



Rep. Frank J. Mautino

**Filed: 5/31/2011**

09700SB1556ham002

LRB097 09499 JDS 56680 a

1 AMENDMENT TO SENATE BILL 1556

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1556, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Public Labor Relations Act is  
6 amended by changing Sections 3 and 6 and by adding Section 6.1  
7 as follows:

8 (5 ILCS 315/3) (from Ch. 48, par. 1603)

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

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

15 (b) "Collective bargaining" means bargaining over terms  
16 and conditions of employment, including hours, wages, and other

1 conditions of employment, as detailed in Section 7 and which  
2 are not excluded by Section 4.

3 (c) "Confidential employee" means an employee who, in the  
4 regular course of his or her duties, assists and acts in a  
5 confidential capacity to persons who formulate, determine, and  
6 effectuate management policies with regard to labor relations  
7 or who, in the regular course of his or her duties, has  
8 authorized access to information relating to the effectuation  
9 or review of the employer's collective bargaining policies.

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

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

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

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

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

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

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

26 (g-1) "Fire fighter" means, for the purposes of this Act

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

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

22 (h) "Governing body" means, in the case of the State, the  
23 State Panel of the Illinois Labor Relations Board, the Director  
24 of the Department of Central Management Services, and the  
25 Director of the Department of Labor; the county board in the  
26 case of a county; the corporate authorities in the case of a

1 municipality; and the appropriate body authorized to provide  
2 for expenditures of its funds in the case of any other unit of  
3 government.

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

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

16 (j) "Managerial employee" means an individual who is  
17 engaged predominantly in executive and management functions  
18 and is charged with the responsibility of directing the  
19 effectuation of management policies and practices. With  
20 respect only to State employees in positions under the  
21 jurisdiction of the Attorney General, Secretary of State,  
22 Comptroller, or Treasurer (i) that were certified in a  
23 bargaining unit on or after December 2, 2008, (ii) for which a  
24 petition is filed with the Illinois Public Labor Relations  
25 Board on or after the effective date of this amendatory Act of  
26 the 97th General Assembly, or (iii) for which a petition is

1 pending before the Illinois Public Labor Relations Board on  
2 that date, "managerial employee" means an individual who is  
3 engaged in executive and management functions or who is charged  
4 with the effectuation of management policies and practices or  
5 who represents management interests by taking or recommending  
6 discretionary actions that effectively control or implement  
7 policy. Nothing in this definition prohibits an individual from  
8 also meeting the definition "supervisor" under subsection (r)  
9 of this Section.

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

1 to effect arrests, or elected officials.

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

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



1 in this subsection (m).

2 (n) "Public employee" or "employee", for the purposes of  
3 this Act, means any individual employed by a public employer,  
4 including (i) interns and residents at public hospitals, (ii)  
5 as of the effective date of this amendatory Act of the 93rd  
6 General Assembly, but not before, personal care attendants and  
7 personal assistants working under the Home Services Program  
8 under Section 3 of the Disabled Persons Rehabilitation Act,  
9 subject to the limitations set forth in this Act and in the  
10 Disabled Persons Rehabilitation Act, and (iii) as of the  
11 effective date of this amendatory Act of the 94th General  
12 Assembly, but not before, child and day care home providers  
13 participating in the child care assistance program under  
14 Section 9A-11 of the Illinois Public Aid Code, subject to the  
15 limitations set forth in this Act and in Section 9A-11 of the  
16 Illinois Public Aid Code, but excluding all of the following:  
17 employees of the General Assembly of the State of Illinois;  
18 elected officials; executive heads of a department; members of  
19 boards or commissions; the Executive Inspectors General; any  
20 special Executive Inspectors General; employees of each Office  
21 of an Executive Inspector General; commissioners and employees  
22 of the Executive Ethics Commission; the Auditor General's  
23 Inspector General; employees of the Office of the Auditor  
24 General's Inspector General; the Legislative Inspector  
25 General; any special Legislative Inspectors General; employees  
26 of the Office of the Legislative Inspector General;

