



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB1701

Introduced 2/5/2025, by Sen. Bill Cunningham

#### SYNOPSIS AS INTRODUCED:

5 ILCS 315/3

from Ch. 48, par. 1603

Amends the Illinois Public Labor Relations Act. Provides that, with respect to a police officer, other than employed by the Illinois State Police, a supervisor is any officer in a permanent rank for which the police officer is appointed. Provides that, with respect to a the State Police, a supervisor includes any rank of Lieutenant Colonel or above. Excludes from the definition of supervisor (1) a police officer appointed duties but in which the permanent rank does not change, (2) a police officer excluded from the definition of "supervisor" by a collective bargaining agreement, (3) a police officer who is in a rank for which the police officer must test in order to be employed in that rank, (4) a police officer who is in a position or rank that has been voluntary recognized as covered by a collective bargaining agreement by the employer, or (5) a police officer who is in a position or rank that has been historically covered by a collective bargaining agreement.

LRB104 10362 BDA 20437 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. With respect only to State employees in  
4 positions under the jurisdiction of the Attorney General,  
5 Secretary of State, Comptroller, or Treasurer (i) that were  
6 certified in a bargaining unit on or after December 2, 2008,  
7 (ii) for which a petition is filed with the Illinois Public  
8 Labor Relations Board on or after April 5, 2013 (the effective  
9 date of Public Act 97-1172), or (iii) for which a petition is  
10 pending before the Illinois Public Labor Relations Board on  
11 that date, "managerial employee" means an individual who is  
12 engaged in executive and management functions or who is  
13 charged with the effectuation of management policies and  
14 practices or who represents management interests by taking or  
15 recommending discretionary actions that effectively control or  
16 implement policy. Nothing in this definition prohibits an  
17 individual from also meeting the definition of "supervisor"  
18 under subsection (r) of this Section.

19 (k) "Peace officer" means, for the purposes of this Act  
20 only, any persons who have been or are hereafter appointed to a  
21 police force, department, or agency and sworn or commissioned  
22 to perform police duties, except that the following persons  
23 are not included: part-time police officers, special police  
24 officers, auxiliary police as defined by Section 3.1-30-20 of  
25 the Illinois Municipal Code, night watchmen, "merchant  
26 police", court security officers as defined by Section

1 3-6012.1 of the Counties Code, temporary employees, traffic  
2 guards or wardens, civilian parking meter and parking  
3 facilities personnel or other individuals specially appointed  
4 to aid or direct traffic at or near schools or public functions  
5 or to aid in civil defense or disaster, parking enforcement  
6 employees who are not commissioned as peace officers and who  
7 are not armed and who are not routinely expected to effect  
8 arrests, parking lot attendants, clerks and dispatchers or  
9 other civilian employees of a police department who are not  
10 routinely expected to effect arrests, or elected officials.

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

19 (m) "Professional employee" means any employee engaged in  
20 work predominantly intellectual and varied in character rather  
21 than routine mental, manual, mechanical or physical work;  
22 involving the consistent exercise of discretion and adjustment  
23 in its performance; of such a character that the output  
24 produced or the result accomplished cannot be standardized in  
25 relation to a given period of time; and requiring advanced  
26 knowledge in a field of science or learning customarily

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

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

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

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

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

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

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

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

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

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

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

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

1 Rehabilitation of Persons with Disabilities Act, for any  
2 purposes not specifically provided for in Public Act 93-204 or  
3 Public Act 97-1158, including but not limited to, purposes of  
4 vicarious liability in tort and purposes of statutory  
5 retirement or health insurance benefits. Home care and home  
6 health workers who function as personal assistants and  
7 individual maintenance home health workers and who also work  
8 under the Home Services Program under Section 3 of the  
9 Rehabilitation of Persons with Disabilities Act shall not be  
10 covered by the State Employees Group Insurance Act of 1971. As  
11 of January 1, 2006 (the effective date of Public Act 94-320),  
12 but not before, the State of Illinois shall be considered the  
13 employer of the day and child care home providers  
14 participating in the child care assistance program under  
15 Section 9A-11 of the Illinois Public Aid Code, subject to the  
16 limitations set forth in this Act and in Section 9A-11 of the  
17 Illinois Public Aid Code. The State shall not be considered to  
18 be the employer of child and day care home providers for any  
19 purposes not specifically provided for in Public Act 94-320,  
20 including, but not limited to, purposes of vicarious liability  
21 in tort and purposes of statutory retirement or health  
22 insurance benefits. Child and day care home providers shall  
23 not be covered by the State Employees Group Insurance Act of  
24 1971.

25 "Public employer" or "employer" as used in this Act,  
26 however, does not mean and shall not include the General

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

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

26 (1) For court reporters employed by the Cook County

1 Judicial Circuit, the chief judge of the Cook County  
2 Circuit Court is the public employer and employer  
3 representative.

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

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

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

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

24 (q-5) "State agency" means an agency directly responsible  
25 to the Governor, as defined in Section 3.1 of the Executive  
26 Reorganization Implementation Act, and the Illinois Commerce

1 Commission, the Illinois Workers' Compensation Commission, the  
2 Civil Service Commission, the Pollution Control Board, the  
3 Illinois Racing Board, and the Illinois State Police Merit  
4 Board.

5 (r) "Supervisor" is:

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

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

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

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

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

14 (3) With respect to a police officer, other than a  
15 police officer employed by the Illinois State Police, any  
16 officer in a permanent rank for which the police officer  
17 is appointed. An appointment of duties in which the  
18 permanent rank does not change shall not be considered the  
19 appointment of a supervisor under this definition.

20 (4) With respect to a police officer for the State  
21 Police, any rank of Lieutenant Colonel or above.

22 "Supervisor" does not include (1) a police officer  
23 excluded from the definition of "supervisor" by a collective  
24 bargaining agreement, (2) a police officer who is in a rank for  
25 which the police officer must test in order to be employed in  
26 that rank, (3) a police officer who is in a position or rank

1 that has been voluntary recognized as covered by a collective  
2 bargaining agreement by the employer, or (4) a police officer  
3 who is in a position or rank that has been historically covered  
4 by a collective bargaining agreement.

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

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

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

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

25 (t) "Active petition for certification in a bargaining  
26 unit" means a petition for certification filed with the Board

1 under one of the following case numbers: S-RC-11-110;  
2 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;  
3 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;  
4 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;  
5 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;  
6 S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220;  
7 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;  
8 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;  
9 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;  
10 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;  
11 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;  
12 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;  
13 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;  
14 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or  
15 S-RC-07-100.

16 (Source: P.A. 102-151, eff. 7-23-21; 102-538, eff. 8-20-21;  
17 102-686, eff. 6-1-22; 102-813, eff. 5-13-22; 103-154, eff.  
18 6-30-23.)