



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3219

by Rep. Steven A. Andersson

SYNOPSIS AS INTRODUCED:

5 ILCS 315/3	from Ch. 48, par. 1603
5 ILCS 315/9	from Ch. 48, par. 1609
5 ILCS 315/21	from Ch. 48, par. 1621
115 ILCS 5/2	from Ch. 48, par. 1702
115 ILCS 5/7	from Ch. 48, par. 1707
115 ILCS 5/8	from Ch. 48, par. 1708

Amends the Illinois Public Labor Relations Act. Provides that beginning not less than 2 years, but no more than 3 years, after the effective date of this amendatory Act, and for every even-numbered year thereafter, the Illinois Labor Relations Board shall conduct an election to certify the majority representative of the employees as the exclusive bargaining representative for the unit of employees. Provides further procedures and certification requirements for an election to select an exclusive bargaining representative. Provides that an election may be directed by the Board in any bargaining unit where there is in force a valid collective bargaining agreement, but requires that the terms of any pre-existing agreement between the prior exclusive representative and the public employer shall continue in effect for the remaining contract term, except for certain provisions involving the exclusive representative. Provides that no multi-year collective bargaining agreement entered into after the effective date of this amendatory Act shall be longer than 5 years in duration. Removes provisions allowing the board to designate an exclusive representative by means other than an election. Amends the Illinois Educational Labor Relations Act to make similar changes. Modifies the term "exclusive representative". Makes other conforming changes.

LRB100 11323 RJF 21694 b

1 AN ACT concerning government.

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

4 Section 5. The Illinois Public Labor Relations Act is
5 amended by changing Sections 3, 9, and 21 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 other
15 conditions of employment, as detailed in Section 7 and which
16 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 (d) "Craft employees" means skilled journeymen, crafts
2 persons, and their apprentices and helpers.

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

8 (f) "Exclusive representative", except with respect to
9 non-State fire fighters and paramedics employed by fire
10 departments and fire protection districts, non-State peace
11 officers, and peace officers in the Department of State Police,
12 means the labor organization that has been: (i) designated by
13 the Board as the representative of a majority of public
14 employees in an appropriate bargaining unit in accordance with
15 the procedures contained in this Act; ~~(ii)~~ (ii) historically
16 recognized by the State of Illinois or any political
17 subdivision of the State before July 1, 1984 (the effective
18 date of this Act) as the exclusive representative of the
19 employees in an appropriate bargaining unit, ~~(iii) after July~~
20 ~~1, 1984 (the effective date of this Act) recognized by an~~
21 ~~employer upon evidence, acceptable to the Board, that the labor~~
22 ~~organization has been designated as the exclusive~~
23 ~~representative by a majority of the employees in an appropriate~~
24 ~~bargaining unit; (iii) (iv)~~ (iii) recognized as the exclusive
25 representative of personal assistants under Executive Order
26 2003-8 prior to the effective date of this amendatory Act of

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

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

1 representative by a majority of the peace officers or fire
2 fighters in an appropriate bargaining unit.

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

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

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

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

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

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

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

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

17 (j) "Managerial employee" means an individual who is
18 engaged predominantly in executive and management functions
19 and is charged with the responsibility of directing the
20 effectuation of management policies and practices. With
21 respect only to State employees in positions under the
22 jurisdiction of the Attorney General, Secretary of State,
23 Comptroller, or Treasurer (i) that were certified in a
24 bargaining unit on or after December 2, 2008, (ii) for which a
25 petition is filed with the Illinois Public Labor Relations
26 Board on or after April 5, 2013 (the effective date of Public

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

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

1 employees of a police department who are not routinely expected
2 to effect arrests, or elected officials.

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

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

1 person to qualify to become a professional employee as defined
2 in this subsection (m).

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

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

1 position of Public Service Administrator (Option 7), and any
2 employee of the Department of State Police who handles issues
3 concerning the Illinois State Police Sex Offender Registry and
4 who is classified as or holds the position of Public Service
5 Administrator (Option 7), but excluding all of the following:
6 employees of the General Assembly of the State of Illinois;
7 elected officials; executive heads of a department; members of
8 boards or commissions; the Executive Inspectors General; any
9 special Executive Inspectors General; employees of each Office
10 of an Executive Inspector General; commissioners and employees
11 of the Executive Ethics Commission; the Auditor General's
12 Inspector General; employees of the Office of the Auditor
13 General's Inspector General; the Legislative Inspector
14 General; any special Legislative Inspectors General; employees
15 of the Office of the Legislative Inspector General;
16 commissioners and employees of the Legislative Ethics
17 Commission; employees of any agency, board or commission
18 created by this Act; employees appointed to State positions of
19 a temporary or emergency nature; all employees of school
20 districts and higher education institutions except
21 firefighters and peace officers employed by a state university
22 and except peace officers employed by a school district in its
23 own police department in existence on the effective date of
24 this amendatory Act of the 96th General Assembly; managerial
25 employees; short-term employees; legislative liaisons; a
26 person who is a State employee under the jurisdiction of the