1 commissioners and employees of the Legislative Ethics  
2 Commission; employees of any agency, board or commission  
3 created by this Act; employees appointed to State positions of  
4 a temporary or emergency nature; all employees of school  
5 districts and higher education institutions except  
6 firefighters and peace officers employed by a state university  
7 and except peace officers employed by a school district in its  
8 own police department in existence on the effective date of  
9 this amendatory Act of the 96th General Assembly; managerial  
10 employees; short-term employees; legislative liaisons; a  
11 person who is a State employee under the jurisdiction of the  
12 Office of the Attorney General who is licensed to practice law  
13 or whose position authorizes, either directly or indirectly,  
14 meaningful input into government decision-making on issues  
15 where there is room for principled disagreement on goals or  
16 their implementation; a person who is a State employee under  
17 the jurisdiction of the Office of the Comptroller who holds the  
18 position of Public Service Administrator or whose position is  
19 otherwise exempt under the Comptroller Merit Employment Code; a  
20 person who is a State employee under the jurisdiction of the  
21 Secretary of State who holds the position classification of  
22 Executive I or higher, whose position authorizes, either  
23 directly or indirectly, meaningful input into government  
24 decision-making on issues where there is room for principled  
25 disagreement on goals or their implementation, or who is  
26 otherwise exempt under the Secretary of State Merit Employment

1 Code; employees in the Office of the Secretary of State who are  
2 completely exempt from jurisdiction B of the Secretary of State  
3 Merit Employment Code and who are in Rutan-exempt positions on  
4 or after the effective date of this amendatory Act of the 97th  
5 General Assembly; a person who is a State employee under the  
6 jurisdiction of the Treasurer who holds a position that is  
7 exempt from the State Treasurer Employment Code; any employee  
8 of a State agency who (i) holds the title or position of, or  
9 exercises substantially similar duties as a, legislative  
10 liaison, Agency General Counsel, Agency Chief of Staff, Agency  
11 Executive Director, Agency Deputy Director, Agency Chief  
12 Fiscal Officer, Agency Human Resources Director, Public  
13 Information Officer, or Chief Information Officer and (ii) was  
14 neither included in a bargaining unit nor subject to an active  
15 petition for certification in a bargaining unit; any employee  
16 of a State agency who (i) is in a position that is  
17 Rutan-exempt, as designated by the employer, and completely  
18 exempt from jurisdiction B of the Personnel Code and (ii) was  
19 neither included in a bargaining unit nor subject to an active  
20 petition for certification in a bargaining unit; any term  
21 appointed employee of a State agency pursuant to Section 8b.18  
22 or 8b.19 of the Personnel Code who was neither included in a  
23 bargaining unit nor subject to an active petition for  
24 certification in a bargaining unit; any employment position  
25 properly designated pursuant to Section 6.1 of this Act;  
26 confidential employees; independent contractors; and

1 supervisors except as provided in this Act.

2 Personal care attendants and personal assistants shall not  
3 be considered public employees for any purposes not  
4 specifically provided for in the amendatory Act of the 93rd  
5 General Assembly, including but not limited to, purposes of  
6 vicarious liability in tort and purposes of statutory  
7 retirement or health insurance benefits. Personal care  
8 attendants and personal assistants shall not be covered by the  
9 State Employees 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 for  
12 in this amendatory Act of the 94th General Assembly, including  
13 but not limited to, purposes of vicarious liability in tort and  
14 purposes of statutory retirement or health insurance benefits.  
15 Child and day care home providers shall not be covered by the  
16 State Employees Group Insurance Act of 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 or  
24 school district; authorities including departments, divisions,  
25 bureaus, boards, commissions, or other agencies of the  
26 foregoing entities; and any person acting within the scope of

1 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 care attendants and personal  
6 assistants working under the Home Services Program under  
7 Section 3 of the Disabled Persons Rehabilitation Act, subject  
8 to the limitations set forth in this Act and in the Disabled  
9 Persons Rehabilitation Act. The State shall not be considered  
10 to be the employer of personal care attendants and personal  
11 assistants for any purposes not specifically provided for in  
12 this amendatory Act of the 93rd General Assembly, including but  
13 not limited to, purposes of vicarious liability in tort and  
14 purposes of statutory retirement or health insurance benefits.  
15 Personal care attendants and personal assistants shall not be  
16 covered by the State Employees Group Insurance Act of 1971 (5  
17 ILCS 375/). As of the effective date of this amendatory Act of  
18 the 94th General Assembly but not before, the State of Illinois  
19 shall be considered the employer of the day and child care home  
20 providers participating in the child care assistance program  
21 under Section 9A-11 of the Illinois Public Aid Code, subject to  
22 the limitations set forth in this Act and in Section 9A-11 of  
23 the Illinois Public Aid Code. The State shall not be considered  
24 to be the employer of child and day care home providers for any  
25 purposes not specifically provided for in this amendatory Act  
26 of the 94th General Assembly, including but not limited to,

