



Rep. Kam Buckner

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1 AMENDMENT TO HOUSE BILL 2973

2 AMENDMENT NO. _____. Amend House Bill 2973 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 Section 3 as follows:

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

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

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

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

1 (c) "Confidential employee" means an employee who, in the
2 regular course of his or her duties, assists and acts in a
3 confidential capacity to persons who formulate, determine, and
4 effectuate management policies with regard to labor relations
5 or who, in the regular course of his or her duties, has
6 authorized access to information relating to the effectuation
7 or review of the employer's collective bargaining policies.
8 Determinations of confidential employee status shall be based
9 on actual employee job duties and not solely on written job
10 descriptions.

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 Illinois 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
6 labor organization has been designated as the exclusive
7 representative by a majority of the employees in an
8 appropriate bargaining unit; (iv) recognized as the exclusive
9 representative of personal assistants under Executive Order
10 2003-8 prior to July 16, 2003 (the effective date of Public Act
11 93-204), and the organization shall be considered to be the
12 exclusive representative of the personal assistants as defined
13 in this Section; or (v) recognized as the exclusive
14 representative of child and day care home providers, including
15 licensed and license exempt providers, pursuant to an election
16 held under Executive Order 2005-1 prior to January 1, 2006
17 (the effective date of Public Act 94-320), and the
18 organization shall be considered to be the exclusive
19 representative of the child and day care home providers as
20 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 Illinois
24 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

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

13 Where a historical pattern of representation exists for
14 the workers of a water system that was owned by a public
15 utility, as defined in Section 3-105 of the Public Utilities
16 Act, prior to becoming certified employees of a municipality
17 or 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
26 of the employees in a collective bargaining unit are required

1 to pay their proportionate share of the costs of the
2 collective bargaining process, contract administration, and
3 pursuing matters affecting wages, hours, and other conditions
4 of 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
9 preclude an employee from making voluntary political
10 contributions in conjunction with his or her fair share
11 payment.

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

24 (g-2) "General Assembly of the State of Illinois" means
25 the legislative branch of the government of the State of
26 Illinois, as provided for under Article IV of the Constitution

1 of the State of Illinois, and includes, but is not limited to,
2 the House of Representatives, the Senate, the Speaker of the
3 House of Representatives, the Minority Leader of the House of
4 Representatives, the President of the Senate, the Minority
5 Leader of the Senate, the Joint Committee on Legislative
6 Support Services, and any legislative support services agency
7 listed in the Legislative Commission Reorganization Act of
8 1984.

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

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

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

1 with any official or staff of the General Assembly of the State
2 of Illinois for the purpose of influencing any legislative
3 action.

4 (j) "Managerial employee" means an individual who is
5 engaged predominantly in executive and management functions
6 and is charged with the responsibility of directing the
7 effectuation of management policies and practices.
8 Determination of managerial employee status shall be based on
9 actual employee job duties and not solely on written job
10 descriptions. With respect only to State employees in
11 positions under the jurisdiction of the Attorney General,
12 Secretary of State, Comptroller, or Treasurer (i) that were
13 certified in a bargaining unit on or after December 2, 2008,
14 (ii) for which a petition is filed with the Illinois Public
15 Labor Relations Board on or after April 5, 2013 (the effective
16 date of Public Act 97-1172), or (iii) for which a petition is
17 pending before the Illinois Public Labor Relations Board on
18 that date, "managerial employee" means an individual who is
19 engaged in executive and management functions or who is
20 charged with the effectuation of management policies and
21 practices or who represents management interests by taking or
22 recommending discretionary actions that effectively control or
23 implement policy. Nothing in this definition prohibits an
24 individual from also meeting the definition of "supervisor"
25 under subsection (r) of this Section. Notwithstanding any
26 other provision of this Act, beginning on the effective date

1 of this amendatory Act of the 104th General Assembly,
2 "managerial employee" does not include Assistant State's
3 Attorneys, Assistant Public Defenders, Assistant Appellate
4 Defenders, Assistant Appellate Prosecutors, or attorneys in
5 the office of the Cook County Public Guardian, so long as the
6 duties and responsibilities performed by a given position do
7 not otherwise establish those Assistant State's Attorneys,
8 Assistant Public Defenders, Assistant Appellate Prosecutors,
9 Assistant Appellate Defenders, or attorneys in the office of
10 the Cook County Public Guardian as managerial employees as
11 defined in this Act. Assistant State's Attorneys, Assistant
12 Public Defenders, Assistant Appellate Prosecutors, Assistant
13 Appellate Defenders, and attorneys in the office of the Cook
14 County Public Guardian shall not be determined to be
15 managerial employees as a matter of law.

