



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB0220

Introduced 1/22/2021, by Rep. Lawrence Walsh, Jr.

#### SYNOPSIS AS INTRODUCED:

5 ILCS 315/3

from Ch. 48, par. 1603

Amends the Illinois Public Labor Relations Act. Modifies the definition of "supervisor" under the Act. Provides that in fire fighter units (rather than new fire fighter units), employees shall consist of fire fighters of the highest rank of company officer and below (currently, highest rank not specified). Provides that a company officer may be responsible for multiple companies or apparatus on a shift, multiple stations, or an entire shift. Provides that there may be more than one company officer per shift. Provides that all other ranks above that of the highest company officer shall be supervisors (currently, highest rank not specified).

LRB102 04308 RJF 14326 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 (d) "Craft employees" means skilled journeymen, crafts  
2 persons, and their apprentices and helpers.

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

8 (f) "Exclusive representative", except with respect to  
9 non-State fire fighters and paramedics employed by fire  
10 departments and fire protection districts, non-State peace  
11 officers, and peace officers in the Department of State  
12 Police, means the labor organization that has been (i)  
13 designated by the Board as the representative of a majority of  
14 public employees in an appropriate bargaining unit in  
15 accordance with the procedures contained in this Act, (ii)  
16 historically recognized by the State of Illinois or any  
17 political subdivision of the State before July 1, 1984 (the  
18 effective date of this Act) as the exclusive representative of  
19 the employees in an appropriate bargaining unit, (iii) after  
20 July 1, 1984 (the effective date of this Act) recognized by an  
21 employer upon evidence, acceptable to the Board, that the  
22 labor organization has been designated as the exclusive  
23 representative by a majority of the employees in an  
24 appropriate bargaining unit; (iv) recognized as the exclusive  
25 representative of personal assistants under Executive Order  
26 2003-8 prior to the effective date of this amendatory Act of

1 the 93rd General Assembly, and the organization shall be  
2 considered to be the exclusive representative of the personal  
3 assistants as defined in this Section; or (v) recognized as  
4 the exclusive representative of child and day care home  
5 providers, including licensed and license exempt providers,  
6 pursuant to an election held under Executive Order 2005-1  
7 prior to the effective date of this amendatory Act of the 94th  
8 General Assembly, and the organization shall be considered to  
9 be the exclusive representative of the child and day care home  
10 providers as defined in this Section.

11 With respect to non-State fire fighters and paramedics  
12 employed by fire departments and fire protection districts,  
13 non-State peace officers, and peace officers in the Department  
14 of State Police, "exclusive representative" means the labor  
15 organization that has been (i) designated by the Board as the  
16 representative of a majority of peace officers or fire  
17 fighters 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 January 1, 1986 (the effective  
21 date of this amendatory Act of 1985) as the exclusive  
22 representative by a majority of the peace officers or fire  
23 fighters in an appropriate bargaining unit, or (iii) after  
24 January 1, 1986 (the effective date of this amendatory Act of  
25 1985) recognized by an employer upon evidence, acceptable to  
26 the Board, that the labor organization has been designated as

1 the exclusive representative by a majority of the peace  
2 officers or fire fighters in an appropriate bargaining unit.

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

14 (g) "Fair share agreement" means an agreement between the  
15 employer and an employee organization under which all or any  
16 of the employees in a collective bargaining unit are required  
17 to pay their proportionate share of the costs of the  
18 collective bargaining process, contract administration, and  
19 pursuing matters affecting wages, hours, and other conditions  
20 of employment, but not to exceed the amount of dues uniformly  
21 required of members. The amount certified by the exclusive  
22 representative shall not include any fees for contributions  
23 related to the election or support of any candidate for  
24 political office. Nothing in this subsection (g) shall  
25 preclude an employee from making voluntary political  
26 contributions in conjunction with his or her fair share

1 payment.

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

14 (g-2) "General Assembly of the State of Illinois" means  
15 the legislative branch of the government of the State of  
16 Illinois, as provided for under Article IV of the Constitution  
17 of the State of Illinois, and includes but is not limited to  
18 the House of Representatives, the Senate, the Speaker of the  
19 House of Representatives, the Minority Leader of the House of  
20 Representatives, the President of the Senate, the Minority  
21 Leader of the Senate, the Joint Committee on Legislative  
22 Support Services and any legislative support services agency  
23 listed in the Legislative Commission Reorganization Act of  
24 1984.