1 purposes of vicarious liability in tort and purposes of  
2 statutory retirement or health insurance benefits. Child and  
3 day care home providers shall not be covered by the State  
4 Employees Group Insurance Act of 1971.

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

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

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

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

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

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

25           (q) "Short-term employee" means an employee who is employed  
26 for less than 2 consecutive calendar quarters during a calendar

1 year and who does not have a reasonable assurance that he or  
2 she will be rehired by the same employer for the same service  
3 in a subsequent calendar year.

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

11 (r) "Supervisor" is:

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



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

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

1           (2) With respect only to State employees in positions  
2           under the jurisdiction of the Attorney General, Secretary  
3           of State, Comptroller, or Treasurer (i) that were certified  
4           in a bargaining unit on or after December 2, 2008, (ii) for  
5           which a petition is filed with the Illinois Public Labor  
6           Relations Board on or after the effective date of this  
7           amendatory Act of the 97th General Assembly, or (iii) for  
8           which a petition is pending before the Illinois Public  
9           Labor Relations Board on that date, an employee who  
10           qualifies as a supervisor under (A) Section 152 of the  
11           National Labor Relations Act and (B) orders of the National  
12           Labor Relations Board interpreting that provision or  
13           decisions of courts reviewing decisions of the National  
14           Labor Relations Board.

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

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

23 (2) Notwithstanding the exclusion of supervisors from  
24 bargaining units as provided in paragraph (1) of this  
25 subsection (s), a public employer may agree to permit its  
26 supervisory employees to form bargaining units and may

1 bargain with those units. This Act shall apply if the  
2 public employer chooses to bargain under this subsection.

3 (3) Public employees who are court reporters, as  
4 defined in the Court Reporters Act, shall be divided into 3  
5 units for collective bargaining purposes. One unit shall be  
6 court reporters employed by the Cook County Judicial  
7 Circuit; one unit shall be court reporters employed by the  
8 12th, 18th, 19th, and, on and after December 4, 2006, the  
9 22nd judicial circuits; and one unit shall be court  
10 reporters employed by all other judicial circuits.

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

1 S-RC-07-100.

2 (Source: P.A. 95-331, eff. 8-21-07; 96-1257, eff. 7-23-10.)

3 (5 ILCS 315/6) (from Ch. 48, par. 1606)

4 Sec. 6. Right to organize and bargain collectively;  
5 exclusive representation; and fair share arrangements.

6 (a) Employees of the State and any political subdivision of  
7 the State, excluding employees of the General Assembly of the  
8 State of Illinois and employees excluded from the definition of  
9 "public employee" under subsection (n) of Section 3 of this  
10 Act, have, and are protected in the exercise of, the right of  
11 self-organization, and may form, join or assist any labor  
12 organization, to bargain collectively through representatives  
13 of their own choosing on questions of wages, hours and other  
14 conditions of employment, not excluded by Section 4 of this  
15 Act, and to engage in other concerted activities not otherwise  
16 prohibited by law for the purposes of collective bargaining or  
17 other mutual aid or protection, free from interference,  
18 restraint or coercion. Employees also have, and are protected  
19 in the exercise of, the right to refrain from participating in  
20 any such concerted activities. Employees may be required,  
21 pursuant to the terms of a lawful fair share agreement, to pay  
22 a fee which shall be their proportionate share of the costs of  
23 the collective bargaining process, contract administration and  
24 pursuing matters affecting wages, hours and other conditions of  
25 employment as defined in Section 3(g).

1           (b) Nothing in this Act prevents an employee from  
2 presenting a grievance to the employer and having the grievance  
3 heard and settled without the intervention of an employee  
4 organization; provided that the exclusive bargaining  
5 representative is afforded the opportunity to be present at  
6 such conference and that any settlement made shall not be  
7 inconsistent with the terms of any agreement in effect between  
8 the employer and the exclusive bargaining representative.

