



Sen. Bill Cunningham

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1 AMENDMENT TO SENATE BILL 1701

2 AMENDMENT NO. _____. Amend Senate Bill 1701 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. On and after the effective date of this
24 amendatory Act of the 104th General Assembly, "managerial
25 employee" includes the individual designated or appointed by a
26 sheriff as the undersheriff or chief deputy to fill a vacancy

1 under Section 3-3010 of the Counties Code and the individual
2 serving as the superintendent of the jail under Section 3 of
3 the County Jail Act, unless the sheriff and the relevant union
4 have mutually agreed otherwise or the individual is already
5 otherwise recognized under subsection (c) of Section 9 or any
6 other provision of this Act. Nothing in this definition
7 prohibits an individual from also meeting the definition of
8 "supervisor" under subsection (r) of this Section.

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

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

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

1 (n) "Public employee" or "employee", for the purposes of
2 this Act, means any individual employed by a public employer,
3 including (i) interns and residents at public hospitals, (ii)
4 as of July 16, 2003 (the effective date of Public Act 93-204),
5 but not before, personal assistants working under the Home
6 Services Program under Section 3 of the Rehabilitation of
7 Persons with Disabilities Act, subject to the limitations set
8 forth in this Act and in the Rehabilitation of Persons with
9 Disabilities Act, (iii) as of January 1, 2006 (the effective
10 date of Public Act 94-320), but not before, child and day care
11 home providers participating in the child care assistance
12 program under Section 9A-11 of the Illinois Public Aid Code,
13 subject to the limitations set forth in this Act and in Section
14 9A-11 of the Illinois Public Aid Code, (iv) as of January 29,
15 2013 (the effective date of Public Act 97-1158), but not
16 before except as otherwise provided in this subsection (n),
17 home care and home health workers who function as personal
18 assistants and individual maintenance home health workers and
19 who also work under the Home Services Program under Section 3
20 of the Rehabilitation of Persons with Disabilities Act, no
21 matter whether the State provides those services through
22 direct fee-for-service arrangements, with the assistance of a
23 managed care organization or other intermediary, or otherwise,
24 (v) beginning on July 19, 2013 (the effective date of Public
25 Act 98-100) and notwithstanding any other provision of this
26 Act, any person employed by a public employer and who is

1 classified as or who holds the employment title of Chief
2 Stationary Engineer, Assistant Chief Stationary Engineer,
3 Sewage Plant Operator, Water Plant Operator, Stationary
4 Engineer, Plant Operating Engineer, and any other employee who
5 holds the position of: Civil Engineer V, Civil Engineer VI,
6 Civil Engineer VII, Technical Manager I, Technical Manager II,
7 Technical Manager III, Technical Manager IV, Technical Manager
8 V, Technical Manager VI, Realty Specialist III, Realty
9 Specialist IV, Realty Specialist V, Technical Advisor I,
10 Technical Advisor II, Technical Advisor III, Technical Advisor
11 IV, or Technical Advisor V employed by the Department of
12 Transportation who is in a position which is certified in a
13 bargaining unit on or before July 19, 2013 (the effective date
14 of Public Act 98-100), and (vi) beginning on July 19, 2013 (the
15 effective date of Public Act 98-100) and notwithstanding any
16 other provision of this Act, any mental health administrator
17 in the Department of Corrections who is classified as or who
18 holds the position of Public Service Administrator (Option
19 8K), any employee of the Office of the Inspector General in the
20 Department of Human Services who is classified as or who holds
21 the position of Public Service Administrator (Option 7), any
22 Deputy of Intelligence in the Department of Corrections who is
23 classified as or who holds the position of Public Service
24 Administrator (Option 7), and any employee of the Illinois
25 State Police who handles issues concerning the Illinois State
26 Police Sex Offender Registry and who is classified as or holds

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

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

1 petition for certification in a bargaining unit; any employee
2 of a State agency who (i) is in a position that is
3 Rutan-exempt, as designated by the employer, and completely
4 exempt from jurisdiction B of the Personnel Code and (ii) was
5 neither included in a bargaining unit nor subject to an active
6 petition for certification in a bargaining unit; any term
7 appointed employee of a State agency pursuant to Section 8b.18
8 or 8b.19 of the Personnel Code who was neither included in a
9 bargaining unit nor subject to an active petition for
10 certification in a bargaining unit; any employment position
11 properly designated pursuant to Section 6.1 of this Act;
12 confidential employees; independent contractors; and
13 supervisors except as provided in this Act.

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

1 Group Insurance Act of 1971.

2 Child and day care home providers shall not be considered
3 public employees for any purposes not specifically provided
4 for in Public Act 94-320, including, but not limited to,
5 purposes of vicarious liability in tort and purposes of
6 statutory retirement or health insurance benefits. Child and
7 day care home providers shall not be covered by the State
8 Employees Group Insurance Act of 1971.