25 (h) "Governing body" means, in the case of the State, the  
26 State Panel of the Illinois Labor Relations Board, the

1 Director of the Department of Central Management Services, and  
2 the Director of the Department of Labor; the county board in  
3 the case of a county; the corporate authorities in the case of  
4 a municipality; and the appropriate body authorized to provide  
5 for expenditures of its funds in the case of any other unit of  
6 government.

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

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

20 (j) "Managerial employee" means an individual who is  
21 engaged predominantly in executive and management functions  
22 and is charged with the responsibility of directing the  
23 effectuation of management policies and practices. With  
24 respect only to State employees in positions under the  
25 jurisdiction of the Attorney General, Secretary of State,  
26 Comptroller, or Treasurer (i) that were certified in a

1 bargaining unit on or after December 2, 2008, (ii) for which a  
2 petition is filed with the Illinois Public Labor Relations  
3 Board on or after April 5, 2013 (the effective date of Public  
4 Act 97-1172), or (iii) for which a petition is pending before  
5 the Illinois Public Labor Relations Board on that date,  
6 "managerial employee" means an individual who is engaged in  
7 executive and management functions or who is charged with the  
8 effectuation of management policies and practices or who  
9 represents management interests by taking or recommending  
10 discretionary actions that effectively control or implement  
11 policy. Nothing in this definition prohibits an individual  
12 from also meeting the definition of "supervisor" under  
13 subsection (r) of this Section.

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



1 employees who are not commissioned as peace officers and who  
2 are not armed and who are not routinely expected to effect  
3 arrests, parking lot attendants, clerks and dispatchers or  
4 other civilian employees of a police department who are not  
5 routinely expected to effect arrests, or elected officials.

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

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

1 who has completed the courses of specialized intellectual  
2 instruction and study prescribed in this subsection (m) and is  
3 performing related work under the supervision of a  
4 professional person to qualify to become a professional  
5 employee as defined in this subsection (m).

6 (n) "Public employee" or "employee", for the purposes of  
7 this Act, means any individual employed by a public employer,  
8 including (i) interns and residents at public hospitals, (ii)  
9 as of the effective date of this amendatory Act of the 93rd  
10 General Assembly, but not before, personal assistants working  
11 under the Home Services Program under Section 3 of the  
12 Rehabilitation of Persons with Disabilities Act, subject to  
13 the limitations set forth in this Act and in the  
14 Rehabilitation of Persons with Disabilities Act, (iii) as of  
15 the effective date of this amendatory Act of the 94th General  
16 Assembly, but not before, child and day care home providers  
17 participating in the child care assistance program under  
18 Section 9A-11 of the Illinois Public Aid Code, subject to the  
19 limitations set forth in this Act and in Section 9A-11 of the  
20 Illinois Public Aid Code, (iv) as of January 29, 2013 (the  
21 effective date of Public Act 97-1158), but not before except  
22 as otherwise provided in this subsection (n), home care and  
23 home 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, no matter

1 whether the State provides those services through direct  
2 fee-for-service arrangements, with the assistance of a managed  
3 care organization or other intermediary, or otherwise, (v)  
4 beginning on the effective date of this amendatory Act of the  
5 98th General Assembly and notwithstanding any other provision  
6 of this Act, any person employed by a public employer and who  
7 is classified as or who holds the employment title of Chief  
8 Stationary Engineer, Assistant Chief Stationary Engineer,  
9 Sewage Plant Operator, Water Plant Operator, Stationary  
10 Engineer, Plant Operating Engineer, and any other employee who  
11 holds the position of: Civil Engineer V, Civil Engineer VI,  
12 Civil Engineer VII, Technical Manager I, Technical Manager II,  
13 Technical Manager III, Technical Manager IV, Technical Manager  
14 V, Technical Manager VI, Realty Specialist III, Realty  
15 Specialist IV, Realty Specialist V, Technical Advisor I,  
16 Technical Advisor II, Technical Advisor III, Technical Advisor  
17 IV, or Technical Advisor V employed by the Department of  
18 Transportation who is in a position which is certified in a  
19 bargaining unit on or before the effective date of this  
20 amendatory Act of the 98th General Assembly, and (vi)  
21 beginning on the effective date of this amendatory Act of the  
22 98th General Assembly and notwithstanding any other provision  
23 of this Act, any mental health administrator in the Department  
24 of Corrections who is classified as or who holds the position  
25 of Public Service Administrator (Option 8K), any employee of  
26 the Office of the Inspector General in the Department of Human

