that  
16 authority, State supervisors notwithstanding. Nothing in  
17 this definition prohibits an individual from also meeting  
18 the definition of "managerial employee" under subsection  
19 (j) of this Section. In addition, in determining  
20 supervisory status in police employment, rank shall not be  
21 determinative. The Board shall consider, as evidence of  
22 bargaining unit inclusion or exclusion, the common law  
23 enforcement policies and relationships between police  
24 officer ranks and certification under applicable civil  
25 service law, ordinances, personnel codes, or Division 2.1  
26 of Article 10 of the Illinois Municipal Code, but these

1 factors shall not be the sole or predominant factors  
2 considered by the Board in determining police supervisory  
3 status.

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

19 (2) With respect only to State employees in positions  
20 under the jurisdiction of the Attorney General, Secretary  
21 of State, Comptroller, or Treasurer (i) that were certified  
22 in a bargaining unit on or after December 2, 2008, (ii) for  
23 which a petition is filed with the Illinois Public Labor  
24 Relations Board on or after April 5, 2013 (the effective  
25 date of Public Act 97-1172), or (iii) for which a petition  
26 is pending before the Illinois Public Labor Relations Board

1 on that date, an employee who qualifies as a supervisor  
2 under (A) Section 152 of the National Labor Relations Act  
3 and (B) orders of the National Labor Relations Board  
4 interpreting that provision or decisions of courts  
5 reviewing decisions of the National Labor Relations Board.

6 (s) (1) "Unit" means a class of jobs or positions that are  
7 held by employees whose collective interests may suitably be  
8 represented by a labor organization for collective bargaining.  
9 Except with respect to non-State fire fighters and paramedics  
10 employed by fire departments and fire protection districts,  
11 non-State peace officers, and peace officers in the Department  
12 of State Police, a bargaining unit determined by the Board  
13 shall not include both employees and supervisors, or  
14 supervisors only, except as provided in paragraph (2) of this  
15 subsection (s) and except for bargaining units in existence on  
16 July 1, 1984 (the effective date of this Act). With respect to  
17 non-State fire fighters and paramedics employed by fire  
18 departments and fire protection districts, non-State peace  
19 officers, and peace officers in the Department of State Police,  
20 a bargaining unit determined by the Board shall not include  
21 both supervisors and nonsupervisors, or supervisors only,  
22 except as provided in paragraph (2) of this subsection (s) and  
23 except for bargaining units in existence on January 1, 1986  
24 (the effective date of this amendatory Act of 1985). A  
25 bargaining unit determined by the Board to contain peace  
26 officers shall contain no employees other than peace officers

1 unless otherwise agreed to by the employer and the labor  
2 organization or labor organizations involved. Notwithstanding  
3 any other provision of this Act, a bargaining unit, including a  
4 historical bargaining unit, containing sworn peace officers of  
5 the Department of Natural Resources (formerly designated the  
6 Department of Conservation) shall contain no employees other  
7 than such sworn peace officers upon the effective date of this  
8 amendatory Act of 1990 or upon the expiration date of any  
9 collective bargaining agreement in effect upon the effective  
10 date of this amendatory Act of 1990 covering both such sworn  
11 peace officers and other employees.

12 (2) Notwithstanding the exclusion of supervisors from  
13 bargaining units as provided in paragraph (1) of this  
14 subsection (s), a public employer may agree to permit its  
15 supervisory employees who do not meet the definition of  
16 "managerial employee" under subsection (j) of this Section to  
17 form bargaining units and may bargain with those units. This  
18 Act shall apply if the public employer chooses to bargain under  
19 this subsection.

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

1 judicial circuits.

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

19 (u) "Rutan-exempt position" or "Rutan-exempt" means a  
20 position designated by the employer as being Rutan-exempt  
21 because, as determined by the employer, the political  
22 affiliation or support of the individual employee may be  
23 lawfully considered in the hiring, termination, or other  
24 personnel decision as set forth by the United States Supreme  
25 Court in the decision of Rutan v. the Republican Party of  
26 Illinois, 497 U.S. 62 (1990), and related cases before and

1 since.

2 (v) "Rutan-covered position" or "Rutan-covered" means a  
3 position that has not been designated by the employer as a  
4 Rutan-exempt position.

5 (Source: P.A. 97-586, eff. 8-26-11; 97-1158, eff. 1-29-13;  
6 97-1172, eff. 4-5-13; 98-100, eff. 7-19-13; 98-1004, eff.  
7 8-18-14.)

8 (5 ILCS 315/9) (from Ch. 48, par. 1609)

9 Sec. 9. Elections; recognition.

10 (a) Whenever in accordance with such regulations as may be  
11 prescribed by the Board a petition has been filed:

12 (1) by a public employee or group of public employees  
13 or any labor organization acting in their behalf  
14 demonstrating that 30% of the public employees in an  
15 appropriate unit (A) wish to be represented for the  
16 purposes of collective bargaining by a labor organization  
17 as exclusive representative, or (B) asserting that the  
18 labor organization which has been certified or is currently  
19 recognized by the public employer as bargaining  
20 representative is no longer the representative of the  
21 majority of public employees in the unit; or

22 (2) by a public employer alleging that one or more  
23 labor organizations have presented to it a claim that they  
24 be recognized as the representative of a majority of the  
25 public employees in an appropriate unit,