1 Office of the Attorney General who is licensed to practice law
2 or whose position authorizes, either directly or indirectly,
3 meaningful input into government decision-making on issues
4 where there is room for principled disagreement on goals or
5 their implementation; a person who is a State employee under
6 the jurisdiction of the Office of the Comptroller who holds the
7 position of Public Service Administrator or whose position is
8 otherwise exempt under the Comptroller Merit Employment Code; a
9 person who is a State employee under the jurisdiction of the
10 Secretary of State who holds the position classification of
11 Executive I or higher, whose position authorizes, either
12 directly or indirectly, meaningful input into government
13 decision-making on issues where there is room for principled
14 disagreement on goals or their implementation, or who is
15 otherwise exempt under the Secretary of State Merit Employment
16 Code; employees in the Office of the Secretary of State who are
17 completely exempt from jurisdiction B of the Secretary of State
18 Merit Employment Code and who are in Rutan-exempt positions on
19 or after April 5, 2013 (the effective date of Public Act
20 97-1172); a person who is a State employee under the
21 jurisdiction of the Treasurer who holds a position that is
22 exempt from the State Treasurer Employment Code; any employee
23 of a State agency who (i) holds the title or position of, or
24 exercises substantially similar duties as a legislative
25 liaison, Agency General Counsel, Agency Chief of Staff, Agency
26 Executive Director, Agency Deputy Director, Agency Chief

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

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 shall
21 not be considered public employees for any purposes not
22 specifically provided for in Public Act 93-204 or Public Act
23 97-1158, including but not limited to, purposes of vicarious
24 liability in tort and purposes of statutory retirement or
25 health insurance benefits. Home care and home health workers
26 who function as personal assistants and individual maintenance

1 home health workers and who also work under the Home Services
2 Program under Section 3 of the Rehabilitation of Persons with
3 Disabilities Act shall not be covered by the State Employees
4 Group Insurance Act of 1971 (5 ILCS 375/).

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

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

16 (o) Except as otherwise in subsection (o-5), "public
17 employer" or "employer" means the State of Illinois; any
18 political subdivision of the State, unit of local government or
19 school district; authorities including departments, divisions,
20 bureaus, boards, commissions, or other agencies of the
21 foregoing entities; and any person acting within the scope of
22 his or her authority, express or implied, on behalf of those
23 entities in dealing with its employees. As of the effective
24 date of the amendatory Act of the 93rd General Assembly, but
25 not before, the State of Illinois shall be considered the
26 employer of the personal assistants working under the Home

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

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

18 "Public employer" or "employer" as used in this Act,
19 however, does not mean and shall not include the General
20 Assembly of the State of Illinois, the Executive Ethics
21 Commission, the Offices of the Executive Inspectors General,
22 the Legislative Ethics Commission, the Office of the
23 Legislative Inspector General, the Office of the Auditor
24 General's Inspector General, the Office of the Governor, the
25 Governor's Office of Management and Budget, the Illinois
26 Finance Authority, the Office of the Lieutenant Governor, the

1 State Board of Elections, and educational employers or
2 employers as defined in the Illinois Educational Labor
3 Relations Act, except with respect to a state university in its
4 employment of firefighters and peace officers and except with
5 respect to a school district in the employment of peace
6 officers in its own police department in existence on the
7 effective date of this amendatory Act of the 96th General
8 Assembly. County boards and county sheriffs shall be designated
9 as joint or co-employers of county peace officers appointed
10 under the authority of a county sheriff. Nothing in this
11 subsection (o) shall be construed to prevent the State Panel or
12 the Local Panel from determining that employers are joint or
13 co-employers.

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

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

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

1 employer and employer representative.

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

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

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

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

24 (r) "Supervisor" is:

25 (1) An employee whose principal work is substantially
26 different from that of his or her subordinates and who has

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

25 Notwithstanding the provisions of the preceding
26 paragraph, in determining supervisory status in fire

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

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

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

1 Department of Conservation) shall contain no employees other
2 than such sworn peace officers upon the effective date of this
3 amendatory Act of 1990 or upon the expiration date of any
4 collective bargaining agreement in effect upon the effective
5 date of this amendatory Act of 1990 covering both such sworn
6 peace officers and other employees.

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

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

21 (t) "Active petition for certification in a bargaining
22 unit" means a petition for certification filed with the Board
23 under one of the following case numbers: S-RC-11-110;
24 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;
25 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;
26 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;

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

12 (Source: P.A. 98-100, eff. 7-19-13; 98-1004, eff. 8-18-14;
13 99-143, eff. 7-27-15.)

14 (5 ILCS 315/9) (from Ch. 48, par. 1609)

15 Sec. 9. Elections; recognition.

16 (a) Whenever in accordance with such regulations as may be
17 prescribed by the Board a petition has been filed:

18 (1) by a public employee or group of public employees
19 or any labor organization acting in their behalf
20 demonstrating that 30% of the public employees in an
21 appropriate unit (A) wish to be represented for the
22 purposes of collective bargaining by a labor organization
23 as exclusive representative, or (B) asserting that the
24 labor organization which has been certified or is currently
25 recognized by the public employer as bargaining

1 representative is no longer the representative of the
2 majority of public employees in the unit; or

3 (2) by a public employer alleging that one or more
4 labor organizations have presented to it a claim that they
5 be recognized as the representative of a majority of the
6 public employees in an appropriate unit,

7 the Board shall investigate such petition, and if it has
8 reasonable cause to believe that a question of representation
9 exists, shall provide for an appropriate hearing upon due
10 notice. Such hearing shall be held at the offices of the Board
11 or such other location as the Board deems appropriate. If it
12 finds upon the record of the hearing that a question of
13 representation exists, it shall direct an election in
14 accordance with subsections (d-5) and (e) ~~subsection (d)~~ of
15 this Section, ~~which election shall be held not later than 120~~
16 ~~days after the date the petition was filed regardless of~~
17 ~~whether that petition was filed before or after the effective~~
18 ~~date of this amendatory Act of 1987; provided, however, the~~
19 Board may extend the time for holding an election by an
20 additional 60 days if, upon motion by a person who has filed a
21 petition under this Section or is the subject of a petition
22 filed under this Section and is a party to such hearing, or
23 upon the Board's own motion, the Board finds that good cause
24 has been shown for extending the election date; provided
25 further, that nothing in this Section shall prohibit the Board,
26 in its discretion, from extending the time for holding an