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

1 to aid or direct traffic at or near schools or public functions
2 or to aid in civil defense or disaster, parking enforcement
3 employees who are not commissioned as peace officers and who
4 are not armed and who are not routinely expected to effect
5 arrests, parking lot attendants, clerks and dispatchers or
6 other civilian employees of a police department who are not
7 routinely 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 in
17 work predominantly intellectual and varied in character rather
18 than routine mental, manual, mechanical or physical work;
19 involving the consistent exercise of discretion and adjustment
20 in its performance; of such a character that the output
21 produced or the result accomplished cannot be standardized in
22 relation to a given period of time; and requiring advanced
23 knowledge in a field of science or learning customarily
24 acquired by a prolonged course of specialized intellectual
25 instruction and study in an institution of higher learning or
26 a hospital, as distinguished from a general academic education

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

8 (n) "Public employee" or "employee", for the purposes of
9 this Act, means any individual employed by a public employer,
10 including (i) interns and residents at public hospitals, (ii)
11 as of July 16, 2003 (the effective date of Public Act 93-204),
12 but not before, personal assistants working under the Home
13 Services Program under Section 3 of the Rehabilitation of
14 Persons with Disabilities Act, subject to the limitations set
15 forth in this Act and in the Rehabilitation of Persons with
16 Disabilities Act, (iii) as of January 1, 2006 (the effective
17 date of Public Act 94-320), but not before, child and day care
18 home providers participating in the child care assistance
19 program under Section 9A-11 of the Illinois Public Aid Code,
20 subject to the limitations set forth in this Act and in Section
21 9A-11 of the Illinois Public Aid Code, (iv) as of January 29,
22 2013 (the effective date of Public Act 97-1158), but not
23 before except as otherwise provided in this subsection (n),
24 home care and home health workers who function as personal
25 assistants and individual maintenance home health workers and
26 who also work under the Home Services Program under Section 3

1 of the Rehabilitation of Persons with Disabilities Act, no
2 matter whether the State provides those services through
3 direct fee-for-service arrangements, with the assistance of a
4 managed care organization or other intermediary, or otherwise,
5 (v) beginning on July 19, 2013 (the effective date of Public
6 Act 98-100) and notwithstanding any other provision of this
7 Act, any person employed by a public employer and who is
8 classified as or who holds the employment title of Chief
9 Stationary Engineer, Assistant Chief Stationary Engineer,
10 Sewage Plant Operator, Water Plant Operator, Stationary
11 Engineer, Plant Operating Engineer, and any other employee who
12 holds the position of: Civil Engineer V, Civil Engineer VI,
13 Civil Engineer VII, Technical Manager I, Technical Manager II,
14 Technical Manager III, Technical Manager IV, Technical Manager
15 V, Technical Manager VI, Realty Specialist III, Realty
16 Specialist IV, Realty Specialist V, Technical Advisor I,
17 Technical Advisor II, Technical Advisor III, Technical Advisor
18 IV, or Technical Advisor V employed by the Department of
19 Transportation who is in a position which is certified in a
20 bargaining unit on or before July 19, 2013 (the effective date
21 of Public Act 98-100), and (vi) beginning on July 19, 2013 (the
22 effective date of Public Act 98-100) and notwithstanding any
23 other provision of this Act, any mental health administrator
24 in the Department of Corrections who is classified as or who
25 holds the position of Public Service Administrator (Option
26 8K), any employee of the Office of the Inspector General in the

