



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB0190

Introduced 1/17/2025, by Sen. Michael W. Halpin

SYNOPSIS AS INTRODUCED:

5 ILCS 315/3

from Ch. 48, par. 1603

Amends the Illinois Public Labor Relations Act. Makes changes to the definition of "managerial employee", including that, unless the sheriff and the union have mutually agreed otherwise, or are already recognized by the Act, the "undersheriff", "chief deputy", or "superintendent of the jail" shall be defined as a managerial employee. In the definition of "supervisor", provides that that the term includes only those individuals who devote a preponderance of their employment time to exercising that authority, State supervisors and sworn State police officers notwithstanding. In the definition of "supervisor", also provides that the Illinois Labor Relations Board, or the relevant panel with jurisdiction, shall consider, as evidence of bargaining unit inclusion or exclusion, applicable civil service law, ordinances, personnel codes, provisions regarding boards of fire and police commissioners in the Illinois Municipal Code, and the Sheriff's Merit System Law.

LRB104 06898 BDA 16934 b

1 AN ACT concerning government.

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

4 Section 5. The Illinois Public Labor Relations Act is
5 amended by changing 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.

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

1 Determinations of confidential employee status shall be based
2 on actual employee job duties and not solely on written job
3 descriptions.

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

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

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

1 appropriate bargaining unit; (iv) recognized as the exclusive
2 representative of personal assistants under Executive Order
3 2003-8 prior to July 16, 2003 (the effective date of Public Act
4 93-204), and the organization shall be considered to be the
5 exclusive representative of the personal assistants as defined
6 in this Section; or (v) recognized as the exclusive
7 representative of child and day care home providers, including
8 licensed and license exempt providers, pursuant to an election
9 held under Executive Order 2005-1 prior to January 1, 2006
10 (the effective date of Public Act 94-320), and the
11 organization shall be considered to be the exclusive
12 representative of the child and day care home providers as
13 defined in this Section.

14 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, "exclusive representative" means the labor
18 organization that has been (i) designated by the Board as the
19 representative of a majority of peace officers or fire
20 fighters in an appropriate bargaining unit in accordance with
21 the procedures contained in this Act, (ii) historically
22 recognized by the State of Illinois or any political
23 subdivision of the State before January 1, 1986 (the effective
24 date of this amendatory Act of 1985) as the exclusive
25 representative by a majority of the peace officers or fire
26 fighters in an appropriate bargaining unit, or (iii) after

1 January 1, 1986 (the effective date of this amendatory Act of
2 1985) recognized by an employer upon evidence, acceptable to
3 the Board, that the labor organization has been designated as
4 the exclusive representative by a majority of the peace
5 officers or fire fighters in an appropriate bargaining unit.

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

17 (g) "Fair share agreement" means an agreement between the
18 employer and an employee organization under which all or any
19 of the employees in a collective bargaining unit are required
20 to pay their proportionate share of the costs of the
21 collective bargaining process, contract administration, and
22 pursuing matters affecting wages, hours, and other conditions
23 of employment, but not to exceed the amount of dues uniformly
24 required of members. The amount certified by the exclusive
25 representative shall not include any fees for contributions
26 related to the election or support of any candidate for

1 political office. Nothing in this subsection (g) shall
2 preclude an employee from making voluntary political
3 contributions in conjunction with his or her fair share
4 payment.

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

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

1 1984.

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

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

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

23 (j) "Managerial employee" means an individual who is
24 engaged predominantly in executive and management functions
25 and is charged with the responsibility of directing the
26 effectuation of management policies and practices.

1 Determination of managerial employee status shall be based on
2 actual employee job duties and not solely on written job
3 descriptions.

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

18 Beginning on the effective date of this amendatory Act of
19 the 104th General Assembly, "managerial employee" includes an
20 individual designated or appointed by a sheriff as the
21 undersheriff or chief deputy to fill a vacancy under Section
22 3-3010 of the Counties Code or an individual serving as the
23 superintendent of the jail under Section 3 of the County Jail
24 Act unless the sheriff and the relevant union have mutually
25 agreed otherwise or the individual is otherwise recognized
26 under Section 9.