1 election for so long as may be necessary under the
2 circumstances, where the purpose for such extension is to
3 permit resolution by the Board of an unfair labor practice
4 charge filed by one of the parties to a representational
5 proceeding against the other based upon conduct which may
6 either affect the existence of a question concerning
7 representation or have a tendency to interfere with a fair and
8 free election, where the party filing the charge has not filed
9 a request to proceed with the election; and provided further
10 that prior to the expiration of the total time allotted for
11 holding an election, a person who has filed a petition under
12 this Section or is the subject of a petition filed under this
13 Section and is a party to such hearing or the Board, may move
14 for and obtain the entry of an order in the circuit court of
15 the county in which the majority of the public employees sought
16 to be represented by such person reside, such order extending
17 the date upon which the election shall be held. Such order
18 shall be issued by the circuit court only upon a judicial
19 finding that there has been a sufficient showing that there is
20 good cause to extend the election date beyond such period and
21 shall require the Board to hold the election as soon as is
22 feasible given the totality of the circumstances. The initial
23 60 day extension ~~Such 120 day~~ period may be extended one or
24 more times by the agreement of all parties to the hearing to a
25 date certain without the necessity of obtaining a court order.
26 Nothing in this Section prohibits the waiving of hearings by

1 stipulation for the purpose of a consent election in conformity
2 with the rules and regulations of the Board or an election in a
3 unit agreed upon by the parties. Other interested employee
4 organizations may intervene in the proceedings in the manner
5 and within the time period specified by rules and regulations
6 of the Board. Interested parties who are necessary to the
7 proceedings may also intervene in the proceedings in the manner
8 and within the time period specified by the rules and
9 regulations of the Board.

10 (a-5) (Blank). ~~The Board shall designate an exclusive~~
11 ~~representative for purposes of collective bargaining when the~~
12 ~~representative demonstrates a showing of majority interest by~~
13 ~~employees in the unit. If the parties to a dispute are without~~
14 ~~agreement on the means to ascertain the choice, if any, of~~
15 ~~employee organization as their representative, the Board shall~~
16 ~~ascertain the employees' choice of employee organization, on~~
17 ~~the basis of dues deduction authorization or other evidence,~~
18 ~~or, if necessary, by conducting an election. All evidence~~
19 ~~submitted by an employee organization to the Board to ascertain~~
20 ~~an employee's choice of an employee organization is~~
21 ~~confidential and shall not be submitted to the employer for~~
22 ~~review. The Board shall ascertain the employee's choice of~~
23 ~~employee organization within 120 days after the filing of the~~
24 ~~majority interest petition; however, the Board may extend time~~
25 ~~by an additional 60 days, upon its own motion or upon the~~
26 ~~motion of a party to the proceeding. If either party provides~~

1 ~~to the Board, before the designation of a representative, clear~~
2 ~~and convincing evidence that the dues deduction~~
3 ~~authorizations, and other evidence upon which the Board would~~
4 ~~otherwise rely to ascertain the employees' choice of~~
5 ~~representative, are fraudulent or were obtained through~~
6 ~~coercion, the Board shall promptly thereafter conduct an~~
7 ~~election. The Board shall also investigate and consider a~~
8 ~~party's allegations that the dues deduction authorizations and~~
9 ~~other evidence submitted in support of a designation of~~
10 ~~representative without an election were subsequently changed,~~
11 ~~altered, withdrawn, or withheld as a result of employer fraud,~~
12 ~~coercion, or any other unfair labor practice by the employer.~~
13 ~~If the Board determines that a labor organization would have~~
14 ~~had a majority interest but for an employer's fraud, coercion,~~
15 ~~or unfair labor practice, it shall designate the labor~~
16 ~~organization as an exclusive representative without conducting~~
17 ~~an election. If a hearing is necessary to resolve any issues of~~
18 ~~representation under this Section, the Board shall conclude its~~
19 ~~hearing process and issue a certification of the entire~~
20 ~~appropriate unit not later than 120 days after the date the~~
21 ~~petition was filed. The 120 day period may be extended one or~~
22 ~~more times by the agreement of all parties to a hearing to a~~
23 ~~date certain.~~

24 (a-6) A labor organization or an employer may file a unit
25 clarification petition seeking to clarify an existing
26 bargaining unit. The Board shall conclude its investigation,

1 including any hearing process deemed necessary, and issue a
2 certification of clarified unit or dismiss the petition not
3 later than 120 days after the date the petition was filed. The
4 120-day period may be extended one or more times by the
5 agreement of all parties to a hearing to a date certain.

6 (b) The Board shall decide in each case, in order to assure
7 public employees the fullest freedom in exercising the rights
8 guaranteed by this Act, a unit appropriate for the purpose of
9 collective bargaining, based upon but not limited to such
10 factors as: historical pattern of recognition; community of
11 interest including employee skills and functions; degree of
12 functional integration; interchangeability and contact among
13 employees; fragmentation of employee groups; common
14 supervision, wages, hours and other working conditions of the
15 employees involved; and the desires of the employees. For
16 purposes of this subsection, fragmentation shall not be the
17 sole or predominant factor used by the Board in determining an
18 appropriate bargaining unit. Except with respect to non-State
19 fire fighters and paramedics employed by fire departments and
20 fire protection districts, non-State peace officers and peace
21 officers in the State Department of State Police, a single
22 bargaining unit determined by the Board may not include both
23 supervisors and nonsupervisors, except for bargaining units in
24 existence on the effective date of this Act. With respect to
25 non-State fire fighters and paramedics employed by fire
26 departments and fire protection districts, non-State peace

1 officers and peace officers in the State Department of State
2 Police, a single bargaining unit determined by the Board may
3 not include both supervisors and nonsupervisors, except for
4 bargaining units in existence on the effective date of this
5 amendatory Act of 1985.