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

1 own police department in existence on July 23, 2010 (the
2 effective date of Public Act 96-1257); managerial employees;
3 short-term employees; legislative liaisons; a person who is a
4 State employee under the jurisdiction of the Office of the
5 Attorney General who is licensed to practice law or whose
6 position authorizes, either directly or indirectly, meaningful
7 input into government decision-making on issues where there is
8 room for principled disagreement on goals or their
9 implementation; a person who is a State employee under the
10 jurisdiction of the Office of the Comptroller who holds the
11 position of Public Service Administrator or whose position is
12 otherwise exempt under the Comptroller Merit Employment Code;
13 a person who is a State employee under the jurisdiction of the
14 Secretary of State who holds the position classification of
15 Executive I or higher, whose position authorizes, either
16 directly or indirectly, meaningful input into government
17 decision-making on issues where there is room for principled
18 disagreement on goals or their implementation, or who is
19 otherwise exempt under the Secretary of State Merit Employment
20 Code; employees in the Office of the Secretary of State who are
21 completely exempt from jurisdiction B of the Secretary of
22 State Merit Employment Code and who are in Rutan-exempt
23 positions on or after April 5, 2013 (the effective date of
24 Public Act 97-1172); a person who is a State employee under the
25 jurisdiction of the Treasurer who holds a position that is
26 exempt from the State Treasurer Employment Code; any employee

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

21 Home care and home health workers who function as personal
22 assistants and individual maintenance home health workers and
23 who also work under the Home Services Program under Section 3
24 of the Rehabilitation of Persons with Disabilities Act shall
25 not be considered public employees for any purposes not
26 specifically provided for in Public Act 93-204 or Public Act

1 97-1158, including, but not limited to, purposes of vicarious
2 liability in tort and purposes of statutory retirement or
3 health insurance benefits. Home care and home health workers
4 who function as personal assistants and individual maintenance
5 home health workers and who also work under the Home Services
6 Program under Section 3 of the Rehabilitation of Persons with
7 Disabilities Act shall not be covered by the State Employees
8 Group Insurance Act of 1971.

9 Child and day care home providers shall not be considered
10 public employees for any purposes not specifically provided
11 for in Public Act 94-320, including, but not limited to,
12 purposes of vicarious liability in tort and purposes of
13 statutory retirement or health insurance benefits. Child and
14 day care home providers shall not be covered by the State
15 Employees Group Insurance Act of 1971.

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

20 (o) Except as otherwise in subsection (o-5), "public
21 employer" or "employer" means the State of Illinois; any
22 political subdivision of the State, unit of local government
23 or school district; authorities including departments,
24 divisions, bureaus, boards, commissions, or other agencies of
25 the foregoing entities; and any person acting within the scope
26 of his or her authority, express or implied, on behalf of those

1 entities in dealing with its employees. As of July 16, 2003
2 (the effective date of Public Act 93-204), but not before, the
3 State of Illinois shall be considered the employer of the
4 personal assistants working under the Home Services Program
5 under Section 3 of the Rehabilitation of Persons with
6 Disabilities Act, subject to the limitations set forth in this
7 Act and in the Rehabilitation of Persons with Disabilities
8 Act. As of January 29, 2013 (the effective date of Public Act
9 97-1158), but not before except as otherwise provided in this
10 subsection (o), the State shall be considered the employer of
11 home care and home health workers who function as personal
12 assistants and individual maintenance home health workers and
13 who also work under the Home Services Program under Section 3
14 of the Rehabilitation of Persons with Disabilities Act, no
15 matter whether the State provides those services through
16 direct fee-for-service arrangements, with the assistance of a
17 managed care organization or other intermediary, or otherwise,
18 but subject to the limitations set forth in this Act and the
19 Rehabilitation of Persons with Disabilities Act. The State
20 shall not be considered to be the employer of home care and
21 home health workers who function as personal assistants and
22 individual maintenance home health workers and who also work
23 under the Home Services Program under Section 3 of the
24 Rehabilitation of Persons with Disabilities Act, for any
25 purposes not specifically provided for in Public Act 93-204 or
26 Public Act 97-1158, including but not limited to, purposes of