1 the Board shall investigate such petition, and if it has  
2 reasonable cause to believe that a question of representation  
3 exists, shall provide for an appropriate hearing upon due  
4 notice. Such hearing shall be held at the offices of the Board  
5 or such other location as the Board deems appropriate. If it  
6 finds upon the record of the hearing that a question of  
7 representation exists, it shall direct an election in  
8 accordance with subsection (d) of this Section, which election  
9 shall be held not later than 120 days after the date the  
10 petition was filed regardless of whether that petition was  
11 filed before or after the effective date of this amendatory Act  
12 of 1987; provided, however, the Board may extend the time for  
13 holding an election by an additional 60 days if, upon motion by  
14 a person who has filed a petition under this Section or is the  
15 subject of a petition filed under this Section and is a party  
16 to such hearing, or upon the Board's own motion, the Board  
17 finds that good cause has been shown for extending the election  
18 date; provided further, that nothing in this Section shall  
19 prohibit the Board, in its discretion, from extending the time  
20 for holding an election for so long as may be necessary under  
21 the circumstances, where the purpose for such extension is to  
22 permit resolution by the Board of an unfair labor practice  
23 charge filed by one of the parties to a representational  
24 proceeding against the other based upon conduct which may  
25 either affect the existence of a question concerning  
26 representation or have a tendency to interfere with a fair and

1 free election, where the party filing the charge has not filed  
2 a request to proceed with the election; and provided further  
3 that prior to the expiration of the total time allotted for  
4 holding an election, a person who has filed a petition under  
5 this Section or is the subject of a petition filed under this  
6 Section and is a party to such hearing or the Board, may move  
7 for and obtain the entry of an order in the circuit court of  
8 the county in which the majority of the public employees sought  
9 to be represented by such person reside, such order extending  
10 the date upon which the election shall be held. Such order  
11 shall be issued by the circuit court only upon a judicial  
12 finding that there has been a sufficient showing that there is  
13 good cause to extend the election date beyond such period and  
14 shall require the Board to hold the election as soon as is  
15 feasible given the totality of the circumstances. Such 120 day  
16 period may be extended one or more times by the agreement of  
17 all parties to the hearing to a date certain without the  
18 necessity of obtaining a court order. Nothing in this Section  
19 prohibits the waiving of hearings by stipulation for the  
20 purpose of a consent election in conformity with the rules and  
21 regulations of the Board or an election in a unit agreed upon  
22 by the parties. Other interested employee organizations may  
23 intervene in the proceedings in the manner and within the time  
24 period specified by rules and regulations of the Board.  
25 Interested parties who are necessary to the proceedings may  
26 also intervene in the proceedings in the manner and within the

1 time period specified by the rules and regulations of the  
2 Board.

3 (a-5) The Board shall designate an exclusive  
4 representative for purposes of collective bargaining when the  
5 representative demonstrates a showing of majority interest by  
6 employees in the unit. If the parties to a dispute are without  
7 agreement on the means to ascertain the choice, if any, of  
8 employee organization as their representative, the Board shall  
9 ascertain the employees' choice of employee organization, on  
10 the basis of dues deduction authorization or other evidence,  
11 or, if necessary, by conducting an election. All evidence  
12 submitted by an employee organization to the Board to ascertain  
13 an employee's choice of an employee organization is  
14 confidential and shall not be submitted to the employer for  
15 review. The Board shall ascertain the employee's choice of  
16 employee organization within 120 days after the filing of the  
17 majority interest petition; however, the Board may extend time  
18 by an additional 60 days, upon its own motion or upon the  
19 motion of a party to the proceeding. If either party provides  
20 to the Board, before the designation of a representative, clear  
21 and convincing evidence that the dues deduction  
22 authorizations, and other evidence upon which the Board would  
23 otherwise rely to ascertain the employees' choice of  
24 representative, are fraudulent or were obtained through  
25 coercion, the Board shall promptly thereafter conduct an  
26 election. The Board shall also investigate and consider a

1 party's allegations that the dues deduction authorizations and  
2 other evidence submitted in support of a designation of  
3 representative without an election were subsequently changed,  
4 altered, withdrawn, or withheld as a result of employer fraud,  
5 coercion, or any other unfair labor practice by the employer.  
6 If the Board determines that a labor organization would have  
7 had a majority interest but for an employer's fraud, coercion,  
8 or unfair labor practice, it shall designate the labor  
9 organization as an exclusive representative without conducting  
10 an election. If a hearing is necessary to resolve any issues of  
11 representation under this Section, the Board shall conclude its  
12 hearing process and issue a certification of the entire  
13 appropriate unit not later than 120 days after the date the  
14 petition was filed. The 120-day period may be extended one or  
15 more times by the agreement of all parties to a hearing to a  
16 date certain.

17 (a-6) A labor organization or an employer may file a unit  
18 clarification petition seeking to clarify an existing  
19 bargaining unit. The Board shall conclude its investigation,  
20 including any hearing process deemed necessary, and issue a  
21 certification of clarified unit or dismiss the petition not  
22 later than 120 days after the date the petition was filed. The  
23 120-day period may be extended one or more times by the  
24 agreement of all parties to a hearing to a date certain.

25 (b) The Board shall decide in each case, in order to assure  
26 public employees the fullest freedom in exercising the rights

1 guaranteed by this Act, a unit appropriate for the purpose of  
2 collective bargaining, based upon but not limited to such  
3 factors as: historical pattern of recognition; community of  
4 interest including employee skills and functions; degree of  
5 functional integration; interchangeability and contact among  
6 employees; fragmentation of employee groups; common  
7 supervision, wages, hours and other working conditions of the  
8 employees involved; and the desires of the employees. For  
9 purposes of this subsection, fragmentation shall not be the  
10 sole or predominant factor used by the Board in determining an  
11 appropriate bargaining unit. Except with respect to non-State  
12 fire fighters and paramedics employed by fire departments and  
13 fire protection districts, non-State peace officers and peace  
14 officers in the State Department of State Police, a single  
15 bargaining unit determined by the Board may not include both  
16 supervisors and nonsupervisors, except for bargaining units in  
17 existence on the effective date of this Act. With respect to  
18 non-State fire fighters and paramedics employed by fire  
19 departments and fire protection districts, non-State peace  
20 officers and peace officers in the State Department of State  
21 Police, a single bargaining unit determined by the Board may  
22 not include both supervisors and nonsupervisors, except for  
23 bargaining units in existence on the effective date of this  
24 amendatory Act of 1985.