6 In cases involving an historical pattern of recognition,
7 and in cases where the employer has recognized the union as the
8 sole and exclusive bargaining agent for a specified existing
9 unit, the Board shall find the employees in the unit then
10 represented by the union pursuant to the recognition to be the
11 appropriate unit.

12 Notwithstanding the above factors, where the majority of
13 public employees of a craft so decide, the Board shall
14 designate such craft as a unit appropriate for the purposes of
15 collective bargaining.

16 The Board shall not decide that any unit is appropriate if
17 such unit includes both professional and nonprofessional
18 employees, unless a majority of each group votes for inclusion
19 in such unit.

20 (c) Nothing in this Act shall interfere with or negate the
21 current representation rights or patterns and practices of
22 labor organizations which have historically represented public
23 employees for the purpose of collective bargaining, including
24 but not limited to the negotiations of wages, hours and working
25 conditions, discussions of employees' grievances, resolution
26 of jurisdictional disputes, or the establishment and

1 maintenance of prevailing wage rates, unless a majority of
2 employees so represented express a contrary desire pursuant to
3 the procedures set forth in this Act.

4 (d) (Blank). ~~In instances where the employer does not~~
5 ~~voluntarily recognize a labor organization as the exclusive~~
6 ~~bargaining representative for a unit of employees, the Board~~
7 ~~shall determine the majority representative of the public~~
8 ~~employees in an appropriate collective bargaining unit by~~
9 ~~conducting a secret ballot election, except as otherwise~~
10 ~~provided in subsection (a 5). Within 7 days after the Board~~
11 ~~issues its bargaining unit determination and direction of~~
12 ~~election or the execution of a stipulation for the purpose of a~~
13 ~~consent election, the public employer shall submit to the labor~~
14 ~~organization the complete names and addresses of those~~
15 ~~employees who are determined by the Board to be eligible to~~
16 ~~participate in the election. When the Board has determined that~~
17 ~~a labor organization has been fairly and freely chosen by a~~
18 ~~majority of employees in an appropriate unit, it shall certify~~
19 ~~such organization as the exclusive representative. If the Board~~
20 ~~determines that a majority of employees in an appropriate unit~~
21 ~~has fairly and freely chosen not to be represented by a labor~~
22 ~~organization, it shall so certify. The Board may also revoke~~
23 ~~the certification of the public employee organizations as~~
24 ~~exclusive bargaining representatives which have been found by a~~
25 ~~secret ballot election to be no longer the majority~~
26 ~~representative.~~

1 (d-5) Beginning not less than 2 years, but no more than 3
2 years, after the effective date of this amendatory Act of the
3 100th General Assembly, and for every even-numbered year
4 thereafter, the Board shall conduct an election to certify the
5 majority representative of the public employees as the
6 exclusive bargaining representative for the unit of employees.
7 The election shall occur no later than May 1 of an election
8 year, unless an extension is otherwise obtained under
9 subsection (a) of this Section. The Board shall certify any
10 representative that receives at least 51% of the votes of all
11 of the public employees as the exclusive representative of all
12 public employees in the unit. If no representative receives at
13 least 51% of the votes of all of the public employees in the
14 collective bargaining unit, a runoff election as provided under
15 subsection (e) shall be held.

16 (e) The Board shall not conduct an election in any
17 bargaining unit or any subdivision thereof within which a valid
18 election has been held in the preceding 12-month period. The
19 Board shall determine who is eligible to vote in an election
20 and shall establish rules governing the conduct of the election
21 or conduct affecting the results of the election. Within 7 days
22 after the Board issues its bargaining unit determination and
23 direction of election or the execution of a stipulation for the
24 purpose of a consent election, the public employer shall submit
25 to the labor organization the complete names and addresses of
26 those employees who are determined by the Board to be eligible

1 to participate in the election. The Board shall include on a
2 ballot in a representation election a choice of "no
3 representation". A labor organization currently representing
4 the bargaining unit of employees shall be placed on the ballot
5 in any representation election. When the Board has determined
6 that a labor organization has been fairly and freely chosen by
7 a majority of employees in an appropriate unit, it shall
8 certify such organization as the exclusive representative. If
9 the Board determines that a majority of employees in an
10 appropriate unit has fairly and freely chosen not to be
11 represented by a labor organization, it shall so certify. If
12 the choice of "no representation" receives a majority, the
13 public employer shall not recognize any exclusive bargaining
14 representative for at least 12 months. In any election where
15 none of the choices on the ballot receives a majority, a runoff
16 election shall be conducted between the 2 choices receiving the
17 largest number of valid votes cast in the election. ~~A labor~~
18 ~~organization which receives a majority of the votes cast in an~~
19 ~~election shall be certified by the Board as exclusive~~
20 ~~representative of all public employees in the unit.~~

21 (f) A labor organization shall be designated as the
22 exclusive representative by a public employer, provided that
23 the labor organization represents a majority of the public
24 employees in an appropriate unit. Any employee organization
25 which is designated or selected by the majority of public
26 employees, in a unit of the public employer having no other

1 recognized or certified representative, as their
2 representative for purposes of collective bargaining may
3 request recognition by the public employer in writing. The
4 public employer shall post such request for a period of at
5 least 20 days following its receipt thereof on bulletin boards
6 or other places used or reserved for employee notices.

