



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3566

Introduced 2/22/2021, by Rep. David A. Welter

SYNOPSIS AS INTRODUCED:

5 ILCS 315/3

from Ch. 48, par. 1603

5 ILCS 315/29 new

Amends the Illinois Public Labor Relations Act. Provides that, in labor negotiations in which a circuit clerk's office is an involved bargaining unit, the county board that is responsible for the funding of the circuit clerk's office shall be considered a co-employer of the bargaining unit along with the circuit clerk's office, and shall be entitled to representation in all labor negotiations. Provides that, in labor negotiations in which the office having managerial authority over probation officers and staff is an involved bargaining unit, the county board that is responsible for the funding of that office shall be considered a co-employer of the bargaining unit along with the office that has managerial authority, and shall be entitled to representation in all labor negotiations. Makes a conforming change.

LRB102 10134 RJF 15456 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 and by adding Section 29 as
6 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
17 which are not excluded by Section 4.

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

1 or review of the employer's collective bargaining policies.

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

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

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

1 2003-8 prior to the effective date of this amendatory Act of
2 the 93rd General Assembly, and the organization shall be
3 considered to be the exclusive representative of the personal
4 assistants as defined in this Section; or (v) recognized as
5 the exclusive representative of child and day care home
6 providers, including licensed and license exempt providers,
7 pursuant to an election held under Executive Order 2005-1
8 prior to the effective date of this amendatory Act of the 94th
9 General Assembly, and the organization shall be considered to
10 be the exclusive representative of the child and day care home
11 providers as defined in this Section.

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

1 the Board, that the labor organization has been designated as
2 the exclusive representative by a majority of the peace
3 officers or fire fighters in an appropriate bargaining unit.

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

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

1 contributions in conjunction with his or her fair share
2 payment.

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

15 (g-2) "General Assembly of the State of Illinois" means
16 the legislative branch of the government of the State of
17 Illinois, as provided for under Article IV of the Constitution
18 of the State of Illinois, and includes but is not limited to
19 the House of Representatives, the Senate, the Speaker of the
20 House of Representatives, the Minority Leader of the House of
21 Representatives, the President of the Senate, the Minority
22 Leader of the Senate, the Joint Committee on Legislative
23 Support Services and any legislative support services agency
24 listed in the Legislative Commission Reorganization Act of
25 1984.

26 (h) "Governing body" means, in the case of the State, the

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

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

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

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

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

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

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

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

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

1 routine mental, manual, or physical processes; or any employee
2 who has completed the courses of specialized intellectual
3 instruction and study prescribed in this subsection (m) and is
4 performing related work under the supervision of a
5 professional person to qualify to become a professional
6 employee as defined in this subsection (m).

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

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

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

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

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

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

1 specifically provided for in Public Act 93-204 or Public Act
2 97-1158, including but not limited to, purposes of vicarious
3 liability in tort and purposes of statutory retirement or
4 health insurance benefits. Home care and home health workers
5 who function as personal assistants and individual maintenance
6 home health workers and who also work under the Home Services
7 Program under Section 3 of the Rehabilitation of Persons with
8 Disabilities Act shall not be covered by the State Employees
9 Group Insurance Act of 1971 (5 ILCS 375/).

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

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

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

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

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

24 With respect to labor negotiations in which a circuit
25 clerk's office or an office having managerial authority over
26 probation officers and staff are an involved bargaining unit,

1 "employer" shall include the county board that is responsible
2 for the funding of those offices.

3 "Public employer" or "employer" as used in this Act,
4 however, does not mean and shall not include the General
5 Assembly of the State of Illinois, the Executive Ethics
6 Commission, the Offices of the Executive Inspectors General,
7 the Legislative Ethics Commission, the Office of the
8 Legislative Inspector General, the Office of the Auditor
9 General's Inspector General, the Office of the Governor, the
10 Governor's Office of Management and Budget, the Illinois
11 Finance Authority, the Office of the Lieutenant Governor, the
12 State Board of Elections, and educational employers or
13 employers as defined in the Illinois Educational Labor
14 Relations Act, except with respect to a state university in
15 its employment of firefighters and peace officers and except
16 with respect to a school district in the employment of peace
17 officers in its own police department in existence on the
18 effective date of this amendatory Act of the 96th General
19 Assembly. County boards and county sheriffs shall be
20 designated as joint or co-employers of county peace officers
21 appointed under the authority of a county sheriff. Nothing in
22 this subsection (o) shall be construed to prevent the State
23 Panel or the Local Panel from determining that employers are
24 joint or co-employers.