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

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

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

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

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

22 (n) "Public employee" or "employee", for the purposes of
23 this Act, means any individual employed by a public employer,
24 including (i) interns and residents at public hospitals, (ii)
25 as of July 16, 2003 (the effective date of Public Act 93-204),
26 but not before, personal assistants working under the Home

1 Services Program under Section 3 of the Rehabilitation of
2 Persons with Disabilities Act, subject to the limitations set
3 forth in this Act and in the Rehabilitation of Persons with
4 Disabilities Act, (iii) as of January 1, 2006 (the effective
5 date of Public Act 94-320), but not before, child and day care
6 home providers participating in the child care assistance
7 program under Section 9A-11 of the Illinois Public Aid Code,
8 subject to the limitations set forth in this Act and in Section
9 9A-11 of the Illinois Public Aid Code, (iv) as of January 29,
10 2013 (the effective date of Public Act 97-1158), but not
11 before except as otherwise provided in this subsection (n),
12 home care and home health workers who function as personal
13 assistants and individual maintenance home health workers and
14 who also work under the Home Services Program under Section 3
15 of the Rehabilitation of Persons with Disabilities Act, no
16 matter whether the State provides those services through
17 direct fee-for-service arrangements, with the assistance of a
18 managed care organization or other intermediary, or otherwise,
19 (v) beginning on July 19, 2013 (the effective date of Public
20 Act 98-100) and notwithstanding any other provision of this
21 Act, any person employed by a public employer and who is
22 classified as or who holds the employment title of Chief
23 Stationary Engineer, Assistant Chief Stationary Engineer,
24 Sewage Plant Operator, Water Plant Operator, Stationary
25 Engineer, Plant Operating Engineer, and any other employee who
26 holds the position of: Civil Engineer V, Civil Engineer VI,

1 Civil Engineer VII, Technical Manager I, Technical Manager II,
2 Technical Manager III, Technical Manager IV, Technical Manager
3 V, Technical Manager VI, Realty Specialist III, Realty
4 Specialist IV, Realty Specialist V, Technical Advisor I,
5 Technical Advisor II, Technical Advisor III, Technical Advisor
6 IV, or Technical Advisor V employed by the Department of
7 Transportation who is in a position which is certified in a
8 bargaining unit on or before July 19, 2013 (the effective date
9 of Public Act 98-100), and (vi) beginning on July 19, 2013 (the
10 effective date of Public Act 98-100) and notwithstanding any
11 other provision of this Act, any mental health administrator
12 in the Department of Corrections who is classified as or who
13 holds the position of Public Service Administrator (Option
14 8K), any employee of the Office of the Inspector General in the
15 Department of Human Services who is classified as or who holds
16 the position of Public Service Administrator (Option 7), any
17 Deputy of Intelligence in the Department of Corrections who is
18 classified as or who holds the position of Public Service
19 Administrator (Option 7), and any employee of the Illinois
20 State Police who handles issues concerning the Illinois State
21 Police Sex Offender Registry and who is classified as or holds
22 the position of Public Service Administrator (Option 7), but
23 excluding all of the following: employees of the General
24 Assembly of the State of Illinois; elected officials;
25 executive heads of a department; members of boards or
26 commissions; the Executive Inspectors General; any special

1 Executive Inspectors General; employees of each Office of an
2 Executive Inspector General; commissioners and employees of
3 the Executive Ethics Commission; the Auditor General's
4 Inspector General; employees of the Office of the Auditor
5 General's Inspector General; the Legislative Inspector
6 General; any special Legislative Inspectors General; employees
7 of the Office of the Legislative Inspector General;
8 commissioners and employees of the Legislative Ethics
9 Commission; employees of any agency, board or commission
10 created by this Act; employees appointed to State positions of
11 a temporary or emergency nature; all employees of school
12 districts and higher education institutions except
13 firefighters and peace officers employed by a state university
14 and except peace officers employed by a school district in its
15 own police department in existence on July 23, 2010 (the
16 effective date of Public Act 96-1257); managerial employees;
17 short-term employees; legislative liaisons; a person who is a
18 State employee under the jurisdiction of the Office of the
19 Attorney General who is licensed to practice law or whose
20 position authorizes, either directly or indirectly, meaningful
21 input into government decision-making on issues where there is
22 room for principled disagreement on goals or their
23 implementation; a person who is a State employee under the
24 jurisdiction of the Office of the Comptroller who holds the
25 position of Public Service Administrator or whose position is
26 otherwise exempt under the Comptroller Merit Employment Code;