25 In cases involving an historical pattern of recognition,  
26 and in cases where the employer has recognized the union as the

1 sole and exclusive bargaining agent for a specified existing  
2 unit, the Board shall find the employees in the unit then  
3 represented by the union pursuant to the recognition to be the  
4 appropriate unit.

5 Notwithstanding the above factors, where the majority of  
6 public employees of a craft so decide, the Board shall  
7 designate such craft as a unit appropriate for the purposes of  
8 collective bargaining.

9 The Board shall not decide that any unit is appropriate if  
10 such unit includes both professional and nonprofessional  
11 employees, ~~unless a majority of each group votes for inclusion~~  
12 ~~in such unit.~~

13 (c) Nothing in this Act shall interfere with or negate the  
14 current representation rights or patterns and practices of  
15 labor organizations which have historically represented public  
16 employees for the purpose of collective bargaining, including  
17 but not limited to the negotiations of wages, hours and working  
18 conditions, discussions of employees' grievances, resolution  
19 of jurisdictional disputes, or the establishment and  
20 maintenance of prevailing wage rates, unless a majority of  
21 employees so represented express a contrary desire pursuant to  
22 the procedures set forth in this Act.

23 (d) In instances where the employer does not voluntarily  
24 recognize a labor organization as the exclusive bargaining  
25 representative for a unit of employees, the Board shall  
26 determine the majority representative of the public employees

1 in an appropriate collective bargaining unit by conducting a  
2 secret ballot election, except as otherwise provided in  
3 subsection (a-5). Within 7 days after the Board issues its  
4 bargaining unit determination and direction of election or the  
5 execution of a stipulation for the purpose of a consent  
6 election, the public employer shall submit to the labor  
7 organization the complete names and addresses of those  
8 employees who are determined by the Board to be eligible to  
9 participate in the election. When the Board has determined that  
10 a labor organization has been fairly and freely chosen by a  
11 majority of employees in an appropriate unit, it shall certify  
12 such organization as the exclusive representative. If the Board  
13 determines that a majority of employees in an appropriate unit  
14 has fairly and freely chosen not to be represented by a labor  
15 organization, it shall so certify. The Board may also revoke  
16 the certification of the public employee organizations as  
17 exclusive bargaining representatives which have been found by a  
18 secret ballot election to be no longer the majority  
19 representative.

20 (e) The Board shall not conduct an election in any  
21 bargaining unit or any subdivision thereof within which a valid  
22 election has been held in the preceding 12-month period. The  
23 Board shall determine who is eligible to vote in an election  
24 and shall establish rules governing the conduct of the election  
25 or conduct affecting the results of the election. The Board  
26 shall include on a ballot in a representation election a choice

1 of "no representation". A labor organization currently  
2 representing the bargaining unit of employees shall be placed  
3 on the ballot in any representation election. In any election  
4 where none of the choices on the ballot receives a majority, a  
5 runoff election shall be conducted between the 2 choices  
6 receiving the largest number of valid votes cast in the  
7 election. A labor organization which receives a majority of the  
8 votes cast in an election shall be certified by the Board as  
9 exclusive representative of all public employees in the unit.

10 (f) A labor organization shall be designated as the  
11 exclusive representative by a public employer, provided that  
12 the labor organization represents a majority of the public  
13 employees in an appropriate unit. Any employee organization  
14 which is designated or selected by the majority of public  
15 employees, in a unit of the public employer having no other  
16 recognized or certified representative, as their  
17 representative for purposes of collective bargaining may  
18 request recognition by the public employer in writing. The  
19 public employer shall post such request for a period of at  
20 least 20 days following its receipt thereof on bulletin boards  
21 or other places used or reserved for employee notices.

22 (g) Within the 20-day period any other interested employee  
23 organization may petition the Board in the manner specified by  
24 rules and regulations of the Board, provided that such  
25 interested employee organization has been designated by at  
26 least 10% of the employees in an appropriate bargaining unit

1 which includes all or some of the employees in the unit  
2 recognized by the employer. In such event, the Board shall  
3 proceed with the petition in the same manner as provided by  
4 paragraph (1) of subsection (a) of this Section.

5 (h) No election shall be directed by the Board in any  
6 bargaining unit where there is in force a valid collective  
7 bargaining agreement. The Board, however, may process an  
8 election petition filed between 90 and 60 days prior to the  
9 expiration of the date of an agreement, and may further refine,  
10 by rule or decision, the implementation of this provision.  
11 Where more than 4 years have elapsed since the effective date  
12 of the agreement, the agreement shall continue to bar an  
13 election, except that the Board may process an election  
14 petition filed between 90 and 60 days prior to the end of the  
15 fifth year of such an agreement, and between 90 and 60 days  
16 prior to the end of each successive year of such agreement.

17 (i) An order of the Board dismissing a representation  
18 petition, determining and certifying that a labor organization  
19 has been fairly and freely chosen by a majority of employees in  
20 an appropriate bargaining unit, determining and certifying  
21 that a labor organization has not been fairly and freely chosen  
22 by a majority of employees in the bargaining unit or certifying  
23 a labor organization as the exclusive representative of  
24 employees in an appropriate bargaining unit because of a  
25 determination by the Board that the labor organization is the  
26 historical bargaining representative of employees in the

1 bargaining unit, is a final order. Any person aggrieved by any  
2 such order issued on or after the effective date of this  
3 amendatory Act of 1987 may apply for and obtain judicial review  
4 in accordance with provisions of the Administrative Review Law,  
5 as now or hereafter amended, except that such review shall be  
6 afforded directly in the Appellate Court for the district in  
7 which the aggrieved party resides or transacts business. Any  
8 direct appeal to the Appellate Court shall be filed within 35  
9 days from the date that a copy of the decision sought to be  
10 reviewed was served upon the party affected by the decision.

