



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB0020

Introduced 1/9/2013, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

5 ILCS 315/3
5 ILCS 315/6.1

from Ch. 48, par. 1603

Provides that if and only if Senate Bill 1556, as passed by the 97th General Assembly, becomes law, the Illinois Public Labor Relations Act is amended (i) to prohibit the Governor from designating public employees who are classified as or who hold the title of Chief Stationary Engineer, Assistant Chief Stationary Engineer, Sewage Plant Operator, Water Plant Operator, Stationary Engineer, or Plant Operating Engineer for exclusion from collective bargaining and (ii) to specify that public employees who are classified as or who hold the employment title of Chief Stationary Engineer, Assistant Chief Stationary Engineer, Sewage Plant Operator, Water Plant Operator, Stationary Engineer, or Plant Operating Engineer qualify as public employees for purposes of the Act. Effective upon becoming law or on the effective date of Senate Bill 1556 of the 97th General Assembly, whichever is later.

LRB098 04192 JDS 34215 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. If and only if Senate Bill 1556, as passed by
5 the 97th General Assembly, becomes law, the Illinois Public
6 Labor Relations Act is amended by changing Sections 3 and 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
17 conditions of employment, as detailed in Section 7 and which
18 are not excluded by Section 4.

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

1 authorized access to information relating to the effectuation
2 or review of the employer's collective bargaining policies.

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

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

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

1 representative of personal care attendants or personal
2 assistants under Executive Order 2003-8 prior to the effective
3 date of this amendatory Act of the 93rd General Assembly, and
4 the organization shall be considered to be the exclusive
5 representative of the personal care attendants or personal
6 assistants as defined in this Section; or (v) recognized as the
7 exclusive representative of child and day care home providers,
8 including licensed and license exempt providers, pursuant to an
9 election held under Executive Order 2005-1 prior to the
10 effective date of this amendatory Act of the 94th General
11 Assembly, and the organization shall be considered to be the
12 exclusive representative of the child and day care home
13 providers as 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 Department
17 of 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 fighters
20 in an appropriate bargaining unit in accordance with the
21 procedures contained in this Act, (ii) historically recognized
22 by the State of Illinois or any political subdivision of the
23 State before January 1, 1986 (the effective date of this
24 amendatory Act of 1985) as the exclusive representative by a
25 majority of the peace officers or fire fighters in an
26 appropriate bargaining unit, or (iii) after January 1, 1986

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

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

19 (g-1) "Fire fighter" means, for the purposes of this Act
20 only, any person who has been or is hereafter appointed to a
21 fire department or fire protection district or employed by a
22 state university and sworn or commissioned to perform fire
23 fighter duties or paramedic duties, except that the following
24 persons are not included: part-time fire fighters, auxiliary,
25 reserve or voluntary fire fighters, including paid on-call fire
26 fighters, clerks and dispatchers or other civilian employees of

1 a fire department or fire protection district who are not
2 routinely expected to perform fire fighter duties, or elected
3 officials.

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

15 (h) "Governing body" means, in the case of the State, the
16 State Panel of the Illinois Labor Relations Board, the Director
17 of the Department of Central Management Services, and the
18 Director of the Department of Labor; the county board in the
19 case of a county; the corporate authorities in the case of a
20 municipality; and the appropriate body authorized to provide
21 for expenditures of its funds in the case of any other unit of
22 government.

23 (i) "Labor organization" means any organization in which
24 public employees participate and that exists for the purpose,
25 in whole or in part, of dealing with a public employer
26 concerning wages, hours, and other terms and conditions of

1 employment, including the settlement of grievances.

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

9 (j) "Managerial employee" means an individual who is
10 engaged predominantly in executive and management functions
11 and is charged with the responsibility of directing the
12 effectuation of management policies and practices. With
13 respect only to State employees in positions under the
14 jurisdiction of the Attorney General, Secretary of State,
15 Comptroller, or Treasurer (i) that were certified in a
16 bargaining unit on or after December 2, 2008, (ii) for which a
17 petition is filed with the Illinois Public Labor Relations
18 Board on or after the effective date of this amendatory Act of
19 the 97th General Assembly, or (iii) for which a petition is
20 pending before the Illinois Public Labor Relations Board on
21 that date, "managerial employee" means an individual who is
22 engaged in executive and management functions or who is charged
23 with the effectuation of management policies and practices or
24 who represents management interests by taking or recommending
25 discretionary actions that effectively control or implement
26 policy. Nothing in this definition prohibits an individual from

1 also meeting the definition "supervisor" under subsection (r)
2 of this Section.

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

21 (l) "Person" includes one or more individuals, labor
22 organizations, public employees, associations, corporations,
23 legal representatives, trustees, trustees in bankruptcy,
24 receivers, or the State of Illinois or any political
25 subdivision of the State or governing body, but does not
26 include the General Assembly of the State of Illinois or any

1 individual employed by the General Assembly of the State of
2 Illinois.