9           (c) A labor organization designated by the Board as the  
10 representative of the majority of public employees in an  
11 appropriate unit in accordance with the procedures herein or  
12 recognized by a public employer as the representative of the  
13 majority of public employees in an appropriate unit is the  
14 exclusive representative for the employees of such unit for the  
15 purpose of collective bargaining with respect to rates of pay,  
16 wages, hours and other conditions of employment not excluded by  
17 Section 4 of this Act. A public employer is required upon  
18 request to furnish the exclusive bargaining representative  
19 with a complete list of the names and addresses of the public  
20 employees in the bargaining unit, provided that a public  
21 employer shall not be required to furnish such a list more than  
22 once per payroll period. The exclusive bargaining  
23 representative shall use the list exclusively for bargaining  
24 representation purposes and shall not disclose any information  
25 contained in the list for any other purpose. Nothing in this  
26 Section, however, shall prohibit a bargaining representative

1 from disseminating a list of its union members.

2 (d) Labor organizations recognized by a public employer as  
3 the exclusive representative or so designated in accordance  
4 with the provisions of this Act are responsible for  
5 representing the interests of all public employees in the unit.  
6 Nothing herein shall be construed to limit an exclusive  
7 representative's right to exercise its discretion to refuse to  
8 process grievances of employees that are unmeritorious.

9 (e) When a collective bargaining agreement is entered into  
10 with an exclusive representative, it may include in the  
11 agreement a provision requiring employees covered by the  
12 agreement who are not members of the organization to pay their  
13 proportionate share of the costs of the collective bargaining  
14 process, contract administration and pursuing matters  
15 affecting wages, hours and conditions of employment, as defined  
16 in Section 3 (g), but not to exceed the amount of dues  
17 uniformly required of members. The organization shall certify  
18 to the employer the amount constituting each nonmember  
19 employee's proportionate share which shall not exceed dues  
20 uniformly required of members. In such case, the proportionate  
21 share payment in this Section shall be deducted by the employer  
22 from the earnings of the nonmember employees and paid to the  
23 employee organization.

24 (f) Only the exclusive representative may negotiate  
25 provisions in a collective bargaining agreement providing for  
26 the payroll deduction of labor organization dues, fair share

1 payment, initiation fees and assessments. Except as provided in  
2 subsection (e) of this Section, any such deductions shall only  
3 be made upon an employee's written authorization, and continued  
4 until revoked in writing in the same manner or until the  
5 termination date of an applicable collective bargaining  
6 agreement. Such payments shall be paid to the exclusive  
7 representative.

8 Where a collective bargaining agreement is terminated, or  
9 continues in effect beyond its scheduled expiration date  
10 pending the negotiation of a successor agreement or the  
11 resolution of an impasse under Section 14, the employer shall  
12 continue to honor and abide by any dues deduction or fair share  
13 clause contained therein until a new agreement is reached  
14 including dues deduction or a fair share clause. For the  
15 benefit of any successor exclusive representative certified  
16 under this Act, this provision shall be applicable, provided  
17 the successor exclusive representative:

18 (i) certifies to the employer the amount constituting  
19 each non-member's proportionate share under subsection  
20 (e); or

21 (ii) presents the employer with employee written  
22 authorizations for the deduction of dues, assessments, and  
23 fees under this subsection.

24 Failure to so honor and abide by dues deduction or fair  
25 share clauses for the benefit of any exclusive representative,  
26 including a successor, shall be a violation of the duty to



1 bargain and an unfair labor practice.

2 (g) Agreements containing a fair share agreement must  
3 safeguard the right of nonassociation of employees based upon  
4 bona fide religious tenets or teachings of a church or  
5 religious body of which such employees are members. Such  
6 employees may be required to pay an amount equal to their fair  
7 share, determined under a lawful fair share agreement, to a  
8 nonreligious charitable organization mutually agreed upon by  
9 the employees affected and the exclusive bargaining  
10 representative to which such employees would otherwise pay such  
11 service fee. If the affected employees and the bargaining  
12 representative are unable to reach an agreement on the matter,  
13 the Board may establish an approved list of charitable  
14 organizations to which such payments may be made.