7 (g) Within the 20-day period any other interested employee
8 organization may petition the Board in the manner specified by
9 rules and regulations of the Board, provided that such
10 interested employee organization has been designated by at
11 least 10% of the employees in an appropriate bargaining unit
12 which includes all or some of the employees in the unit
13 recognized by the employer. In such event, the Board shall
14 proceed with the petition in the same manner as provided by
15 paragraph (1) of subsection (a) of this Section.

16 (h) An ~~No~~ election may ~~shall~~ be directed by the Board in
17 any bargaining unit where there is in force a valid collective
18 bargaining agreement. In the event of a termination of
19 certification due to an election being held while a valid
20 collective bargaining agreement is in force, the terms of any
21 pre-existing agreement between the prior exclusive
22 representative and the public employer shall continue in effect
23 for the remaining contract term, except for any provisions
24 involving, in any manner, the exclusive representative,
25 including, but not limited to, union security, dues and fees,
26 and grievance and arbitration issues. ~~The Board, however, may~~

1 ~~process an election petition filed between 90 and 60 days prior~~
2 ~~to the expiration of the date of an agreement, and may further~~
3 ~~refine, by rule or decision, the implementation of this~~
4 ~~provision. Where more than 4 years have elapsed since the~~
5 ~~effective date of the agreement, the agreement shall continue~~
6 ~~to bar an election, except that the Board may process an~~
7 ~~election petition filed between 90 and 60 days prior to the end~~
8 ~~of the fifth year of such an agreement, and between 90 and 60~~
9 ~~days prior to the end of each successive year of such~~
10 ~~agreement.~~

11 (i) An order of the Board dismissing a representation
12 petition, determining and certifying that a labor organization
13 has been fairly and freely chosen by a majority of employees in
14 an appropriate bargaining unit, determining and certifying
15 that a labor organization has not been fairly and freely chosen
16 by a majority of employees in the bargaining unit or certifying
17 a labor organization as the exclusive representative of
18 employees in an appropriate bargaining unit because of a
19 determination by the Board that the labor organization is the
20 historical bargaining representative of employees in the
21 bargaining unit, is a final order. Any person aggrieved by any
22 such order issued on or after the effective date of this
23 amendatory Act of 1987 may apply for and obtain judicial review
24 in accordance with provisions of the Administrative Review Law,
25 as now or hereafter amended, except that such review shall be
26 afforded directly in the Appellate Court for the district in

1 which the aggrieved party resides or transacts business. Any
2 direct appeal to the Appellate Court shall be filed within 35
3 days from the date that a copy of the decision sought to be
4 reviewed was served upon the party affected by the decision.
5 (Source: P.A. 95-331, eff. 8-21-07; 96-813, eff. 10-30-09.)

6 (5 ILCS 315/21) (from Ch. 48, par. 1621)

7 Sec. 21. Subject to the appropriation power of the
8 employer, employers and exclusive representatives may
9 negotiate multi-year collective bargaining agreements pursuant
10 to the provisions of this Act; however, no multi-year
11 collective bargaining agreement entered into after the
12 effective date of this amendatory Act of the 100th General
13 Assembly shall be longer than 5 years in duration.

14 (Source: P.A. 83-1012.)

15 Section 10. The Illinois Educational Labor Relations Act is
16 amended by changing Sections 2, 7, and 8 as follows:

17 (115 ILCS 5/2) (from Ch. 48, par. 1702)

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

19 (a) "Educational employer" or "employer" means the
20 governing body of a public school district, including the
21 governing body of a charter school established under Article
22 27A of the School Code or of a contract school or contract
23 turnaround school established under paragraph 30 of Section

1 34-18 of the School Code, combination of public school
2 districts, including the governing body of joint agreements of
3 any type formed by 2 or more school districts, public community
4 college district or State college or university, a
5 subcontractor of instructional services of a school district
6 (other than a school district organized under Article 34 of the
7 School Code), combination of school districts, charter school
8 established under Article 27A of the School Code, or contract
9 school or contract turnaround school established under
10 paragraph 30 of Section 34-18 of the School Code, an
11 Independent Authority created under Section 2-3.25f-5 of the
12 School Code, and any State agency whose major function is
13 providing educational services. "Educational employer" or
14 "employer" does not include (1) a Financial Oversight Panel
15 created pursuant to Section 1A-8 of the School Code due to a
16 district violating a financial plan or (2) an approved
17 nonpublic special education facility that contracts with a
18 school district or combination of school districts to provide
19 special education services pursuant to Section 14-7.02 of the
20 School Code, but does include a School Finance Authority
21 created under Article 1E or 1F of the School Code and a
22 Financial Oversight Panel created under Article 1B or 1H of the
23 School Code. The change made by this amendatory Act of the 96th
24 General Assembly to this paragraph (a) to make clear that the
25 governing body of a charter school is an "educational employer"
26 is declaratory of existing law.

1 (b) "Educational employee" or "employee" means any
2 individual, excluding supervisors, managerial, confidential,
3 short term employees, student, and part-time academic
4 employees of community colleges employed full or part time by
5 an educational employer, but shall not include elected
6 officials and appointees of the Governor with the advice and
7 consent of the Senate, firefighters as defined by subsection
8 (g-1) of Section 3 of the Illinois Public Labor Relations Act,
9 and peace officers employed by a State university. For the
10 purposes of this Act, part-time academic employees of community
11 colleges shall be defined as those employees who provide less
12 than 3 credit hours of instruction per academic semester. In
13 this subsection (b), the term "student" includes graduate
14 students who are research assistants primarily performing
15 duties that involve research or graduate assistants primarily
16 performing duties that are pre-professional, but excludes
17 graduate students who are teaching assistants primarily
18 performing duties that involve the delivery and support of
19 instruction and all other graduate assistants.

