



Rep. Kathleen Willis

**Filed: 4/12/2018**

10000HB5221ham001

LRB100 20619 RJF 38144 a

1 AMENDMENT TO HOUSE BILL 5221

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5221 by replacing  
3 everything after the enacting clause with the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (g) "Fair share agreement" means an agreement between the  
22 employer and an employee organization under which all or any of  
23 the employees in a collective bargaining unit are required to  
24 pay their proportionate share of the costs of the collective  
25 bargaining process, contract administration, and pursuing  
26 matters affecting wages, hours, and other conditions of

1 employment, but not to exceed the amount of dues uniformly  
2 required of members. The amount certified by the exclusive  
3 representative shall not include any fees for contributions  
4 related to the election or support of any candidate for  
5 political office. Nothing in this subsection (g) shall preclude  
6 an employee from making voluntary political contributions in  
7 conjunction with his or her fair share payment.

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

20 (g-2) "General Assembly of the State of Illinois" means the  
21 legislative branch of the government of the State of Illinois,  
22 as provided for under Article IV of the Constitution of the  
23 State of Illinois, and includes but is not limited to the House  
24 of Representatives, the Senate, the Speaker of the House of  
25 Representatives, the Minority Leader of the House of  
26 Representatives, the President of the Senate, the Minority

1 Leader of the Senate, the Joint Committee on Legislative  
2 Support Services and any legislative support services agency  
3 listed in the Legislative Commission Reorganization Act of  
4 1984.

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

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

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

25 (j) "Managerial employee" means an individual who is  
26 engaged predominantly in executive and management functions

1 and is charged with the responsibility of directing the  
2 effectuation of management policies and practices. With  
3 respect only to State employees in positions under the  
4 jurisdiction of the Attorney General, Secretary of State,  
5 Comptroller, or Treasurer (i) that were certified in a  
6 bargaining unit on or after December 2, 2008, (ii) for which a  
7 petition is filed with the Illinois Public Labor Relations  
8 Board on or after April 5, 2013 (the effective date of Public  
9 Act 97-1172), or (iii) for which a petition is pending before  
10 the Illinois Public Labor Relations Board on that date,  
11 "managerial employee" means an individual who is engaged in  
12 executive and management functions or who is charged with the  
13 effectuation of management policies and practices or who  
14 represents management interests by taking or recommending  
15 discretionary actions that effectively control or implement  
16 policy. Nothing in this definition prohibits an individual from  
17 also meeting the definition of "supervisor" under subsection  
18 (r) of this Section.

19 (k) "Peace officer" means, for the purposes of this Act  
20 only, any persons who have been or are hereafter appointed to a  
21 police force, department, or agency and sworn or commissioned  
22 to perform police duties, except that the following persons are  
23 not included: part-time police officers, special police  
24 officers, auxiliary police as defined by Section 3.1-30-20 of  
25 the Illinois Municipal Code, night watchmen, "merchant  
26 police", court security officers as defined by Section 3-6012.1

1 of the Counties Code, temporary employees, traffic guards or  
2 wardens, civilian parking meter and parking facilities  
3 personnel or other individuals specially appointed to aid or  
4 direct traffic at or near schools or public functions or to aid  
5 in civil defense or disaster, parking enforcement employees who  
6 are not commissioned as peace officers and who are not armed  
7 and who are not routinely expected to effect arrests, parking  
8 lot attendants, clerks and dispatchers or other civilian  
9 employees of a police department who are not routinely expected  
10 to effect arrests, or elected officials.

11 (l) "Person" includes one or more individuals, labor  
12 organizations, public employees, associations, corporations,  
13 legal representatives, trustees, trustees in bankruptcy,  
14 receivers, or the State of Illinois or any political  
15 subdivision of the State or governing body, but does not  
16 include the General Assembly of the State of Illinois or any  
17 individual employed by the General Assembly of the State of  
18 Illinois.

19 (m) "Professional employee" means any employee engaged in  
20 work predominantly intellectual and varied in character rather  
21 than routine mental, manual, mechanical or physical work;  
22 involving the consistent exercise of discretion and adjustment  
23 in its performance; of such a character that the output  
24 produced or the result accomplished cannot be standardized in  
25 relation to a given period of time; and requiring advanced  
26 knowledge in a field of science or learning customarily



1 acquired by a prolonged course of specialized intellectual  
2 instruction and study in an institution of higher learning or a  
3 hospital, as distinguished from a general academic education or  
4 from apprenticeship or from training in the performance of  
5 routine mental, manual, or physical processes; or any employee  
6 who has completed the courses of specialized intellectual  
7 instruction and study prescribed in this subsection (m) and is  
8 performing related work under the supervision of a professional  
9 person to qualify to become a professional employee as defined  
10 in this subsection (m).

