

1                    AMENDMENT TO SENATE BILL 1070

2            AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1070 by replacing  
3 everything after the enacting clause with the following:

4            "Section 5. The Illinois Educational Labor Relations Act  
5 is amended by changing Section 2 as follows:

6            (115 ILCS 5/2) (from Ch. 48, par. 1702)

7            Sec. 2. Definitions. As used in this Act:

8            (a) "Educational employer" or "employer" means the  
9 governing body of a public school district, combination of  
10 public school districts, including the governing body of  
11 joint agreements of any type formed by 2 or more school  
12 districts, public community college district or State college  
13 or university, and any State agency whose major function is  
14 providing educational services. "Educational employer" or  
15 "employer" does not include a Financial Oversight Panel  
16 created pursuant to Section 1A-8 of the School Code due to a  
17 district violating a financial plan but does include a School  
18 Finance Authority created under Article 1E of the School  
19 Code.

20            (b) "Educational employee" or "employee" means any  
21 individual, excluding supervisors, managerial, confidential,  
22 short term employees, student, and part-time academic

1 employees of community colleges employed full or part time by  
2 an educational employer, but does ~~shall~~ not include elected  
3 officials and appointees of the Governor with the advice and  
4 consent of the Senate, firefighters as defined by subsection  
5 (g-1) of Section 3 of the Illinois Public Labor Relations  
6 Act, and peace officers employed by a State university. For  
7 the purposes of this Act, part-time academic employees of  
8 community colleges shall be defined as those employees who  
9 provide less than 6 credit hours of instruction per academic  
10 semester.

11 (c) "Employee organization" or "labor organization"  
12 means an organization of any kind in which membership  
13 includes educational employees, and which exists for the  
14 purpose, in whole or in part, of dealing with employers  
15 concerning grievances, employee-employer disputes, wages,  
16 rates of pay, hours of employment, or conditions of work, but  
17 shall not include any organization which practices  
18 discrimination in membership because of race, color, creed,  
19 age, gender, national origin or political affiliation.

20 (d) "Exclusive representative" means the labor  
21 organization which has been designated by the Illinois  
22 Educational Labor Relations Board as the representative of  
23 the majority of educational employees in an appropriate unit,  
24 or recognized by an educational employer prior to January 1,  
25 1984 as the exclusive representative of the employees in an  
26 appropriate unit or, after January 1, 1984, recognized by an  
27 employer upon evidence that the employee organization has  
28 been designated as the exclusive representative by a majority  
29 of the employees in an appropriate unit.

30 (e) "Board" means the Illinois Educational Labor  
31 Relations Board.

32 (f) "Regional Superintendent" means the regional  
33 superintendent of schools provided for in Articles 3 and 3A  
34 of The School Code.

1 (g) "Supervisor" means any individual having authority  
2 in the interests of the employer to hire, transfer, suspend,  
3 lay off, recall, promote, discharge, reward or discipline  
4 other employees within the appropriate bargaining unit and  
5 adjust their grievances, or to effectively recommend such  
6 action if the exercise of such authority is not of a merely  
7 routine or clerical nature but requires the use of  
8 independent judgment. The term "supervisor" includes only  
9 those individuals who devote a preponderance of their  
10 employment time to such exercising authority.

11 (h) "Unfair labor practice" or "unfair practice" means  
12 any practice prohibited by Section 14 of this Act.

13 (i) "Person" includes an individual, educational  
14 employee, educational employer, legal representative, or  
15 employee organization.

16 (j) "Wages" means salaries or other forms of  
17 compensation for services rendered.

18 (k) "Professional employee" means, in the case of a  
19 public community college, State college or university, State  
20 agency whose major function is providing educational  
21 services, the Illinois School for the Deaf, and the Illinois  
22 School for the Visually Impaired, (1) any employee engaged in  
23 work (i) predominantly intellectual and varied in character  
24 as opposed to routine mental, manual, mechanical, or physical  
25 work; (ii) involving the consistent exercise of discretion  
26 and judgment in its performance; (iii) of such character that  
27 the output produced or the result accomplished cannot be  
28 standardized in relation to a given period of time; and (iv)  
29 requiring knowledge of an advanced type in a field of science  
30 or learning customarily acquired by a prolonged course of  
31 specialized intellectual instruction and study in an  
32 institution of higher learning or a hospital, as  
33 distinguished from a general academic education or from an  
34 apprenticeship or from training in the performance of routine

1 mental, manual, or physical processes; or (2) any employee,  
2 who (i) has completed the courses of specialized intellectual  
3 instruction and study described in clause (iv) of paragraph  
4 (1) of this subsection, and (ii) is performing related work  
5 under the supervision of a professional person to qualify  
6 himself or herself to become a professional as defined in  
7 paragraph (1).

8 (l) "Professional employee" means, in the case of any  
9 public school district, or combination of school districts  
10 pursuant to joint agreement, any employee who has a  
11 certificate issued under Article 21 or Section 34-83 of the  
12 School Code, as now or hereafter amended.

13 (m) "Unit" or "bargaining unit" means any group of  
14 employees for which an exclusive representative is selected.

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

23 (o) "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 such management policies and practices.

27 (p) "Craft employee" means a skilled journeyman, craft  
28 person, and his or her apprentice or helper.

29 (q) "Short-term employee" is an employee who is employed  
30 for less than 2 consecutive calendar quarters during a  
31 calendar year and who does not have a reasonable expectation  
32 that he or she will be rehired by the same employer for the  
33 same service in a subsequent calendar year. Nothing in this  
34 subsection shall affect the employee status of individuals

1 who were covered by a collective bargaining agreement on the  
2 effective date of this amendatory Act of 1991.

3 (Source: P.A. 92-547, eff. 6-13-02; 92-748, eff. 1-1-03;  
4 revised 8-26-02.)".