20 (c) "Employee organization" or "labor organization" means
21 an organization of any kind in which membership includes
22 educational employees, and which exists for the purpose, in
23 whole or in part, of dealing with employers concerning
24 grievances, employee-employer disputes, wages, rates of pay,
25 hours of employment, or conditions of work, but shall not
26 include any organization which practices discrimination in

1 membership because of race, color, creed, age, gender, national
2 origin or political affiliation.

3 (d) "Exclusive representative" means the labor
4 organization which has been designated by the Illinois
5 Educational Labor Relations Board as the representative of the
6 majority of educational employees in an appropriate unit, or
7 recognized by an educational employer prior to January 1, 1984
8 as the exclusive representative of the employees in an
9 appropriate unit ~~or, after January 1, 1984, recognized by an~~
10 ~~employer upon evidence that the employee organization has been~~
11 ~~designated as the exclusive representative by a majority of the~~
12 ~~employees in an appropriate unit.~~

13 (e) "Board" means the Illinois Educational Labor Relations
14 Board.

15 (f) "Regional Superintendent" means the regional
16 superintendent of schools provided for in Articles 3 and 3A of
17 The School Code.

18 (g) "Supervisor" means any individual having authority in
19 the interests of the employer to hire, transfer, suspend, lay
20 off, recall, promote, discharge, reward or discipline other
21 employees within the appropriate bargaining unit and adjust
22 their grievances, or to effectively recommend such action if
23 the exercise of such authority is not of a merely routine or
24 clerical nature but requires the use of independent judgment.
25 The term "supervisor" includes only those individuals who
26 devote a preponderance of their employment time to such

1 exercising authority.

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

4 (i) "Person" includes an individual, educational employee,
5 educational employer, legal representative, or employee
6 organization.

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

9 (k) "Professional employee" means, in the case of a public
10 community college, State college or university, State agency
11 whose major function is providing educational services, the
12 Illinois School for the Deaf, and the Illinois School for the
13 Visually Impaired, (1) any employee engaged in work (i)
14 predominantly intellectual and varied in character as opposed
15 to routine mental, manual, mechanical, or physical work; (ii)
16 involving the consistent exercise of discretion and judgment in
17 its performance; (iii) of such character that the output
18 produced or the result accomplished cannot be standardized in
19 relation to a given period of time; and (iv) requiring
20 knowledge of an advanced type in a field of science or learning
21 customarily acquired by a prolonged course of specialized
22 intellectual instruction and study in an institution of higher
23 learning or a hospital, as distinguished from a general
24 academic education or from an apprenticeship or from training
25 in the performance of routine mental, manual, or physical
26 processes; or (2) any employee, who (i) has completed the

1 courses of specialized intellectual instruction and study
2 described in clause (iv) of paragraph (1) of this subsection,
3 and (ii) is performing related work under the supervision of a
4 professional person to qualify himself or herself to become a
5 professional as defined in paragraph (1).

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

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

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

20 (o) "Managerial employee" means an individual who is
21 engaged predominantly in executive and management functions
22 and is charged with the responsibility of directing the
23 effectuation of such management policies and practices.

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

26 (q) "Short-term employee" is an employee who is employed

1 for less than 2 consecutive calendar quarters during a calendar
2 year and who does not have a reasonable expectation that he or
3 she will be rehired by the same employer for the same service
4 in a subsequent calendar year. Nothing in this subsection shall
5 affect the employee status of individuals who were covered by a
6 collective bargaining agreement on the effective date of this
7 amendatory Act of 1991.

8 (Source: P.A. 97-429, eff. 8-16-11; 98-1155, eff. 1-9-15.)

9 (115 ILCS 5/7) (from Ch. 48, par. 1707)

10 Sec. 7. Recognition of exclusive bargaining
11 representatives - unit determination. The Board is empowered
12 to administer the recognition of bargaining representatives of
13 employees of public school districts, including employees of
14 districts which have entered into joint agreements, or
15 employees of public community college districts, or any State
16 college or university, and any State agency whose major
17 function is providing educational services, making certain
18 that each bargaining unit contains employees with an
19 identifiable community of interest and that no unit includes
20 both professional employees and nonprofessional employees
21 unless a majority of employees in each group vote for inclusion
22 in the unit.

23 (a) In determining the appropriateness of a unit, the Board
24 shall decide in each case, in order to ensure employees the
25 fullest freedom in exercising the rights guaranteed by this

1 Act, the unit appropriate for the purpose of collective
2 bargaining, based upon but not limited to such factors as
3 historical pattern of recognition, community of interest,
4 including employee skills and functions, degree of functional
5 integration, interchangeability and contact among employees,
6 common supervision, wages, hours and other working conditions
7 of the employees involved, and the desires of the employees.
8 Nothing in this Act, except as herein provided, shall interfere
9 with or negate the current representation rights or patterns
10 and practices of employee organizations which have
11 historically represented employees for the purposes of
12 collective bargaining, including but not limited to the
13 negotiations of wages, hours and working conditions,
14 resolutions of employees' grievances, or resolution of
15 jurisdictional disputes, or the establishment and maintenance
16 of prevailing wage rates, unless a majority of the employees so
17 represented expresses a contrary desire under the procedures
18 set forth in this Act. This Section, however, does not prohibit
19 multi-unit bargaining. Notwithstanding the above factors,
20 where the majority of public employees of a craft so decide,
21 the Board shall designate such craft as a unit appropriate for
22 the purposes of collective bargaining.