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

12 (5 ILCS 315/15) (from Ch. 48, par. 1615)

13 Sec. 15. Construction with other laws ~~Act takes precedence.~~

14 (a) This Act is to be construed consistently with the  
15 Personnel Code. In case of any conflict between the provisions  
16 of this Act and any other law, the conflict is to be resolved  
17 in a manner that improves the efficiency of State government,  
18 safeguards the State treasury, and promotes the high standard  
19 of performance and conduct that the people of Illinois expect  
20 from public employees. In case of any conflict between the  
21 provisions of this Act and the Illinois Personnel Code, the  
22 Illinois Personnel Code shall control. ~~In case of any conflict~~  
23 ~~between the provisions of this Act and any other law (other~~  
24 ~~than Section 5 of the State Employees Group Insurance Act of~~  
25 ~~1971 and other than the changes made to the Illinois Pension~~

1 ~~Code by Public Act 96-889 and other than as provided in Section~~  
2 ~~7.5), executive order or administrative regulation relating to~~  
3 ~~wages, hours and conditions of employment and employment~~  
4 ~~relations, the provisions of this Act or any collective~~  
5 ~~bargaining agreement negotiated thereunder shall prevail and~~  
6 ~~control.~~

7 Nothing in this Act shall be construed to replace or  
8 diminish the rights of employees established by Sections 28 and  
9 28a of the Metropolitan Transit Authority Act, Sections 2.15  
10 through 2.19 of the Regional Transportation Authority Act. The  
11 provisions of this Act are subject to Section 7.5 of this Act  
12 and Section 5 of the State Employees Group Insurance Act of  
13 1971. Nothing in this Act shall be construed to replace the  
14 necessity of complaints against a sworn peace officer, as  
15 defined in Section 2(a) of the Uniform Peace Officer  
16 Disciplinary Act, from having a complaint supported by a sworn  
17 affidavit.

18 (b) (Blank). ~~Except as provided in subsection (a) above,~~  
19 ~~any collective bargaining contract between a public employer~~  
20 ~~and a labor organization executed pursuant to this Act shall~~  
21 ~~supersede any contrary statutes, charters, ordinances, rules~~  
22 ~~or regulations relating to wages, hours and conditions of~~  
23 ~~employment and employment relations adopted by the public~~  
24 ~~employer or its agents. Any collective bargaining agreement~~  
25 ~~entered into prior to the effective date of this Act shall~~  
26 ~~remain in full force during its duration.~~

1 (c) It is the public policy of this State, pursuant to  
2 paragraphs (h) and (i) of Section 6 of Article VII of the  
3 Illinois Constitution, that the provisions of this Act are the  
4 exclusive exercise by the State of powers and functions which  
5 might otherwise be exercised by home rule units. Such powers  
6 and functions may not be exercised concurrently, either  
7 directly or indirectly, by any unit of local government,  
8 including any home rule unit, except as otherwise authorized by  
9 this Act.

10 (d) No collective bargaining agreement entered into,  
11 renewed, or extended after the effective date of this  
12 amendatory Act of the 99th General Assembly or any arbitration  
13 award issued under such collective bargaining agreement may  
14 violate or conflict with any law.

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

16 (5 ILCS 315/21.5)

17 Sec. 21.5. Termination of certain agreements after  
18 constitutional officers take office; implementation of hiring  
19 reforms.

20 (a) No collective bargaining agreement entered into, on or  
21 after the effective date of this amendatory Act of the 96th  
22 General Assembly between an executive branch constitutional  
23 officer or any agency or department of an executive branch  
24 constitutional officer and a labor organization may extend  
25 beyond June 30th of the year in which the terms of office of

1 executive branch constitutional officers begin.

2 (b) No collective bargaining agreement entered into, on or  
3 after the effective date of this amendatory Act of the 96th  
4 General Assembly between an executive branch constitutional  
5 officer or any agency or department of an executive branch  
6 constitutional officer and a labor organization may provide for  
7 an increase in salary, wages, or benefits starting on or after  
8 the first day of the terms of office of executive branch  
9 constitutional officers and ending June 30th of that same year.

10 (b-5) No collective bargaining agreement entered into on or  
11 after the effective date of this amendatory Act of the 99th  
12 General Assembly between an executive branch constitutional  
13 office or any agency or department of an executive branch  
14 constitutional officer and a labor organization may impose any  
15 obligation or limitation on a reorganization of executive  
16 agencies or reassignment of their functions and employees  
17 pursuant to Section 11 of Article V of the Illinois  
18 Constitution and Section 29 of this Act.

19 (c) Any collective bargaining agreement in violation of  
20 this Section is terminated and rendered null and void by  
21 operation of law.

22 (d) For purposes of this Section, "executive branch  
23 constitutional officer" has the same meaning as that term is  
24 defined in the State Officials and Employees Ethics Act.

25 (Source: P.A. 96-1529, eff. 2-16-11.)

1 (5 ILCS 315/29 new)

2 Sec. 29. Rutan-exempt hiring reform implementation.

3 (a) The General Assembly finds and declares that it is the  
4 policy of this State to provide employment opportunities free  
5 from improper political influence, as set out in the opinion of  
6 the United States Supreme Court in Rutan v. The Republican  
7 Party of Illinois, and related cases before and since. The  
8 purpose of this amendatory Act of the 99th General Assembly is  
9 to ensure that political affiliation is not considered in  
10 filling Rutan-covered positions and that collective bargaining  
11 units are protected from improper political influence.

