

1 AN ACT to amend the Illinois Public Labor Relations Act  
2 by changing Section 3.

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

5 Section 5. The Illinois Public Labor Relations Act is  
6 amended by changing Section 3 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  
16 other conditions of employment, as detailed in Section 7 and  
17 which are not excluded by Section 4.

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

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

28 (e) "Essential services employees" means those public  
29 employees performing functions so essential that the  
30 interruption or termination of the function will constitute a  
31 clear and present danger to the health and safety of the

1 persons in the affected community.

2 (f) "Exclusive representative", except with respect to  
3 non-State fire fighters and paramedics employed by fire  
4 departments and fire protection districts, non-State peace  
5 officers, and peace officers in the Department of State  
6 Police, means the labor organization that has been (i)  
7 designated by the Board as the representative of a majority  
8 of public employees in an appropriate bargaining unit in  
9 accordance with the procedures contained in this Act, (ii)  
10 historically recognized by the State of Illinois or any  
11 political subdivision of the State before July 1, 1984 (the  
12 effective date of this Act) as the exclusive representative  
13 of the employees in an appropriate bargaining unit, or (iii)  
14 after July 1, 1984 (the effective date of this Act)  
15 recognized by an employer upon evidence, acceptable to the  
16 Board, that the labor organization has been designated as the  
17 exclusive representative by a majority of the employees in an  
18 appropriate bargaining unit.

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

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

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

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

29 (g-2) "General Assembly of the State of Illinois" means  
30 the legislative branch of the government of the State of  
31 Illinois, as provided for under Article IV of the  
32 Constitution of the State of Illinois, and includes but is  
33 not limited to the House of Representatives, the Senate, the  
34 Speaker of the House of Representatives, the Minority Leader

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

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

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

19 (j) "Managerial employee" means an individual who is  
20 engaged predominantly in executive and management functions  
21 and is charged with the responsibility of directing the  
22 effectuation of management policies and practices.

23 (k) "Peace officer" means, for the purposes of this Act  
24 only, any persons who have been or are hereafter appointed to  
25 a police force, department, or agency and sworn or  
26 commissioned to perform police duties, except that the  
27 following persons are not included: part-time police  
28 officers, special police officers, auxiliary police as  
29 defined by Section 3.1-30-20 of the Illinois Municipal Code,  
30 night watchmen, "merchant police", court security officers as  
31 defined by Section 3-6012.1 of the Counties Code, temporary  
32 employees, traffic guards or wardens, civilian parking meter  
33 and parking facilities personnel or other individuals  
34 specially appointed to aid or direct traffic at or near

1 schools or public functions or to aid in civil defense or  
2 disaster, parking enforcement employees who are not  
3 commissioned as peace officers and who are not armed and who  
4 are not routinely expected to effect arrests, parking lot  
5 attendants, clerks and dispatchers or other civilian  
6 employees of a police department who are not routinely  
7 expected to effect arrests, or elected officials.

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

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

1 (n) "Public employee" or "employee", for the purposes of  
2 this Act, means any individual employed by a public employer,  
3 including physicians, attending physicians, interns, and  
4 residents at public hospitals, but excluding all of the  
5 following: employees of the General Assembly of the State of  
6 Illinois; elected officials; executive heads of a department;  
7 members of boards or commissions; employees of any agency,  
8 board or commission created by this Act; employees appointed  
9 to State positions of a temporary or emergency nature; all  
10 employees of school districts and higher education  
11 institutions except firefighters and peace officers employed  
12 by a state university; managerial employees; short-term  
13 employees; confidential employees; independent contractors;  
14 and supervisors except as provided in this Act.