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

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

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

23 Child and day care home providers shall not be considered
24 public employees for any purposes not specifically provided
25 for in Public Act 94-320, including, but not limited to,
26 purposes of vicarious liability in tort and purposes of

1 statutory retirement or health insurance benefits. Child and
2 day care home providers shall not be covered by the State
3 Employees Group Insurance Act of 1971.

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

8 (o) Except as otherwise in subsection (o-5), "public
9 employer" or "employer" means the State of Illinois; any
10 political subdivision of the State, unit of local government
11 or school district; authorities including departments,
12 divisions, bureaus, boards, commissions, or other agencies of
13 the foregoing entities; and any person acting within the scope
14 of his or her authority, express or implied, on behalf of those
15 entities in dealing with its employees. As of July 16, 2003
16 (the effective date of Public Act 93-204), but not before, the
17 State of Illinois shall be considered the employer of the
18 personal assistants working under the Home Services Program
19 under Section 3 of the Rehabilitation of Persons with
20 Disabilities Act, subject to the limitations set forth in this
21 Act and in the Rehabilitation of Persons with Disabilities
22 Act. As of January 29, 2013 (the effective date of Public Act
23 97-1158), but not before except as otherwise provided in this
24 subsection (o), the State shall be considered the employer of
25 home care and home health workers who function as personal
26 assistants and individual maintenance home health workers and

1 who also work under the Home Services Program under Section 3
2 of the Rehabilitation of Persons with Disabilities Act, no
3 matter whether the State provides those services through
4 direct fee-for-service arrangements, with the assistance of a
5 managed care organization or other intermediary, or otherwise,
6 but subject to the limitations set forth in this Act and the
7 Rehabilitation of Persons with Disabilities Act. The State
8 shall not be considered to be the employer of home care and
9 home health workers who function as personal assistants and
10 individual maintenance home health workers and who also work
11 under the Home Services Program under Section 3 of the
12 Rehabilitation of Persons with Disabilities Act, for any
13 purposes not specifically provided for in Public Act 93-204 or
14 Public Act 97-1158, including but not limited to, purposes of
15 vicarious liability in tort and purposes of statutory
16 retirement or health insurance benefits. Home care and home
17 health workers who function as personal assistants and
18 individual maintenance home health workers and who also work
19 under the Home Services Program under Section 3 of the
20 Rehabilitation of Persons with Disabilities Act shall not be
21 covered by the State Employees Group Insurance Act of 1971. As
22 of January 1, 2006 (the effective date of Public Act 94-320),
23 but not before, the State of Illinois shall be considered the
24 employer of the day and child care home providers
25 participating in the child care assistance program under
26 Section 9A-11 of the Illinois Public Aid Code, subject to the

1 limitations set forth in this Act and in Section 9A-11 of the
2 Illinois Public Aid Code. The State shall not be considered to
3 be the employer of child and day care home providers for any
4 purposes not specifically provided for in Public Act 94-320,
5 including, but not limited to, purposes of vicarious liability
6 in tort and purposes of statutory retirement or health
7 insurance benefits. Child and day care home providers shall
8 not be covered by the State Employees Group Insurance Act of
9 1971.

