

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

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

6 (5 ILCS 315/3) (from Ch. 48, par. 1603)

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

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

13 (b) "Collective bargaining" means bargaining over terms  
14 and conditions of employment, including hours, wages, and  
15 other conditions of employment, as detailed in Section 7 and  
16 which are not excluded by Section 4.

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

1 Determinations of confidential employee status shall be based  
2 on actual employee job duties and not solely on written job  
3 descriptions.

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

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

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

1 appropriate bargaining unit; (iv) recognized as the exclusive  
2 representative of personal assistants under Executive Order  
3 2003-8 prior to July 16, 2003 (the effective date of Public Act  
4 93-204), and the organization shall be considered to be the  
5 exclusive representative of the personal assistants as defined  
6 in this Section; or (v) recognized as the exclusive  
7 representative of child and day care home providers, including  
8 licensed and license exempt providers, pursuant to an election  
9 held under Executive Order 2005-1 prior to January 1, 2006  
10 (the effective date of Public Act 94-320), and the  
11 organization shall be considered to be the exclusive  
12 representative of the child and day care home providers as  
13 defined in this Section.

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

1 January 1, 1986 (the effective date of this amendatory Act of  
2 1985) recognized by an employer upon evidence, acceptable to  
3 the Board, that the labor organization has been designated as  
4 the exclusive representative by a majority of the peace  
5 officers or fire fighters in an appropriate bargaining unit.

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

17 (g) "Fair share agreement" means an agreement between the  
18 employer and an employee organization under which all or any  
19 of the employees in a collective bargaining unit are required  
20 to pay their proportionate share of the costs of the  
21 collective bargaining process, contract administration, and  
22 pursuing matters affecting wages, hours, and other conditions  
23 of employment, but not to exceed the amount of dues uniformly  
24 required of members. The amount certified by the exclusive  
25 representative shall not include any fees for contributions  
26 related to the election or support of any candidate for

1 political office. Nothing in this subsection (g) shall  
2 preclude an employee from making voluntary political  
3 contributions in conjunction with his or her fair share  
4 payment.

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

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

1 1984.

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

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

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

23 (j) "Managerial employee" means an individual who is  
24 engaged predominantly in executive and management functions  
25 and is charged with the responsibility of directing the  
26 effectuation of management policies and practices.

1 Determination of managerial employee status shall be based on  
2 actual employee job duties and not solely on written job  
3 descriptions. With respect only to State employees in  
4 positions under the jurisdiction of the Attorney General,  
5 Secretary of State, Comptroller, or Treasurer (i) that were  
6 certified in a bargaining unit on or after December 2, 2008,  
7 (ii) for which a petition is filed with the Illinois Public  
8 Labor Relations Board on or after April 5, 2013 (the effective  
9 date of Public Act 97-1172), or (iii) for which a petition is  
10 pending before the Illinois Public Labor Relations Board on  
11 that date, "managerial employee" means an individual who is  
12 engaged in executive and management functions or who is  
13 charged with the effectuation of management policies and  
14 practices or who represents management interests by taking or  
15 recommending discretionary actions that effectively control or  
16 implement policy. Nothing in this definition prohibits an  
17 individual from also meeting the definition of "supervisor"  
18 under subsection (r) of this Section. Notwithstanding any  
19 other provision of this Act, beginning on the effective date  
20 of this amendatory Act of the 103rd General Assembly,  
21 "managerial employee" does not include Assistant State's  
22 Attorneys, Assistant Public Defenders, Assistant Appellate  
23 Defenders, Assistant Appellate Prosecutors, or attorneys in  
24 the office of the Cook County Public Guardian so long as the  
25 duties and responsibilities performed by a given position do  
26 not otherwise establish those Assistant State's Attorneys,

1 Assistant Public Defenders, Assistant Appellate Prosecutors,  
2 Assistant Appellate Defenders, or attorneys in the office of  
3 the Cook County Public Guardian as managerial employees as  
4 defined in this Act. Assistant State's Attorneys, Assistant  
5 Public Defenders, Assistant Appellate Prosecutors, Assistant  
6 Appellate Defenders, and attorneys in the office of the Cook  
7 County Public Guardian shall not be determined to be  
8 managerial employees as a matter of law.

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



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

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

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

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

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

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

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

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

1 Group Insurance Act of 1971.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

21 (r) "Supervisor" is:

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

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

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

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

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

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

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

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

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

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

24 (t) "Active petition for certification in a bargaining  
25 unit" means a petition for certification filed with the Board  
26 under one of the following case numbers: S-RC-11-110;

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

15 (Source: P.A. 102-151, eff. 7-23-21; 102-538, eff. 8-20-21;  
16 102-686, eff. 6-1-22; 102-813, eff. 5-13-22; revised 6-13-22.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.