11 (n) "Public employee" or "employee", for the purposes of  
12 this Act, means any individual employed by a public employer,  
13 including (i) interns and residents at public hospitals, (ii)  
14 as of the effective date of this amendatory Act of the 93rd  
15 General Assembly, but not before, personal assistants working  
16 under the Home Services Program under Section 3 of the  
17 Rehabilitation of Persons with Disabilities Act, subject to the  
18 limitations set forth in this Act and in the Rehabilitation of  
19 Persons with Disabilities Act, (iii) as of the effective date  
20 of this amendatory Act of the 94th General Assembly, but not  
21 before, child and day care home providers participating in the  
22 child care assistance program under Section 9A-11 of the  
23 Illinois Public Aid Code, subject to the limitations set forth  
24 in this Act and in Section 9A-11 of the Illinois Public Aid  
25 Code, (iv) as of January 29, 2013 (the effective date of Public  
26 Act 97-1158), but not before except as otherwise provided in

1 this subsection (n), home care and home health workers who  
2 function as personal assistants and individual maintenance  
3 home health workers and who also work under the Home Services  
4 Program under Section 3 of the Rehabilitation of Persons with  
5 Disabilities Act, no matter whether the State provides those  
6 services through direct fee-for-service arrangements, with the  
7 assistance of a managed care organization or other  
8 intermediary, or otherwise, (v) beginning on the effective date  
9 of this amendatory Act of the 98th General Assembly and  
10 notwithstanding any other provision of this Act, any person  
11 employed by a public employer and who is classified as or who  
12 holds the employment title of Chief Stationary Engineer,  
13 Assistant Chief Stationary Engineer, Sewage Plant Operator,  
14 Water Plant Operator, Stationary Engineer, Plant Operating  
15 Engineer, and any other employee who holds the position of:  
16 Civil Engineer V, Civil Engineer VI, Civil Engineer VII,  
17 Technical Manager I, Technical Manager II, Technical Manager  
18 III, Technical Manager IV, Technical Manager V, Technical  
19 Manager VI, Realty Specialist III, Realty Specialist IV, Realty  
20 Specialist V, Technical Advisor I, Technical Advisor II,  
21 Technical Advisor III, Technical Advisor IV, or Technical  
22 Advisor V employed by the Department of Transportation who is  
23 in a position which is certified in a bargaining unit on or  
24 before the effective date of this amendatory Act of the 98th  
25 General Assembly, and (vi) beginning on the effective date of  
26 this amendatory Act of the 98th General Assembly and

1 notwithstanding any other provision of this Act, any mental  
2 health administrator in the Department of Corrections who is  
3 classified as or who holds the position of Public Service  
4 Administrator (Option 8K), any employee of the Office of the  
5 Inspector General in the Department of Human Services who is  
6 classified as or who holds the position of Public Service  
7 Administrator (Option 7), any Deputy of Intelligence in the  
8 Department of Corrections who is classified as or who holds the  
9 position of Public Service Administrator (Option 7), and any  
10 employee of the Department of State Police who handles issues  
11 concerning the Illinois State Police Sex Offender Registry and  
12 who is classified as or holds the position of Public Service  
13 Administrator (Option 7), but excluding all of the following:  
14 employees of the General Assembly of the State of Illinois;  
15 elected officials; executive heads of a department; members of  
16 boards or commissions; the Executive Inspectors General; any  
17 special Executive Inspectors General; employees of each Office  
18 of an Executive Inspector General; commissioners and employees  
19 of the Executive Ethics Commission; the Auditor General's  
20 Inspector General; employees of the Office of the Auditor  
21 General's Inspector General; the Legislative Inspector  
22 General; any special Legislative Inspectors General; employees  
23 of the Office of the Legislative Inspector General;  
24 commissioners and employees of the Legislative Ethics  
25 Commission; employees of any agency, board or commission  
26 created by this Act; employees appointed to State positions of