12 (b) Each executive branch constitutional officer shall  
13 take necessary and appropriate actions to implement this  
14 amendatory Act of the 99th General Assembly with respect to  
15 employees under their respective jurisdictions, including:

16 (i) correcting position descriptions and the procedure  
17 for grading of positions to ensure that each position  
18 description accurately reflects the duties performed by an  
19 employee in that position;

20 (ii) revising policies and procedures for determining  
21 whether a position is Rutan-exempt or Rutan-covered;

22 (iii) petitioning the Illinois Labor Relations Board  
23 for unit clarification or decertification or other  
24 appropriate relief; and

25 (iv) determining whether any employee has been hired or  
26 transferred into a position in a manner inconsistent with

1       the requirements this amendatory Act of the 99th General  
2       Assembly or the policies and procedures applicable to such  
3       position as revised pursuant to this Section; and with  
4       respect to any such employee, taking appropriate remedial  
5       employment action, which may include transfer,  
6       reassignment, discharge, or layoff, subject to the  
7       requirements of procedural due process.

8       Actions taken to bring the procedures, policies,  
9       positions, and workforce of the State into compliance with this  
10       amendatory Act of the 99th General Assembly are not subject to  
11       the Personnel Code, other provisions of the Illinois Public  
12       Labor Relations Act, or any collective bargaining agreement  
13       entered into, extended, or renewed after the effective date of  
14       this amendatory Act of the 99th General Assembly.

15       (c) Once every 6 months after the effective date of this  
16       amendatory Act of the 99th General Assembly until June 30,  
17       2017, each executive branch constitutional officer who takes  
18       action pursuant to this Section shall file a written report  
19       with the General Assembly and the Executive Ethics Commission  
20       setting forth the actions taken.

21       Section 10. The Personnel Code is amended by changing  
22       Sections 2, 4c, 9, 10, and 17 and by adding Section 26 as  
23       follows:

24       (20 ILCS 415/2) (from Ch. 127, par. 63b102)



1           (2) All positions under the Lieutenant Governor,  
2           Secretary of State, State Treasurer, State Comptroller,  
3           State Board of Education, Clerk of the Supreme Court,  
4           Attorney General, and State Board of Elections.

5           (3) Judges, and officers and employees of the courts,  
6           and notaries public.

7           (4) All officers and employees of the Illinois General  
8           Assembly, all employees of legislative commissions, all  
9           officers and employees of the Illinois Legislative  
10          Reference Bureau, the Legislative Research Unit, and the  
11          Legislative Printing Unit.

12          (5) All positions in the Illinois National Guard and  
13          Illinois State Guard, paid from federal funds or positions  
14          in the State Military Service filled by enlistment and paid  
15          from State funds.

16          (6) All employees of the Governor at the executive  
17          mansion and on his immediate personal staff.

18          (7) Directors of Departments, the Adjutant General,  
19          the Assistant Adjutant General, the Director of the  
20          Illinois Emergency Management Agency, members of boards  
21          and commissions, and all other positions appointed by the  
22          Governor by and with the consent of the Senate.

23          (8) The presidents, other principal administrative  
24          officers, and teaching, research and extension faculties  
25          of Chicago State University, Eastern Illinois University,  
26          Governors State University, Illinois State University,

1 Northeastern Illinois University, Northern Illinois  
2 University, Western Illinois University, the Illinois  
3 Community College Board, Southern Illinois University,  
4 Illinois Board of Higher Education, University of  
5 Illinois, State Universities Civil Service System,  
6 University Retirement System of Illinois, and the  
7 administrative officers and scientific and technical staff  
8 of the Illinois State Museum.

9 (9) All other employees except the presidents, other  
10 principal administrative officers, and teaching, research  
11 and extension faculties of the universities under the  
12 jurisdiction of the Board of Regents and the colleges and  
13 universities under the jurisdiction of the Board of  
14 Governors of State Colleges and Universities, Illinois  
15 Community College Board, Southern Illinois University,  
16 Illinois Board of Higher Education, Board of Governors of  
17 State Colleges and Universities, the Board of Regents,  
18 University of Illinois, State Universities Civil Service  
19 System, University Retirement System of Illinois, so long  
20 as these are subject to the provisions of the State  
21 Universities Civil Service Act.

22 (10) The State Police so long as they are subject to  
23 the merit provisions of the State Police Act.

24 (11) (Blank).

25 (12) The technical and engineering staffs of the  
26 Department of Transportation, legacy Department of Nuclear

1        Safety positions within the Illinois Emergency Management  
2        Agency ~~the Department of Nuclear Safety~~, the Pollution  
3        Control Board, and the Illinois Commerce Commission, and  
4        the technical and engineering staff providing  
5        architectural and engineering services in the Department  
6        of Central Management Services.

7        (12.1) As soon as practicable after the effective date  
8        of this amendatory Act of the 99th General Assembly, the  
9        Department of Central Management Services shall  
10       collaborate with the appropriate agencies to complete a  
11       review of positions to determine whether any position  
12       classified as "technical" or "engineering" or both falls  
13       within an existing classification under the Personnel  
14       Code. Any position that falls substantially within an  
15       existing classification shall be considered by the  
16       Department of Central Management Services for appropriate  
17       reclassification or extension of jurisdiction according to  
18       the procedures of this amendatory Act of the 99th General  
19       Assembly. After the effective date of this amendatory Act  
20       of the 99th General Assembly, the classification as  
21       "technical" or "engineering" of any position falling under  
22       paragraph (12) of Section 4c must be approved by the  
23       Department of Central Management Services.

24       (13) All employees of the Illinois State Toll Highway  
25       Authority.