10 "Public employer" or "employer" as used in this Act,
11 however, does not mean and shall not include the General
12 Assembly of the State of Illinois, the Executive Ethics
13 Commission, the Offices of the Executive Inspectors General,
14 the Legislative Ethics Commission, the Office of the
15 Legislative Inspector General, the Office of the Auditor
16 General's Inspector General, the Office of the Governor, the
17 Governor's Office of Management and Budget, the Illinois
18 Finance Authority, the Office of the Lieutenant Governor, the
19 State Board of Elections, and educational employers or
20 employers as defined in the Illinois Educational Labor
21 Relations Act, except with respect to a state university in
22 its employment of firefighters and peace officers and except
23 with respect to a school district in the employment of peace
24 officers in its own police department in existence on July 23,
25 2010 (the effective date of Public Act 96-1257). County boards
26 and county sheriffs shall be designated as joint or

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

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

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

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

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

24 (p) "Security employee" means an employee who is
25 responsible for the supervision and control of inmates at
26 correctional facilities. The term also includes other

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

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

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

16 (r) "Supervisor" is:

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

1 includes only those individuals who devote a preponderance
2 of their employment time to exercising that authority,
3 State supervisors and sworn State police officers
4 notwithstanding. Determinations of supervisor status shall
5 be based on actual employee job duties and not solely on
6 written job descriptions. Nothing in this definition
7 prohibits an individual from also meeting the definition
8 of "managerial employee" under subsection (j) of this
9 Section. In addition, in determining supervisory status in
10 police employment, rank shall not be determinative. The
11 Board shall consider, as evidence of bargaining unit
12 inclusion or exclusion, the common law enforcement
13 policies and relationships between police officer ranks
14 and certification under applicable civil service law,
15 ordinances, personnel codes, ~~or~~ Division 2.1 of Article 10
16 of the Illinois Municipal Code, or Division 3.8 of Article
17 3 of the Counties Code, but these factors shall not be the
18 sole or predominant factors considered by the Board in
19 determining police supervisory status.

20 Notwithstanding the provisions of the preceding
21 paragraph, in determining supervisory status in fire
22 fighter employment, no fire fighter shall be excluded as a
23 supervisor who has established representation rights under
24 Section 9 of this Act. Further, in fire fighter units,
25 employees shall consist of fire fighters of the highest
26 rank of company officer and below. A company officer may

1 be responsible for multiple companies or apparatus on a
2 shift, multiple stations, or an entire shift. There may be
3 more than one company officer per shift. If a company
4 officer otherwise qualifies as a supervisor under the
5 preceding paragraph, however, he or she shall not be
6 included in the fire fighter unit. If there is no rank
7 between that of chief and the highest company officer, the
8 employer may designate a position on each shift as a Shift
9 Commander, and the persons occupying those positions shall
10 be supervisors. All other ranks above that of the highest
11 company officer shall be supervisors.

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

26 (s)(1) "Unit" means a class of jobs or positions that are

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

1 than such sworn peace officers upon the effective date of this
2 amendatory Act of 1990 or upon the expiration date of any
3 collective bargaining agreement in effect upon the effective
4 date of this amendatory Act of 1990 covering both such sworn
5 peace officers and other employees.

6 (2) Notwithstanding the exclusion of supervisors from
7 bargaining units as provided in paragraph (1) of this
8 subsection (s), a public employer may agree to permit its
9 supervisory employees to form bargaining units and may bargain
10 with those units. This Act shall apply if the public employer
11 chooses to bargain under this subsection.

12 (3) Public employees who are court reporters, as defined
13 in the Court Reporters Act, shall be divided into 3 units for
14 collective bargaining purposes. One unit shall be court
15 reporters employed by the Cook County Judicial Circuit; one
16 unit shall be court reporters employed by the 12th, 18th,
17 19th, and, on and after December 4, 2006, the 22nd judicial
18 circuits; and one unit shall be court reporters employed by
19 all other judicial circuits.

20 (t) "Active petition for certification in a bargaining
21 unit" means a petition for certification filed with the Board
22 under one of the following case numbers: S-RC-11-110;
23 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;
24 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;
25 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;
26 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;

1 S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220;
2 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;
3 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;
4 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;
5 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;
6 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;
7 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;
8 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;
9 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or
10 S-RC-07-100.
11 (Source: P.A. 102-151, eff. 7-23-21; 102-538, eff. 8-20-21;
12 102-686, eff. 6-1-22; 102-813, eff. 5-13-22; 103-154, eff.
13 6-30-23.)