23 The sole appropriate bargaining unit for tenured and
24 tenure-track academic faculty at each campus of the University
25 of Illinois shall be a unit that is comprised of
26 non-supervisory academic faculty employed more than half-time

1 and that includes all tenured and tenure-track faculty of that
2 University campus employed by the board of trustees in all of
3 the campus's undergraduate, graduate, and professional schools
4 and degree and non-degree programs (with the exception of the
5 college of medicine, the college of pharmacy, the college of
6 dentistry, the college of law, and the college of veterinary
7 medicine, each of which shall have its own separate unit),
8 regardless of current or historical representation rights or
9 patterns or the application of any other factors. Any decision,
10 rule, or regulation promulgated by the Board to the contrary
11 shall be null and void.

12 (b) (Blank). ~~An educational employer shall voluntarily~~
13 ~~recognize a labor organization for collective bargaining~~
14 ~~purposes if that organization appears to represent a majority~~
15 ~~of employees in the unit. The employer shall post notice of its~~
16 ~~intent to so recognize for a period of at least 20 school days~~
17 ~~on bulletin boards or other places used or reserved for~~
18 ~~employee notices. Thereafter, the employer, if satisfied as to~~
19 ~~the majority status of the employee organization, shall send~~
20 ~~written notification of such recognition to the Board for~~
21 ~~certification. Any dispute regarding the majority status of a~~
22 ~~labor organization shall be resolved by the Board which shall~~
23 ~~make the determination of majority status.~~

24 ~~Within the 20 day notice period, however, any other~~
25 ~~interested employee organization may petition the Board to seek~~
26 ~~recognition as the exclusive representative of the unit in the~~

1 ~~manner specified by rules and regulations prescribed by the~~
2 ~~Board, if such interested employee organization has been~~
3 ~~designated by at least 15% of the employees in an appropriate~~
4 ~~bargaining unit which includes all or some of the employees in~~
5 ~~the unit intended to be recognized by the employer. In such~~
6 ~~event, the Board shall proceed with the petition in the same~~
7 ~~manner as provided in paragraph (c) of this Section.~~

8 (c) A labor organization may also gain recognition as the
9 exclusive representative by an election of the employees in the
10 unit. Petitions requesting an election may be filed with the
11 Board:

12 (1) by an employee or group of employees or any labor
13 organizations acting on their behalf alleging and
14 presenting evidence that 30% or more of the employees in a
15 bargaining unit wish to be represented for collective
16 bargaining or that the labor organization which has been
17 acting as the exclusive bargaining representative is no
18 longer representative of a majority of the employees in the
19 unit; or

20 (2) by an employer alleging that one or more labor
21 organizations have presented a claim to be recognized as an
22 exclusive bargaining representative of a majority of the
23 employees in an appropriate unit and that it doubts the
24 majority status of any of the organizations or that it
25 doubts the majority status of an exclusive bargaining
26 representative.

1 The Board shall investigate the petition and if it has
2 reasonable cause to suspect that a question of representation
3 exists, it shall give notice and conduct a hearing. If it finds
4 upon the record of the hearing that a question of
5 representation exists, it shall direct an election in
6 accordance with Section 8 of this Act ~~, which shall be held no~~
7 ~~later than 90 days after the date the petition was filed.~~
8 Nothing prohibits the waiving of hearings by the parties and
9 the conduct of consent elections.

10 (c-5) (Blank). ~~The Board shall designate an exclusive~~
11 ~~representative for purposes of collective bargaining when the~~
12 ~~representative demonstrates a showing of majority interest by~~
13 ~~employees in the unit. If the parties to a dispute are without~~
14 ~~agreement on the means to ascertain the choice, if any, of~~
15 ~~employee organization as their representative, the Board shall~~
16 ~~ascertain the employees' choice of employee organization, on~~
17 ~~the basis of dues deduction authorization or other evidence,~~
18 ~~or, if necessary, by conducting an election. All evidence~~
19 ~~submitted by an employee organization to the Board to ascertain~~
20 ~~an employee's choice of an employee organization is~~
21 ~~confidential and shall not be submitted to the employer for~~
22 ~~review. The Board shall ascertain the employee's choice of~~
23 ~~employee organization within 120 days after the filing of the~~
24 ~~majority interest petition; however, the Board may extend time~~
25 ~~by an additional 60 days, upon its own motion or upon the~~
26 ~~motion of a party to the proceeding. If either party provides~~

1 ~~to the Board, before the designation of a representative, clear~~
2 ~~and convincing evidence that the dues deduction~~
3 ~~authorizations, and other evidence upon which the Board would~~
4 ~~otherwise rely to ascertain the employees' choice of~~
5 ~~representative, are fraudulent or were obtained through~~
6 ~~coercion, the Board shall promptly thereafter conduct an~~
7 ~~election. The Board shall also investigate and consider a~~
8 ~~party's allegations that the dues deduction authorizations and~~
9 ~~other evidence submitted in support of a designation of~~
10 ~~representative without an election were subsequently changed,~~
11 ~~altered, withdrawn, or withheld as a result of employer fraud,~~
12 ~~coercion, or any other unfair labor practice by the employer.~~
13 ~~If the Board determines that a labor organization would have~~
14 ~~had a majority interest but for an employer's fraud, coercion,~~
15 ~~or unfair labor practice, it shall designate the labor~~
16 ~~organization as an exclusive representative without conducting~~
17 ~~an election. If a hearing is necessary to resolve any issues of~~
18 ~~representation under this Section, the Board shall conclude its~~
19 ~~hearing process and issue a certification of the entire~~
20 ~~appropriate unit not later than 120 days after the date the~~
21 ~~petition was filed. The 120 day period may be extended one or~~
22 ~~more times by the agreement of all parties to a hearing to a~~
23 ~~date certain.~~

24 (c-6) A labor organization or an employer may file a unit
25 clarification petition seeking to clarify an existing
26 bargaining unit. The Board shall conclude its investigation,

1 including any hearing process deemed necessary, and issue a
2 certification of clarified unit or dismiss the petition not
3 later than 120 days after the date the petition was filed. The
4 120-day period may be extended one or more times by the
5 agreement of all parties to a hearing to a date certain.