15 (Source: P.A. 93-854, eff. 1-1-05; 94-472, eff. 1-1-06.)

16 (5 ILCS 315/6.1 new)

17 Sec. 6.1. Gubernatorial designation of certain public  
18 employment positions as excluded from collective bargaining.

19 (a) Notwithstanding any provision of this Act to the  
20 contrary, the Governor is authorized to designate up to 3,580  
21 State employment positions collectively within State agencies  
22 directly responsible to the Governor, and, upon designation,  
23 those positions and employees in those positions, if any, are  
24 hereby excluded from the self-organization and collective  
25 bargaining provisions of Section 6 of this Act. Only those

1 employment positions that have been certified in a bargaining  
2 unit on or after December 2, 2008, that have a pending petition  
3 for certification in a bargaining unit on the effective date of  
4 this amendatory Act of the 97th General Assembly, or that  
5 neither have been certified in a bargaining unit on or after  
6 December 2, 2008 nor have a pending petition for certification  
7 in a bargaining unit on the effective date of this amendatory  
8 Act of the 97th General Assembly are eligible to be designated  
9 by the Governor under this Section. The Governor may not  
10 designate under this Section, however, more than 1,900  
11 employment positions that have been certified in a bargaining  
12 unit on or after December 2, 2008.

13 (b) In order to properly designate a State employment  
14 position under this Section, the Governor shall provide in  
15 writing to the Board: the job title and job duties of the  
16 employment position; the name of the State employee currently  
17 in the employment position, if any; the name of the State  
18 agency employing the public employee; and the category under  
19 which the position qualifies for designation under this  
20 Section.

21 To qualify for designation under this Section, the  
22 employment position must meet one or more of the following  
23 requirements:

24 (1) it must authorize an employee in that position to  
25 act as a legislative liaison;

26 (2) it must have a title of, or authorize a person who

1 holds that position to exercise substantially similar  
2 duties as an, Agency General Counsel, Agency Chief of  
3 Staff, Agency Executive Director, Agency Deputy Director,  
4 Agency Chief Fiscal Officer, Agency Human Resources  
5 Director, Senior Public Service Administrator, Public  
6 Information Officer, or Chief Information Officer;

7 (3) it must be a Rutan-exempt, as designated by the  
8 employer, position and completely exempt from jurisdiction  
9 B of the Personnel Code;

10 (4) it must be a term appointed position pursuant to  
11 Section 8b.18 or 8b.19 of the Personnel Code; or

12 (5) it must authorize an employee in that position to  
13 have significant and independent discretionary authority  
14 as an employee.

15 Within 60 days after the Governor makes a designation under  
16 this Section, the Board shall determine, in a manner that is  
17 consistent with the requirements of due process, whether the  
18 designation comports with the requirements of this Section.

19 (c) For the purposes of this Section, a person has  
20 significant and independent discretionary authority as an  
21 employee if he or she (i) is engaged in executive and  
22 management functions of a State agency and charged with the  
23 effectuation of management policies and practices of a State  
24 agency or represents management interests by taking or  
25 recommending discretionary actions that effectively control or  
26 implement the policy of a State agency or (ii) qualifies as a

1 supervisor of a State agency as that term is defined under  
2 Section 152 of the National Labor Relations Act or any orders  
3 of the National Labor Relations Board interpreting that  
4 provision or decisions of courts reviewing decisions of the  
5 National Labor Relations Board.

6 (d) The Governor must exercise the authority afforded under  
7 this Section within 365 calendar days after the effective date  
8 of this amendatory Act of the 97th General Assembly. Any  
9 designation made by the Governor under this Section shall be  
10 presumed to have been properly made.

11 If the Governor chooses not to designate a position under  
12 this Section, then that decision does not preclude a State  
13 agency from otherwise challenging the certification of that  
14 position under this Act.

15 The qualifying categories set forth in paragraphs (1)  
16 through (5) of subsection (b) of this Section are operative and  
17 function solely within this Section and do not expand or  
18 restrict the scope of any other provision contained in this  
19 Act.

20 Section 95. Severability. The provisions of this Act are  
21 severable under Section 1.31 of the Statute on Statutes.

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.".