



Sen. Bill Cunningham

Filed: 4/4/2025

10400SB1701sam002

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1 AMENDMENT TO SENATE BILL 1701

2 AMENDMENT NO. _____. Amend Senate Bill 1701, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Public Labor Relations Act is
6 amended by changing Section 3 as follows:

7 (5 ILCS 315/3) (from Ch. 48, par. 1603)

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

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

14 (b) "Collective bargaining" means bargaining over terms
15 and conditions of employment, including hours, wages, and
16 other conditions of employment, as detailed in Section 7 and

1 which are not excluded by Section 4.

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

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

14 (e) "Essential services employees" means those public
15 employees performing functions so essential that the
16 interruption or termination of the function will constitute a
17 clear and present danger to the health and safety of the
18 persons in the affected community.

19 (f) "Exclusive representative", except with respect to
20 non-State fire fighters and paramedics employed by fire
21 departments and fire protection districts, non-State peace
22 officers, and peace officers in the Illinois State Police,
23 means the labor organization that has been (i) designated by
24 the Board as the representative of a majority of public
25 employees in an appropriate bargaining unit in accordance with
26 the procedures contained in this Act; (ii) historically

1 recognized by the State of Illinois or any political
2 subdivision of the State before July 1, 1984 (the effective
3 date of this Act) as the exclusive representative of the
4 employees in an appropriate bargaining unit; (iii) after July
5 1, 1984 (the effective date of this Act) recognized by an
6 employer upon evidence, acceptable to the Board, that the
7 labor organization has been designated as the exclusive
8 representative by a majority of the employees in an
9 appropriate bargaining unit; (iv) recognized as the exclusive
10 representative of personal assistants under Executive Order
11 2003-8 prior to July 16, 2003 (the effective date of Public Act
12 93-204), and the organization shall be considered to be the
13 exclusive representative of the personal assistants as defined
14 in this Section; or (v) recognized as the exclusive
15 representative of child and day care home providers, including
16 licensed and license exempt providers, pursuant to an election
17 held under Executive Order 2005-1 prior to January 1, 2006
18 (the effective date of Public Act 94-320), and the
19 organization shall be considered to be the exclusive
20 representative of the child and day care home providers as
21 defined in this Section.

22 With respect to non-State fire fighters and paramedics
23 employed by fire departments and fire protection districts,
24 non-State peace officers, and peace officers in the Illinois
25 State Police, "exclusive representative" means the labor
26 organization that has been (i) designated by the Board as the

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

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

25 (g) "Fair share agreement" means an agreement between the
26 employer and an employee organization under which all or any

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

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

25 (g-2) "General Assembly of the State of Illinois" means
26 the legislative branch of the government of the State of

1 Illinois, as provided for under Article IV of the Constitution
2 of the State of Illinois, and includes, but is not limited to,
3 the House of Representatives, the Senate, the Speaker of the
4 House of Representatives, the Minority Leader of the House of
5 Representatives, the President of the Senate, the Minority
6 Leader of the Senate, the Joint Committee on Legislative
7 Support Services, and any legislative support services agency
8 listed in the Legislative Commission Reorganization Act of
9 1984.

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

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

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

1 regularly communicate in the course of his or her employment
2 with any official or staff of the General Assembly of the State
3 of Illinois for the purpose of influencing any legislative
4 action.

5 (j) "Managerial employee" means an individual who is
6 engaged predominantly in executive and management functions
7 and is charged with the responsibility of directing the
8 effectuation of management policies and practices.
9 Determination of managerial employee status shall be based on
10 actual employee job duties and not solely on written job
11 descriptions. With respect only to State employees in
12 positions under the jurisdiction of the Attorney General,
13 Secretary of State, Comptroller, or Treasurer (i) that were
14 certified in a bargaining unit on or after December 2, 2008,
15 (ii) for which a petition is filed with the Illinois Public
16 Labor Relations Board on or after April 5, 2013 (the effective
17 date of Public Act 97-1172), or (iii) for which a petition is
18 pending before the Illinois Public Labor Relations Board on
19 that date, "managerial employee" means an individual who is
20 engaged in executive and management functions or who is
21 charged with the effectuation of management policies and
22 practices or who represents management interests by taking or
23 recommending discretionary actions that effectively control or
24 implement policy. On and after the effective date of this
25 amendatory Act of the 104th General Assembly, "managerial
26 employee" includes the individual designated or appointed by a

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

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

1 routinely expected to effect arrests, or elected officials.

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

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

1 employee as defined in this subsection (m).