26       (14) The Secretary of the Illinois Workers'

1 Compensation Commission.

2 (15) All persons who are appointed or employed by the  
3 Director of Insurance under authority of Section 202 of the  
4 Illinois Insurance Code to assist the Director of Insurance  
5 in discharging his responsibilities relating to the  
6 rehabilitation, liquidation, conservation, and dissolution  
7 of companies that are subject to the jurisdiction of the  
8 Illinois Insurance Code.

9 (16) All employees of the St. Louis Metropolitan Area  
10 Airport Authority.

11 (17) All investment officers employed by the Illinois  
12 State Board of Investment.

13 (18) Employees of the Illinois Young Adult  
14 Conservation Corps program, administered by the Illinois  
15 Department of Natural Resources, authorized grantee under  
16 Title VIII of the Comprehensive Employment and Training Act  
17 of 1973, 29 USC 993.

18 (19) Seasonal employees of the Department of  
19 Agriculture for the operation of the Illinois State Fair  
20 and the DuQuoin State Fair, no one person receiving more  
21 than 29 days of such employment in any calendar year.

22 (20) All "temporary" employees hired under the  
23 Department of Natural Resources' Illinois Conservation  
24 Service, a youth employment program that hires young people  
25 to work in State parks for a period of one year or less.

26 (21) All hearing officers of the Human Rights

1 Commission.

2 (22) All employees of the Illinois Mathematics and  
3 Science Academy.

4 (23) All employees of the Kankakee River Valley Area  
5 Airport Authority.

6 (24) The commissioners and employees of the Executive  
7 Ethics Commission.

8 (25) The Executive Inspectors General, including  
9 special Executive Inspectors General, and employees of  
10 each Office of an Executive Inspector General.

11 (26) The commissioners and employees of the  
12 Legislative Ethics Commission.

13 (27) The Legislative Inspector General, including  
14 special Legislative Inspectors General, and employees of  
15 the Office of the Legislative Inspector General.

16 (28) The Auditor General's Inspector General and  
17 employees of the Office of the Auditor General's Inspector  
18 General.

19 (29) All employees of the Illinois Power Agency.

20 (30) Employees having demonstrable, defined advanced  
21 skills in accounting, financial reporting, or technical  
22 expertise who are employed within executive branch  
23 agencies and whose duties are directly related to the  
24 submission to the Office of the Comptroller of financial  
25 information for the publication of the Comprehensive  
26 Annual Financial Report (CAFR).

1           (31) All employees of the Illinois Sentencing Policy  
2           Advisory Council.

3           (Source: P.A. 97-618, eff. 10-26-11; 97-1055, eff. 8-23-12;  
4           98-65, eff. 7-15-13.)

5           (20 ILCS 415/9) (from Ch. 127, par. 63b109)

6           Sec. 9. Director, powers and duties. The Director, as  
7           executive head of the Department, shall direct and supervise  
8           all its administrative and technical activities. In addition to  
9           the duties imposed upon him elsewhere in this law, it shall be  
10          his duty:

11           (1) To apply and carry out this law and the rules  
12          adopted thereunder.

13           (2) To attend meetings of the Commission.

14           (3) To establish and maintain a roster of all employees  
15          subject to this Act, in which there shall be set forth, as  
16          to each employee, the class, title, pay, status, and other  
17          pertinent data.

18           (4) To appoint, subject to the provisions of this Act,  
19          such employees of the Department and such experts and  
20          special assistants as may be necessary to carry out  
21          effectively this law.

22           (5) Subject to such exemptions or modifications as may  
23          be necessary to assure the continuity of federal  
24          contributions in those agencies supported in whole or in  
25          part by federal funds, to make appointments to vacancies;

1 to approve all written charges seeking discharge,  
2 demotion, or other disciplinary measures provided in this  
3 Act and to approve transfers of employees from one  
4 geographical area to another in the State, in offices,  
5 positions or places of employment covered by this Act,  
6 after consultation with the operating unit.

7 (6) To formulate and administer service wide policies  
8 and programs for the improvement of employee  
9 effectiveness, including training, safety, health,  
10 incentive recognition, counseling, welfare and employee  
11 relations. The Department shall formulate and administer  
12 recruitment plans and testing of potential employees for  
13 agencies having direct contact with significant numbers of  
14 non-English speaking or otherwise culturally distinct  
15 persons. The Department shall require each State agency to  
16 annually assess the need for employees with appropriate  
17 bilingual capabilities to serve the significant numbers of  
18 non-English speaking or culturally distinct persons. The  
19 Department shall develop a uniform procedure for assessing  
20 an agency's need for employees with appropriate bilingual  
21 capabilities. Agencies shall establish occupational titles  
22 or designate positions as "bilingual option" for persons  
23 having sufficient linguistic ability or cultural knowledge  
24 to be able to render effective service to such persons. The  
25 Department shall ensure that any such option is exercised  
26 according to the agency's needs assessment and the

1 requirements of this Code. The Department shall make annual  
2 reports of the needs assessment of each agency and the  
3 number of positions calling for non-English linguistic  
4 ability to whom vacancy postings were sent, and the number  
5 filled by each agency. Such policies and programs shall be  
6 subject to approval by the Governor. Such policies, program  
7 reports and needs assessment reports shall be filed with  
8 the General Assembly by January 1 of each year and shall be  
9 available to the public.

10 The Department shall include within the report  
11 required above the number of persons receiving the  
12 bilingual pay supplement established by Section 8a.2 of  
13 this Code. The report shall provide the number of persons  
14 receiving the bilingual pay supplement for languages other  
15 than English and for signing. The report shall also  
16 indicate the number of persons, by the categories of  
17 Hispanic and non-Hispanic, who are receiving the bilingual  
18 pay supplement for language skills other than signing, in a  
19 language other than English.

20 (7) To conduct negotiations affecting pay, hours of  
21 work, or other working conditions of employees subject to  
22 this Act.