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

19 (o) "Public employer" or "employer" means the State of  
20 Illinois; any political subdivision of the State, unit of  
21 local government or school district; authorities including  
22 departments, divisions, bureaus, boards, commissions, or  
23 other agencies of the foregoing entities; and any person  
24 acting within the scope of his or her authority, express or  
25 implied, on behalf of those entities in dealing with its  
26 employees. "Public employer" or "employer" as used in this  
27 Act, however, does not mean and shall not include the General  
28 Assembly of the State of Illinois and educational employers  
29 or employers as defined in the Illinois Educational Labor  
30 Relations Act, except with respect to a state university in  
31 its employment of firefighters and peace officers. County  
32 boards and county sheriffs shall be designated as joint or  
33 co-employers of county peace officers appointed under the  
34 authority of a county sheriff. Nothing in this subsection

1 (o) shall be construed to prevent the State Panel or the  
2 Local Panel from determining that employers are joint or  
3 co-employers.

4 (p) "Security employee" means an employee who is  
5 responsible for the supervision and control of inmates at  
6 correctional facilities. The term also includes other  
7 non-security employees in bargaining units having the  
8 majority of employees being responsible for the supervision  
9 and control of inmates at correctional facilities.

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

15 (r) "Supervisor" is an employee whose principal work is  
16 substantially different from that of his or her subordinates  
17 and who has authority, in the interest of the employer, to  
18 hire, transfer, suspend, lay off, recall, promote, discharge,  
19 direct, reward, or discipline employees, to adjust their  
20 grievances, or to effectively recommend any of those actions,  
21 if the exercise of that authority is not of a merely routine  
22 or clerical nature, but requires the consistent use of  
23 independent judgment. Except with respect to police  
24 employment, the term "supervisor" includes only those  
25 individuals who devote a preponderance of their employment  
26 time to exercising that authority, State supervisors  
27 notwithstanding. In addition, in determining supervisory  
28 status in police employment, rank shall not be determinative.  
29 The Board shall consider, as evidence of bargaining unit  
30 inclusion or exclusion, the common law enforcement policies  
31 and relationships between police officer ranks and  
32 certification under applicable civil service law, ordinances,  
33 personnel codes, or Division 2.1 of Article 10 of the  
34 Illinois Municipal Code, but these factors shall not be the

1 sole or predominant factors considered by the Board in  
2 determining police supervisory status.

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

17 (s) (1) "Unit" means a class of jobs or positions that  
18 are held by employees whose collective interests may  
19 suitably be represented by a labor organization for  
20 collective bargaining. Except with respect to non-State  
21 fire fighters and paramedics employed by fire departments  
22 and fire protection districts, non-State peace officers,  
23 and peace officers in the Department of State Police, a  
24 bargaining unit determined by the Board shall not include  
25 both employees and supervisors, or supervisors only,  
26 except as provided in paragraph (2) of this subsection  
27 (s) and except for bargaining units in existence on July  
28 1, 1984 (the effective date of this Act). With respect  
29 to non-State fire fighters and paramedics employed by  
30 fire departments and fire protection districts, non-State  
31 peace officers, and peace officers in the Department of  
32 State Police, a bargaining unit determined by the Board  
33 shall not include both supervisors and nonsupervisors, or  
34 supervisors only, except as provided in paragraph (2) of

1 this subsection (s) and except for bargaining units in  
2 existence on January 1, 1986 (the effective date of this  
3 amendatory Act of 1985). A bargaining unit determined by  
4 the Board to contain peace officers shall contain no  
5 employees other than peace officers unless otherwise  
6 agreed to by the employer and the labor organization or  
7 labor organizations involved. Notwithstanding any other  
8 provision of this Act, a bargaining unit, including a  
9 historical bargaining unit, containing sworn peace  
10 officers of the Department of Natural Resources (formerly  
11 designated the Department of Conservation) shall contain  
12 no employees other than such sworn peace officers upon  
13 the effective date of this amendatory Act of 1990 or upon  
14 the expiration date of any collective bargaining  
15 agreement in effect upon the effective date of this  
16 amendatory Act of 1990 covering both such sworn peace  
17 officers and other employees.

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

25 (Source: P.A. 90-14, eff. 7-1-97; 90-655, eff. 7-30-98;  
26 91-798, eff. 7-9-00.)