25 (o-5) With respect to wages, fringe benefits, hours,
26 holidays, vacations, proficiency examinations, sick leave, and

1 other conditions of employment, the public employer of public
2 employees who are court reporters, as defined in the Court
3 Reporters Act, shall be determined as follows:

4 (1) For court reporters employed by the Cook County
5 Judicial Circuit, the chief judge of the Cook County
6 Circuit Court is the public employer and employer
7 representative.

8 (2) For court reporters employed by the 12th, 18th,
9 19th, and, on and after December 4, 2006, the 22nd
10 judicial circuits, a group consisting of the chief judges
11 of those circuits, acting jointly by majority vote, is the
12 public employer and employer representative.

13 (3) For court reporters employed by all other judicial
14 circuits, a group consisting of the chief judges of those
15 circuits, acting jointly by majority vote, is the public
16 employer and employer representative.

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

23 (q) "Short-term employee" means an employee who is
24 employed for less than 2 consecutive calendar quarters during
25 a calendar year and who does not have a reasonable assurance
26 that he or she will be rehired by the same employer for the

1 same service in a subsequent calendar year.

2 (q-5) "State agency" means an agency directly responsible
3 to the Governor, as defined in Section 3.1 of the Executive
4 Reorganization Implementation Act, and the Illinois Commerce
5 Commission, the Illinois Workers' Compensation Commission, the
6 Civil Service Commission, the Pollution Control Board, the
7 Illinois Racing Board, and the Department of State Police
8 Merit Board.

9 (r) "Supervisor" is:

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

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

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

25 (2) With respect only to State employees in positions
26 under the jurisdiction of the Attorney General, Secretary

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

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 Department
19 of State Police, a bargaining unit determined by the Board
20 shall not include both employees and supervisors, or
21 supervisors only, except as provided in paragraph (2) of this
22 subsection (s) and except for bargaining units in existence on
23 July 1, 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 Department of State

1 Police, a bargaining unit determined by the Board shall not
2 include both supervisors and nonsupervisors, or supervisors
3 only, except as provided in paragraph (2) of this subsection
4 (s) and except for bargaining units in existence on January 1,
5 1986 (the effective date of this amendatory Act of 1985). A
6 bargaining unit determined by the Board to contain peace
7 officers shall contain no employees other than peace officers
8 unless otherwise agreed to by the employer and the labor
9 organization or labor organizations involved. Notwithstanding
10 any other provision of this Act, a bargaining unit, including
11 a historical bargaining unit, containing sworn peace officers
12 of the Department of Natural Resources (formerly designated
13 the Department of Conservation) shall contain no employees
14 other than such sworn peace officers upon the effective date
15 of this amendatory Act of 1990 or upon the expiration date of
16 any collective bargaining agreement in effect upon the
17 effective date of this amendatory Act of 1990 covering both
18 such sworn 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. 99-143, eff. 7-27-15; 100-1131, eff. 11-28-18.)

1 Sec. 29. Co-employer status in labor negotiations.

2 (a) In labor negotiations in which a circuit clerk's
3 office is an involved bargaining unit, the county board that
4 is responsible for the funding of the circuit clerk's office
5 shall be considered a co-employer of the bargaining unit along
6 with the circuit clerk's office, and shall be entitled to
7 representation in all labor negotiations.

8 (b) In labor negotiations in which the office having
9 managerial authority over probation officers and staff is an
10 involved bargaining unit, the county board that is responsible
11 for the funding of that office shall be considered a
12 co-employer of the bargaining unit along with the office that
13 has managerial authority, and shall be entitled to
14 representation in all labor negotiations.