23 (8) To make continuing studies to improve the  
24 efficiency of State services to the residents of Illinois,  
25 including but not limited to those who are non-English  
26 speaking or culturally distinct, and to report his findings

1 and recommendations to the Commission and the Governor.

2 (9) To investigate from time to time the operation and  
3 effect of this law and the rules made thereunder and to  
4 report his findings and recommendations to the Commission  
5 and to the Governor.

6 (10) To make an annual report regarding the work of the  
7 Department, and such special reports as he may consider  
8 desirable, to the Commission and to the Governor, or as the  
9 Governor or Commission may request.

10 (11) (Blank).

11 (12) To prepare and publish a semi-annual statement  
12 showing the number of employees exempt and non-exempt from  
13 merit selection in each department. This report shall be in  
14 addition to other information on merit selection  
15 maintained for public information under existing law.

16 (13) To authorize in every department or agency subject  
17 to Jurisdiction C the use of flexible hours positions. A  
18 flexible hours position is one that does not require an  
19 ordinary work schedule as determined by the Department and  
20 includes but is not limited to: 1) a part time job of 20  
21 hours or more per week, 2) a job which is shared by 2  
22 employees or a compressed work week consisting of an  
23 ordinary number of working hours performed on fewer than  
24 the number of days ordinarily required to perform that job.  
25 The Department may define flexible time to include other  
26 types of jobs that are defined above.

1           The Director and the director of each department or  
2 agency shall together establish goals for flexible hours  
3 positions to be available in every department or agency.

4           The Department shall give technical assistance to  
5 departments and agencies in achieving their goals, and  
6 shall report to the Governor and the General Assembly each  
7 year on the progress of each department and agency.

8           When a goal of 10% of the positions in a department or  
9 agency being available on a flexible hours basis has been  
10 reached, the Department shall evaluate the effectiveness  
11 and efficiency of the program and determine whether to  
12 expand the number of positions available for flexible hours  
13 to 20%.

14           When a goal of 20% of the positions in a department or  
15 agency being available on a flexible hours basis has been  
16 reached, the Department shall evaluate the effectiveness  
17 and efficiency of the program and determine whether to  
18 expand the number of positions available for flexible  
19 hours.

20           Each department shall develop a plan for  
21 implementation of flexible work requirements designed to  
22 reduce the need for day care of employees' children outside  
23 the home. Each department shall submit a report of its plan  
24 to the Department of Central Management Services and the  
25 General Assembly. This report shall be submitted  
26 biennially by March 1, with the first report due March 1,

1 1993.

2 (14) To perform any other lawful acts which he may  
3 consider necessary or desirable to carry out the purposes  
4 and provisions of this law.

5 (15) To periodically conduct reviews of positions  
6 exempted from the Personnel Code in Section 4c or any other  
7 Act that remain under the Governor's jurisdiction for the  
8 purpose of ensuring that job descriptions reflect the  
9 duties and level of responsibility actually assigned to a  
10 position. For purposes of this Section, "under the  
11 Governor's jurisdiction" shall include but not be limited  
12 to those entities listed in paragraphs (10), (12), (13),  
13 (18), (19), (20), (21), (29), and (30) of Section 4c of  
14 this Code. Such reviews shall also determine whether the  
15 exemption of any position under Section 4c of this Code or  
16 any other Act continues to be appropriate based on its  
17 duties and level of responsibility. Such reviews shall also  
18 determine whether political support or affiliation are  
19 appropriate considerations for a position being treated by  
20 the employing agency or entity as Rutan-exempt, as that  
21 term is defined in Section 3 of the Illinois Public Labor  
22 Relations Act. This authority to conduct reviews does not  
23 include the authority to review positions under executive  
24 branch constitutional officers other than the Governor,  
25 the Auditor General, the General Assembly, or the judicial  
26 branch.

1           The requirement for reporting to the General Assembly shall  
2 be satisfied by filing copies of the report with the Speaker,  
3 the Minority Leader and the Clerk of the House of  
4 Representatives and the President, the Minority Leader and the  
5 Secretary of the Senate and the Legislative Research Unit, as  
6 required by Section 3.1 of "An Act to revise the law in  
7 relation to the General Assembly", approved February 25, 1874,  
8 as amended, and filing such additional copies with the State  
9 Government Report Distribution Center for the General Assembly  
10 as is required under paragraph (t) of Section 7 of the State  
11 Library Act.

12       (Source: P.A. 98-692, eff. 7-1-14.)

13           (20 ILCS 415/10) (from Ch. 127, par. 63b110)

14           Sec. 10. Duties and powers of the Commission. The Civil  
15 Service Commission shall have duties and powers as follows:

16           (1) Upon written recommendations by the Director of the  
17 Department of Central Management Services to exempt from  
18 jurisdiction B of this Act positions which, in the judgment  
19 of the Commission, involve either principal administrative  
20 responsibility for the determination of policy or  
21 principal administrative responsibility for the way in  
22 which policies are carried out. This authority may not be  
23 exercised, however, with respect to the position of  
24 Assistant Director of Healthcare and Family Services in the  
25 Department of Healthcare and Family Services.

1           (2) To require such special reports from the Director  
2 as it may consider desirable.

3           (3) To disapprove original rules or any part thereof  
4 within 90 days and any amendment thereof within 30 days  
5 after the submission of such rules to the Civil Service  
6 Commission by the Director, and to disapprove any  
7 amendments thereto in the same manner.

8           (4) To approve or disapprove within 60 days from date  
9 of submission the position classification P.A. submitted  
10 by the Director as provided in the rules, and any revisions  
11 thereof within 30 days from the date of submission.

12           (5) To hear appeals of employees who do not accept the  
13 allocation of their positions under the position  
14 classification plan.