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

21 (n) "Public employee" or "employee", for the purposes of
22 this Act, means any individual employed by a public employer,
23 including (i) interns and residents at public hospitals, (ii)
24 as of the effective date of this amendatory Act of the 93rd
25 General Assembly, but not before, personal care attendants and
26 personal assistants working under the Home Services Program

1 under Section 3 of the Disabled Persons Rehabilitation Act,
2 subject to the limitations set forth in this Act and in the
3 Disabled Persons Rehabilitation Act, ~~and~~ (iii) as of the
4 effective date of this amendatory Act of the 94th General
5 Assembly, but not before, child and day care home providers
6 participating in the child care assistance program under
7 Section 9A-11 of the Illinois Public Aid Code, subject to the
8 limitations set forth in this Act and in Section 9A-11 of the
9 Illinois Public Aid Code, and (iv) beginning on the effective
10 date of this amendatory Act of the 98th General Assembly and
11 notwithstanding any other provision of this Act, any person
12 employed by a public employer and who is classified as or who
13 holds the employment title of Chief Stationary Engineer,
14 Assistant Chief Stationary Engineer, Sewage Plant Operator,
15 Water Plant Operator, Stationary Engineer, or Plant Operating
16 Engineer, but excluding all of the following: employees of the
17 General Assembly of the State of Illinois; elected officials;
18 executive heads of a department; members of boards or
19 commissions; the Executive Inspectors General; any special
20 Executive Inspectors General; employees of each Office of an
21 Executive Inspector General; commissioners and employees of
22 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 employee whose principal work is substantially
13 different from that of his or her subordinates and who has
14 authority, in the interest of the employer, to hire,
15 transfer, suspend, lay off, recall, promote, discharge,
16 direct, reward, or discipline employees, to adjust their
17 grievances, or to effectively recommend any of those
18 actions, if the exercise of that authority is not of a
19 merely routine or clerical nature, but requires the
20 consistent use of independent judgment. Except with
21 respect to police employment, the term "supervisor"
22 includes only those individuals who devote a preponderance
23 of their employment time to exercising that authority,
24 State supervisors notwithstanding. Nothing in this
25 definition prohibits an individual from also meeting the
26 definition of "managerial employee" under subsection (j)

1 of this Section. In addition, in determining supervisory
2 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. 96-1257, eff. 7-23-10; 09700SB1556ham002.)

3 (5 ILCS 315/6.1)

4 Sec. 6.1. Gubernatorial designation of certain public
5 employment positions as excluded from collective bargaining.

6 (a) Notwithstanding any provision of this Act to the
7 contrary, except subsection (e) of this Section, the Governor
8 is authorized to designate up to 3,580 State employment
9 positions collectively within State agencies directly
10 responsible to the Governor, and, upon designation, those
11 positions and employees in those positions, if any, are hereby
12 excluded from the self-organization and collective bargaining
13 provisions of Section 6 of this Act. Only those employment
14 positions that have been certified in a bargaining unit on or
15 after December 2, 2008, that have a pending petition for
16 certification in a bargaining unit on the effective date of
17 this amendatory Act of the 97th General Assembly, or that
18 neither have been certified in a bargaining unit on or after
19 December 2, 2008 nor have a pending petition for certification
20 in a bargaining unit on the effective date of this amendatory
21 Act of the 97th General Assembly are eligible to be designated
22 by the Governor under this Section. The Governor may not
23 designate under this Section, however, more than 1,900
24 employment positions that have been certified in a bargaining
25 unit on or after December 2, 2008.

1 (b) In order to properly designate a State employment
2 position under this Section, the Governor shall provide in
3 writing to the Board: the job title and job duties of the
4 employment position; the name of the State employee currently
5 in the employment position, if any; the name of the State
6 agency employing the public employee; and the category under
7 which the position qualifies for designation under this
8 Section.

9 To qualify for designation under this Section, the
10 employment position must meet one or more of the following
11 requirements:

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

14 (2) it must have a title of, or authorize a person who
15 holds that position to exercise substantially similar
16 duties as an, Agency General Counsel, Agency Chief of
17 Staff, Agency Executive Director, Agency Deputy Director,
18 Agency Chief Fiscal Officer, Agency Human Resources
19 Director, Senior Public Service Administrator, Public
20 Information Officer, or Chief Information Officer;

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

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

26 (5) it must authorize an employee in that position to

1 have significant and independent discretionary authority
2 as an employee.

3 Within 60 days after the Governor makes a designation under
4 this Section, the Board shall determine, in a manner that is
5 consistent with the requirements of due process, whether the
6 designation comports with the requirements of this Section.

7 (c) For the purposes of this Section, a person has
8 significant and independent discretionary authority as an
9 employee if he or she (i) is engaged in executive and
10 management functions of a State agency and charged with the
11 effectuation of management policies and practices of a State
12 agency or represents management interests by taking or
13 recommending discretionary actions that effectively control or
14 implement the policy of a State agency or (ii) qualifies as a
15 supervisor of a State agency as that term is defined under
16 Section 152 of the National Labor Relations Act or any orders
17 of the National Labor Relations Board interpreting that
18 provision or decisions of courts reviewing decisions of the
19 National Labor Relations Board.

20 (d) The Governor must exercise the authority afforded under
21 this Section within 365 calendar days after the effective date
22 of this amendatory Act of the 97th General Assembly. Any
23 designation made by the Governor under this Section shall be
24 presumed to have been properly made.

25 If the Governor chooses not to designate a position under
26 this Section, then that decision does not preclude a State

1 agency from otherwise challenging the certification of that
2 position under this Act.

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

8 (e) The provisions of this Section do not apply to any
9 employee who is employed by a public employer and who is
10 classified as, or holds the employment title of, Chief
11 Stationary Engineer, Assistant Chief Stationary Engineer,
12 Sewage Plant Operator, Water Plant Operator, Stationary
13 Engineer, or Plant Operating Engineer.

14 (Source: 09700SB1556ham002.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.