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

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

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

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

1 97-1158, including but not limited to, purposes of vicarious  
2 liability in tort and purposes of statutory retirement or  
3 health insurance benefits. Home care and home health workers  
4 who function as personal assistants and individual maintenance  
5 home health workers and who also work under the Home Services  
6 Program under Section 3 of the Rehabilitation of Persons with  
7 Disabilities Act shall not be covered by the State Employees  
8 Group Insurance Act of 1971 (5 ILCS 375/).

9 Child and day care home providers shall not be considered  
10 public employees for any purposes not specifically provided  
11 for in this amendatory Act of the 94th General Assembly,  
12 including but not limited to, purposes of vicarious liability  
13 in tort and purposes of statutory retirement or health  
14 insurance benefits. Child and day care home providers shall  
15 not be covered by the State Employees Group Insurance Act of  
16 1971.

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

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

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



1 for in Public Act 93-204 or Public Act 97-1158, including but  
2 not limited to, purposes of vicarious liability in tort and  
3 purposes of statutory retirement or health insurance benefits.  
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 shall  
8 not be covered by the State Employees Group Insurance Act of  
9 1971 (5 ILCS 375/). As of the effective date of this amendatory  
10 Act of the 94th General Assembly but not before, the State of  
11 Illinois shall be considered the employer of the day and child  
12 care 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. The State shall not be  
16 considered to be the employer of child and day care home  
17 providers for any purposes not specifically provided for in  
18 this amendatory Act of the 94th General Assembly, including  
19 but not limited to, purposes of vicarious liability in tort  
20 and purposes of statutory retirement or health insurance  
21 benefits. Child and day care home providers shall not be  
22 covered by the State Employees Group Insurance Act of 1971.

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

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

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

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

1 representative.

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

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

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

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

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

1 Illinois Racing Board, and the Department of State Police  
2 Merit Board.

3 (r) "Supervisor" is:

4 (1) An employee whose principal work is substantially  
5 different from that of his or her subordinates and who has  
6 authority, in the interest of the employer, to hire,  
7 transfer, suspend, lay off, recall, promote, discharge,  
8 direct, reward, or discipline employees, to adjust their  
9 grievances, or to effectively recommend any of those  
10 actions, if the exercise of that authority is not of a  
11 merely routine or clerical nature, but requires the  
12 consistent use of independent judgment. Except with  
13 respect to police employment, the term "supervisor"  
14 includes only those individuals who devote a preponderance  
15 of their employment time to exercising that authority,  
16 State supervisors notwithstanding. Nothing in this  
17 definition prohibits an individual from also meeting the  
18 definition of "managerial employee" under subsection (j)  
19 of this Section. In addition, in determining supervisory  
20 status in police employment, rank shall not be  
21 determinative. The Board shall consider, as evidence of  
22 bargaining unit inclusion or exclusion, the common law  
23 enforcement policies and relationships between police  
24 officer ranks and certification under applicable civil  
25 service law, ordinances, personnel codes, or Division 2.1  
26 of Article 10 of the Illinois Municipal Code, but these

1 factors shall not be the sole or predominant factors  
2 considered by the Board in determining police supervisory  
3 status.

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

22 (2) With respect only to State employees in positions  
23 under the jurisdiction of the Attorney General, Secretary  
24 of State, Comptroller, or Treasurer (i) that were  
25 certified in a bargaining unit on or after December 2,  
26 2008, (ii) for which a petition is filed with the Illinois

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

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

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

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

22 (3) Public employees who are court reporters, as defined  
23 in the Court Reporters Act, shall be divided into 3 units for  
24 collective bargaining purposes. One unit shall be court  
25 reporters employed by the Cook County Judicial Circuit; one  
26 unit shall be court reporters employed by the 12th, 18th,

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

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

21 (Source: P.A. 99-143, eff. 7-27-15; 100-1131, eff. 11-28-18.)