15           (6) To hear and determine written charges filed seeking  
16 the discharge, demotion of employees and suspension  
17 totaling more than thirty days in any 12-month period,  
18 taking into consideration the purposes set forth in Section  
19 2 of this Act, as provided in Section 11 hereof, and  
20 appeals from transfers from one geographical area in the  
21 State to another, and in connection therewith to administer  
22 oaths, subpoena witnesses, and compel the production of  
23 books and papers.

24           (7) The fees of subpoenaed witnesses under this Act for  
25 attendance and travel shall be the same as fees of  
26 witnesses before the circuit courts of the State, such fees

1 to be paid when the witness is excused from further  
2 attendance. Whenever a subpoena is issued the Commission  
3 may require that the cost of service and the fee of the  
4 witness shall be borne by the party at whose insistence the  
5 witness is summoned. The Commission has the power, at its  
6 discretion, to require a deposit from such party to cover  
7 the cost of service and witness fees and the payment of the  
8 legal witness fee and mileage to the witness served with  
9 the subpoena. A subpoena issued under this Act shall be  
10 served in the same manner as a subpoena issued out of a  
11 court.

12 Upon the failure or refusal to obey a subpoena, a  
13 petition shall be prepared by the party serving the  
14 subpoena for enforcement in the circuit court of the county  
15 in which the person to whom the subpoena was directed  
16 either resides or has his or her principal place of  
17 business.

18 Not less than five days before the petition is filed in  
19 the appropriate court, it shall be served on the person  
20 along with a notice of the time and place the petition is  
21 to be presented.

22 Following a hearing on the petition, the circuit court  
23 shall have jurisdiction to enforce subpoenas issued  
24 pursuant to this Section.

25 On motion and for good cause shown the Commission may  
26 quash or modify any subpoena.

1           (8) To make an annual report regarding the work of the  
2 Commission to the Governor, such report to be a public  
3 report.

4           (9) If any violation of this Act is found, the  
5 Commission shall direct compliance in writing.

6           (10) To appoint a full-time executive secretary and  
7 such other employees, experts, and special assistants as  
8 may be necessary to carry out the powers and duties of the  
9 Commission under this Act and employees, experts, and  
10 special assistants so appointed by the Commission shall be  
11 subject to the provisions of jurisdictions A, B and C of  
12 this Act. These powers and duties supersede any contrary  
13 provisions herein contained.

14           (11) To make rules to carry out and implement their  
15 powers and duties under this Act, with authority to amend  
16 such rules from time to time.

17           (12) To hear or conduct investigations as it deems  
18 necessary of appeals of layoff filed by employees appointed  
19 under Jurisdiction B after examination provided that such  
20 appeals are filed within 15 calendar days following the  
21 effective date of such layoff and are made on the basis  
22 that the provisions of the Personnel Code or of the Rules  
23 of the Department of Central Management Services relating  
24 to layoff have been violated or have not been complied  
25 with.

26           All hearings shall be public. A decision shall be

1 rendered within 60 days after receipt of the transcript of  
2 the proceedings. The Commission shall order the  
3 reinstatement of the employee if it is proven that the  
4 provisions of the Personnel Code or of the Rules of the  
5 Department of Central Management Services relating to  
6 layoff have been violated or have not been complied with.  
7 In connection therewith the Commission may administer  
8 oaths, subpoena witnesses, and compel the production of  
9 books and papers.

10 (13) Whenever the Civil Service Commission is  
11 authorized or required by law to consider some aspect of  
12 criminal history record information for the purpose of  
13 carrying out its statutory powers and responsibilities,  
14 then, upon request and payment of fees in conformance with  
15 the requirements of Section 2605-400 of the Department of  
16 State Police Law (20 ILCS 2605/2605-400), the Department of  
17 State Police is authorized to furnish, pursuant to positive  
18 identification, such information contained in State files  
19 as is necessary to fulfill the request.

20 (Source: P.A. 95-331, eff. 8-21-07.)

21 (20 ILCS 415/17) (from Ch. 127, par. 63b117)

22 Sec. 17. Status of Present Employees.

23 Employees holding positions in the State service herein  
24 shall be subject to the provisions of this amendatory Act of  
25 the 99th General Assembly. ~~continue under the following~~

1 ~~conditions:~~

2 ~~(1) Employees who have been appointed as a result of having~~  
3 ~~passed examinations in existing merit systems, and who have~~  
4 ~~satisfactorily passed their probationary period, or who have~~  
5 ~~been promoted in accordance with the rules thereunder, shall be~~  
6 ~~continued without further examination, but shall be otherwise~~  
7 ~~subject to the provisions of this Act and the rules made~~  
8 ~~pursuant to it.~~

9 ~~(2) All other such employees shall be continued in their~~  
10 ~~respective positions if they pass a qualifying examination~~  
11 ~~prescribed by the Director prior to October 1, 1958, and~~  
12 ~~satisfactorily complete their respective probationary periods.~~  
13 ~~Employees in federally aided programs, which on July 1, 1956,~~  
14 ~~were subject to Federal merit system standards, who have not~~  
15 ~~been appointed from registers established as result of merit~~  
16 ~~system examinations shall qualify through open competitive~~  
17 ~~examinations for their positions and certification from the~~  
18 ~~resulting registers. Those who fail to qualify as provided~~  
19 ~~herein shall be dismissed from their positions. Nothing herein~~  
20 ~~precludes the reclassification or reallocation as provided by~~  
21 ~~this Act of any position held by any such incumbent.~~

22 (Source: P.A. 76-628.)

23 (20 ILCS 415/26 new)

24 Sec. 26. Rutan-exempt hiring reform implementation. The  
25 provisions of this Code do not apply to actions taken under the

1 authority of Section 29 of the Illinois Public Labor Relations  
2 Act.

3 Section 97. Severability. The provisions of this Act are  
4 severable under Section 1.31 of the Statute on Statutes.

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law."