6 (d) An order of the Board dismissing a representation
7 petition, determining and certifying that a labor organization
8 has been fairly and freely chosen by a majority of employees in
9 an appropriate bargaining unit, determining and certifying
10 that a labor organization has not been fairly and freely chosen
11 by a majority of employees in the bargaining unit or certifying
12 a labor organization as the exclusive representative of
13 employees in an appropriate bargaining unit because of a
14 determination by the Board that the labor organization is the
15 historical bargaining representative of employees in the
16 bargaining unit, is a final order. Any person aggrieved by any
17 such order issued on or after the effective date of this
18 amendatory Act of 1987 may apply for and obtain judicial review
19 in accordance with provisions of the Administrative Review Law,
20 as now or hereafter amended, except that such review shall be
21 afforded directly in the Appellate Court of a judicial district
22 in which the Board maintains an office. Any direct appeal to
23 the Appellate Court shall be filed within 35 days from the date
24 that a copy of the decision sought to be reviewed was served
25 upon the party affected by the decision.

26 An ~~No~~ election may be conducted in any bargaining unit

1 during the term of a collective bargaining agreement covering
2 such unit or subdivision thereof, ~~except the Board may direct~~
3 ~~an election after the filing of a petition between January 15~~
4 ~~and March 1 of the final year of a collective bargaining~~
5 ~~agreement.~~ In the event of a termination of certification due
6 to an election being held during the term of a collective
7 bargaining agreement, the terms of any pre-existing agreement
8 between the prior exclusive representative and the educational
9 employer shall continue in effect for the remaining contract
10 term, except for any provisions involving, in any manner, the
11 exclusive representative, including, but not limited to, union
12 security, dues and fees, and grievance and arbitration issues.

13 Nothing in this Section prohibits the negotiation of a
14 collective bargaining agreement covering a period not
15 exceeding 5 ~~3~~ years. A collective bargaining agreement of less
16 than 5 ~~3~~ years may be extended up to 5 ~~3~~ years by the parties if
17 the extension is agreed to in writing before the filing of a
18 petition under this Section. In such case, the final year of
19 the extension is the final year of the collective bargaining
20 agreement. No election may be conducted in a bargaining unit,
21 or subdivision thereof, in which a valid election has been held
22 within the preceding 12 month period.

23 (Source: P.A. 95-331, eff. 8-21-07; 96-813, eff. 10-30-09.)

24 (115 ILCS 5/8) (from Ch. 48, par. 1708)

25 Sec. 8. Election - certification. Beginning not less than 2

1 years, but no more than 3 years, after the effective date of
2 this amendatory Act of the 100th General Assembly, and for
3 every even-numbered year thereafter, the Board shall conduct an
4 election to certify the majority representative of the
5 employees as the exclusive bargaining representative for the
6 unit of employees. The election shall occur no earlier than
7 August 1, but no later than December 1, of an election year.
8 ~~Elections shall be by secret ballot, and conducted in~~
9 ~~accordance with rules and regulations established by the~~
10 ~~Illinois Educational Labor Relations Board.~~ An incumbent
11 exclusive bargaining representative shall automatically be
12 placed on any ballot with the petitioner's labor organization.
13 An intervening labor organization may be placed on the ballot
14 when supported by 15% or more of the employees in the
15 bargaining unit. The Board shall give at least 30 day's ~~days~~
16 notice of the time and place of the election to the parties
17 and, upon request, shall provide the parties with a list of
18 names and addresses of persons eligible to vote in the election
19 at least 15 days before the election. The ballot must include,
20 as one of the alternatives, the choice of "no representative".
21 No mail ballots are permitted except where a specific
22 individual would otherwise be unable to cast a ballot.

23 The Board shall certify any representative that receives at
24 least 51% of the votes of all of the employees as the exclusive
25 representative of all employees in the unit. ~~The labor~~
26 ~~organization receiving a majority of the ballots cast shall be~~

1 ~~certified by the Board as the exclusive bargaining~~
2 ~~representative.~~ If the choice of "no representative" receives a
3 majority, the employer shall not recognize any exclusive
4 bargaining representative for at least 12 months. If none of
5 the choices on the ballot receives a majority, a run-off shall
6 be conducted between the 2 choices receiving the largest number
7 of valid votes cast in the election. The Board shall certify
8 the results of the election within 6 working days after the
9 final tally of votes unless a charge is filed by a party
10 alleging that improper conduct occurred which affected the
11 outcome of the election. The Board shall promptly investigate
12 the allegations, and if it finds probable cause that improper
13 conduct occurred and could have affected the outcome of the
14 election, it shall set a hearing on the matter on a date
15 falling within 2 weeks of when it received the charge. If it
16 determines, after hearing, that the outcome of the election was
17 affected by improper conduct, it shall order a new election and
18 shall order corrective action which it considers necessary to
19 insure the fairness of the new election. If it determines upon
20 investigation or after hearing that the alleged improper
21 conduct did not take place or that it did not affect the
22 results of the election, it shall immediately certify the
23 election results. The Board shall assess and collect a
24 certification fee for each election conducted under this
25 Section.

26 Any labor organization that is the exclusive bargaining

1 representative in an appropriate unit on the effective date of
2 this Act shall continue as such until a new one is selected
3 under this Act.

4 (Source: P.A. 92-206, eff. 1-1-02.)