1 vicarious liability in tort and purposes of statutory
2 retirement or health insurance benefits. Home care and home
3 health workers who function as personal assistants and
4 individual maintenance home health workers and who also work
5 under the Home Services Program under Section 3 of the
6 Rehabilitation of Persons with Disabilities Act shall not be
7 covered by the State Employees Group Insurance Act of 1971. As
8 of January 1, 2006 (the effective date of Public Act 94-320),
9 but not before, the State of Illinois shall be considered the
10 employer of the day and child care home providers
11 participating in the child care assistance program under
12 Section 9A-11 of the Illinois Public Aid Code, subject to the
13 limitations set forth in this Act and in Section 9A-11 of the
14 Illinois Public Aid Code. The State shall not be considered to
15 be the employer of child and day care home providers for any
16 purposes not specifically provided for in Public Act 94-320,
17 including, but not limited to, purposes of vicarious liability
18 in tort and purposes of statutory retirement or health
19 insurance benefits. Child and day care home providers shall
20 not be covered by the State Employees Group Insurance Act of
21 1971.

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

1 Legislative Inspector General, the Office of the Auditor
2 General's Inspector General, the Office of the Governor, the
3 Governor's Office of Management and Budget, the Illinois
4 Finance Authority, the Office of the Lieutenant Governor, the
5 State Board of Elections, and educational employers or
6 employers as defined in the Illinois Educational Labor
7 Relations Act, except with respect to a state university in
8 its employment of firefighters and peace officers and except
9 with respect to a school district in the employment of peace
10 officers in its own police department in existence on July 23,
11 2010 (the effective date of Public Act 96-1257). County boards
12 and county sheriffs shall be designated as joint or
13 co-employers of county peace officers appointed under the
14 authority of a county sheriff. Nothing in this subsection (o)
15 shall be construed to prevent the State Panel or the Local
16 Panel from determining that employers are joint or
17 co-employers.

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

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

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

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

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

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

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

1 Board.

2 (r) "Supervisor" is:

3 (1) An employee whose principal work is substantially
4 different from that of his or her subordinates and who has
5 authority, in the interest of the employer, to hire,
6 transfer, suspend, lay off, recall, promote, discharge,
7 direct, reward, or discipline employees, to adjust their
8 grievances, or to effectively recommend any of those
9 actions, if the exercise of that authority is not of a
10 merely routine or clerical nature, but requires the
11 consistent use of independent judgment. Except with
12 respect to police employment, the term "supervisor"
13 includes only those individuals who devote a preponderance
14 of their employment time to exercising that authority,
15 State supervisors notwithstanding. Determinations of
16 supervisor status shall be based on actual employee job
17 duties and not solely on written job descriptions. Nothing
18 in this definition prohibits an individual from also
19 meeting the definition of "managerial employee" under
20 subsection (j) of this Section. In addition, in
21 determining supervisory status in police employment, rank
22 shall not be determinative. The Board shall consider, as
23 evidence of bargaining unit inclusion or exclusion, the
24 common law enforcement policies and relationships between
25 police officer ranks and certification under applicable
26 civil service law, ordinances, personnel codes, or

1 Division 2.1 of Article 10 of the Illinois Municipal Code,
2 but these factors shall not be the sole or predominant
3 factors considered by the Board in determining police
4 supervisory status.

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

23 (2) With respect only to State employees in positions
24 under the jurisdiction of the Attorney General, Secretary
25 of State, Comptroller, or Treasurer (i) that were
26 certified in a bargaining unit on or after December 2,

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

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

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

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

23 (3) Public employees who are court reporters, as defined
24 in the Court Reporters Act, shall be divided into 3 units for
25 collective bargaining purposes. One unit shall be court
26 reporters employed by the Cook County Judicial Circuit; one

1 unit shall be court reporters employed by the 12th, 18th,
2 19th, and, on and after December 4, 2006, the 22nd judicial
3 circuits; and one unit shall be court reporters employed by
4 all other judicial circuits.

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

22 (Source: P.A. 102-151, eff. 7-23-21; 102-538, eff. 8-20-21;
23 102-686, eff. 6-1-22; 102-813, eff. 5-13-22; 103-154, eff.
24 6-30-23.)

25 Section 99. Effective date. This Act takes effect December

1 1, 2026.".