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

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

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

1 input into government decision-making on issues where there is
2 room for principled disagreement on goals or their
3 implementation; a person who is a State employee under the
4 jurisdiction of the Office of the Comptroller who holds the
5 position of Public Service Administrator or whose position is
6 otherwise exempt under the Comptroller Merit Employment Code;
7 a person who is a State employee under the jurisdiction of the
8 Secretary of State who holds the position classification of
9 Executive I or higher, whose position authorizes, either
10 directly or indirectly, meaningful input into government
11 decision-making on issues where there is room for principled
12 disagreement on goals or their implementation, or who is
13 otherwise exempt under the Secretary of State Merit Employment
14 Code; employees in the Office of the Secretary of State who are
15 completely exempt from jurisdiction B of the Secretary of
16 State Merit Employment Code and who are in Rutan-exempt
17 positions on or after April 5, 2013 (the effective date of
18 Public Act 97-1172); a person who is a State employee under the
19 jurisdiction of the Treasurer who holds a position that is
20 exempt from the State Treasurer Employment Code; any employee
21 of a State agency who (i) holds the title or position of, or
22 exercises substantially similar duties as a legislative
23 liaison, Agency General Counsel, Agency Chief of Staff, Agency
24 Executive Director, Agency Deputy Director, Agency Chief
25 Fiscal Officer, Agency Human Resources Director, Public
26 Information Officer, or Chief Information Officer and (ii) was

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

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

1 Disabilities Act shall not be covered by the State Employees
2 Group Insurance Act of 1971.

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

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

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

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

1 covered by the State Employees Group Insurance Act of 1971. As
2 of January 1, 2006 (the effective date of Public Act 94-320),
3 but not before, the State of Illinois shall be considered the
4 employer of the day and child care home providers
5 participating in the child care assistance program under
6 Section 9A-11 of the Illinois Public Aid Code, subject to the
7 limitations set forth in this Act and in Section 9A-11 of the
8 Illinois Public Aid Code. The State shall not be considered to
9 be the employer of child and day care home providers for any
10 purposes not specifically provided for in Public Act 94-320,
11 including, but not limited to, purposes of vicarious liability
12 in tort and purposes of statutory retirement or health
13 insurance benefits. Child and day care home providers shall
14 not be covered by the State Employees Group Insurance Act of
15 1971.

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

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

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

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

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

26 (3) For court reporters employed by all other judicial

1 circuits, a group consisting of the chief judges of those
2 circuits, acting jointly by majority vote, is the public
3 employer and employer representative.

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

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

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

22 (r) "Supervisor" is:

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

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

25 Notwithstanding the provisions of the preceding
26 paragraph, in determining supervisory status in fire

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

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

1 National Labor Relations Act and (B) orders of the
2 National Labor Relations Board interpreting that provision
3 or decisions of courts reviewing decisions of the National
4 Labor Relations Board.

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

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

21 Notwithstanding the provisions of paragraph (1) of
22 subsection (r), "supervisor" does not include (1) a police
23 officer excluded from the definition of "supervisor" by a
24 collective bargaining agreement, (2) a police officer who is
25 in a rank for which the police officer must complete a written
26 test pursuant to Division 1 or Division 2.1 of the Illinois

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

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

1 bargaining unit determined by the Board shall not include both
2 supervisors and nonsupervisors, or supervisors only, except as
3 provided in paragraph (2) of this subsection (s) and except
4 for bargaining units in existence on January 1, 1986 (the
5 effective date of this amendatory Act of 1985). A bargaining
6 unit determined by the Board to contain peace officers shall
7 contain no employees other than peace officers unless
8 otherwise agreed to by the employer and the labor organization
9 or labor organizations involved. Notwithstanding any other
10 provision of this Act, a bargaining unit, including a
11 historical bargaining unit, containing sworn peace officers of
12 the Department of Natural Resources (formerly designated the
13 Department of Conservation) shall contain no employees other
14 than such sworn peace officers upon the effective date of this
15 amendatory Act of 1990 or upon the expiration date of any
16 collective bargaining agreement in effect upon the effective
17 date of this amendatory Act of 1990 covering both such sworn
18 peace officers and other employees.

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

25 (3) Public employees who are court reporters, as defined
26 in the Court Reporters Act, shall be divided into 3 units for

1 collective bargaining purposes. One unit shall be court
2 reporters employed by the Cook County Judicial Circuit; one
3 unit shall be court reporters employed by the 12th, 18th,
4 19th, and, on and after December 4, 2006, the 22nd judicial
5 circuits; and one unit shall be court reporters employed by
6 all other judicial circuits.

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

24 (Source: P.A. 102-151, eff. 7-23-21; 102-538, eff. 8-20-21;
25 102-686, eff. 6-1-22; 102-813, eff. 5-13-22; 103-154, eff.
26 6-30-23.)

1 Section 99. Effective date. This Act takes effect July 1,
2 2026.".