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

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

1 Act. As of January 29, 2013 (the effective date of Public Act
2 97-1158), but not before except as otherwise provided in this
3 subsection (o), the State shall be considered the employer of
4 home care and home health workers who function as personal
5 assistants and individual maintenance home health workers and
6 who also work under the Home Services Program under Section 3
7 of the Rehabilitation of Persons with Disabilities Act, no
8 matter whether the State provides those services through
9 direct fee-for-service arrangements, with the assistance of a
10 managed care organization or other intermediary, or otherwise,
11 but subject to the limitations set forth in this Act and the
12 Rehabilitation of Persons with Disabilities Act. The State
13 shall not be considered to be the employer of home care and
14 home health workers who function as personal assistants and
15 individual maintenance home health workers and who also work
16 under the Home Services Program under Section 3 of the
17 Rehabilitation of Persons with Disabilities Act, for any
18 purposes not specifically provided for in Public Act 93-204 or
19 Public Act 97-1158, including but not limited to, purposes of
20 vicarious liability in tort and purposes of statutory
21 retirement or health insurance benefits. Home care and home
22 health workers who function as personal assistants and
23 individual maintenance home health workers and who also work
24 under the Home Services Program under Section 3 of the
25 Rehabilitation of Persons with Disabilities Act shall not be
26 covered by the State Employees Group Insurance Act of 1971. As

1 of January 1, 2006 (the effective date of Public Act 94-320),
2 but not before, the State of Illinois shall be considered the
3 employer of the day and child care home providers
4 participating in the child care assistance program under
5 Section 9A-11 of the Illinois Public Aid Code, subject to the
6 limitations set forth in this Act and in Section 9A-11 of the
7 Illinois Public Aid Code. The State shall not be considered to
8 be the employer of child and day care home providers for any
9 purposes not specifically provided for in Public Act 94-320,
10 including, but not limited to, purposes of vicarious liability
11 in tort and purposes of statutory retirement or health
12 insurance benefits. Child and day care home providers shall
13 not be covered by the State Employees Group Insurance Act of
14 1971.

15 "Public employer" or "employer" as used in this Act,
16 however, does not mean and shall not include the General
17 Assembly of the State of Illinois, the Executive Ethics
18 Commission, the Offices of the Executive Inspectors General,
19 the Legislative Ethics Commission, the Office of the
20 Legislative Inspector General, the Office of the Auditor
21 General's Inspector General, the Office of the Governor, the
22 Governor's Office of Management and Budget, the Illinois
23 Finance Authority, the Office of the Lieutenant Governor, the
24 State Board of Elections, and educational employers or
25 employers as defined in the Illinois Educational Labor
26 Relations Act, except with respect to a state university in

1 its employment of firefighters and peace officers and except
2 with respect to a school district in the employment of peace
3 officers in its own police department in existence on July 23,
4 2010 (the effective date of Public Act 96-1257). County boards
5 and county sheriffs shall be designated as joint or
6 co-employers of county peace officers appointed under the
7 authority of a county sheriff. Nothing in this subsection (o)
8 shall be construed to prevent the State Panel or the Local
9 Panel from determining that employers are joint or
10 co-employers.

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

16 (1) For court reporters employed by the Cook County
17 Judicial Circuit, the chief judge of the Cook County
18 Circuit Court is the public employer and employer
19 representative.

20 (2) For court reporters employed by the 12th, 18th,
21 19th, and, on and after December 4, 2006, the 22nd
22 judicial circuits, a group consisting of the chief judges
23 of those circuits, acting jointly by majority vote, is the
24 public employer and employer representative.

25 (3) For court reporters employed by all other judicial
26 circuits, a group consisting of the chief judges of those

1 circuits, acting jointly by majority vote, is the public
2 employer and employer representative.

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

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

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

21 (r) "Supervisor" is:

22 (1) An employee whose principal work is substantially
23 different from that of his or her subordinates and who has
24 authority, in the interest of the employer, to hire,
25 transfer, suspend, lay off, recall, promote, discharge,
26 direct, reward, or discipline employees, to adjust their

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

24 Notwithstanding the provisions of the preceding
25 paragraph, in determining supervisory status in fire
26 fighter employment, no fire fighter shall be excluded as a

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

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

1 National Labor Relations Board interpreting that provision
2 or decisions of courts reviewing decisions of the National
3 Labor Relations Board.

4 (3) With respect to a police officer, other than a
5 police officer employed by the Illinois State Police, any
6 officer in a permanent rank for which the police officer
7 is appointed, which for municipal police officers shall
8 mean those not subject to promotional testing pursuant to
9 Division 1 or Division 2.1 of the Illinois Municipal Code.
10 The position or rank immediately below that of Chief,
11 whether occupied by a person or persons in appointed
12 positions or a tested rank shall also be considered
13 supervisors unless that rank is that of patrol officer. An
14 appointment of duties in which the tested permanent rank
15 does not change shall not be considered the appointment of
16 a supervisor under this definition.

17 (4) With respect to a police officer for the State
18 Police, any rank of Major or above.

19 Notwithstanding the provisions of paragraph (1) of
20 subsection (r), "supervisor" does not include (1) a police
21 officer excluded from the definition of "supervisor" by a
22 collective bargaining agreement, (2) a police officer who is
23 in a rank for which the police officer must test pursuant to
24 Division 1 or Division 2.1 of the Illinois Municipal Code in
25 order to be employed in that rank, (3) a police officer who is
26 in a position or rank that has been voluntarily recognized as

1 covered by a collective bargaining agreement by the employer,
2 or (4) a police officer who is in a position or rank that has
3 been historically covered by a collective bargaining
4 agreement. However, these exclusions from the definition of
5 "supervisor" only apply in this Act for the purposes of
6 supervisory collective bargaining purposes only. Employees
7 occupying supervisory bargaining ranks shall still be required
8 to perform supervisory functions as outlined in paragraph (1)
9 of subsection (r) and be held accountable for failure to
10 perform supervisory functions.

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 July 1,

1 2026.".