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

1 or after April 5, 2013 (the effective date of Public Act  
2 97-1172); a person who is a State employee under the  
3 jurisdiction of the Treasurer who holds a position that is  
4 exempt from the State Treasurer Employment Code; any employee  
5 of a State agency who (i) holds the title or position of, or  
6 exercises substantially similar duties as a legislative  
7 liaison, Agency General Counsel, Agency Chief of Staff, Agency  
8 Executive Director, Agency Deputy Director, Agency Chief  
9 Fiscal Officer, Agency Human Resources Director, Public  
10 Information Officer, or Chief Information Officer and (ii) was  
11 neither included in a bargaining unit nor subject to an active  
12 petition for certification in a bargaining unit; any employee  
13 of a State agency who (i) is in a position that is  
14 Rutan-exempt, as designated by the employer, and completely  
15 exempt from jurisdiction B of the Personnel Code and (ii) was  
16 neither included in a bargaining unit nor subject to an active  
17 petition for certification in a bargaining unit; any term  
18 appointed employee of a State agency pursuant to Section 8b.18  
19 or 8b.19 of the Personnel Code who was neither included in a  
20 bargaining unit nor subject to an active petition for  
21 certification in a bargaining unit; any employment position  
22 properly designated pursuant to Section 6.1 of this Act;  
23 confidential employees; independent contractors; and  
24 supervisors except as provided in this Act.

25 Home care and home health workers who function as personal  
26 assistants and individual maintenance home health workers and

1 who also work under the Home Services Program under Section 3  
2 of the Rehabilitation of Persons with Disabilities Act shall  
3 not be considered public employees for any purposes not  
4 specifically provided for in Public Act 93-204 or Public Act  
5 97-1158, including but not limited to, purposes of vicarious  
6 liability in tort and purposes of statutory retirement or  
7 health insurance benefits. Home care and home health workers  
8 who function as personal assistants and individual maintenance  
9 home health workers and who also work under the Home Services  
10 Program under Section 3 of the Rehabilitation of Persons with  
11 Disabilities Act shall not be covered by the State Employees  
12 Group Insurance Act of 1971 (5 ILCS 375/).

13 Child and day care home providers shall not be considered  
14 public employees for any purposes not specifically provided for  
15 in this amendatory Act of the 94th General Assembly, including  
16 but not limited to, purposes of vicarious liability in tort and  
17 purposes of statutory retirement or health insurance benefits.  
18 Child and day care home providers shall not be covered by the  
19 State Employees Group Insurance Act of 1971.

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

24 (o) Except as otherwise in subsection (o-5), "public  
25 employer" or "employer" means the State of Illinois; any  
26 political subdivision of the State, unit of local government or

1 school district; authorities including departments, divisions,  
2 bureaus, boards, commissions, or other agencies of the  
3 foregoing entities; and any person acting within the scope of  
4 his or her authority, express or implied, on behalf of those  
5 entities in dealing with its employees. As of the effective  
6 date of the amendatory Act of the 93rd General Assembly, but  
7 not before, the State of Illinois shall be considered the  
8 employer of the personal assistants working under the Home  
9 Services Program under Section 3 of the Rehabilitation of  
10 Persons with Disabilities Act, subject to the limitations set  
11 forth in this Act and in the Rehabilitation of Persons with  
12 Disabilities Act. As of January 29, 2013 (the effective date of  
13 Public Act 97-1158), but not before except as otherwise  
14 provided in this subsection (o), the State shall be considered  
15 the employer of home care and home health workers who function  
16 as personal assistants and individual maintenance home health  
17 workers and who also work under the Home Services Program under  
18 Section 3 of the Rehabilitation of Persons with Disabilities  
19 Act, no matter whether the State provides those services  
20 through direct fee-for-service arrangements, with the  
21 assistance of a managed care organization or other  
22 intermediary, or otherwise, but subject to the limitations set  
23 forth in this Act and the Rehabilitation of Persons with  
24 Disabilities Act. The State shall not be considered to be the  
25 employer of home care and home health workers who function as  
26 personal assistants and individual maintenance home health

1 workers and who also work under the Home Services Program under  
2 Section 3 of the Rehabilitation of Persons with Disabilities  
3 Act, for any purposes not specifically provided for in Public  
4 Act 93-204 or Public Act 97-1158, including but not limited to,  
5 purposes of vicarious liability in tort and purposes of  
6 statutory retirement or health insurance benefits. Home care  
7 and home health workers who function as personal assistants and  
8 individual maintenance home health workers and who also work  
9 under the Home Services Program under Section 3 of the  
10 Rehabilitation of Persons with Disabilities Act shall not be  
11 covered by the State Employees Group Insurance Act of 1971 (5  
12 ILCS 375/). As of the effective date of this amendatory Act of  
13 the 94th General Assembly but not before, the State of Illinois  
14 shall be considered the employer of the day and child care home  
15 providers participating in the child care assistance program  
16 under Section 9A-11 of the Illinois Public Aid Code, subject to  
17 the limitations set forth in this Act and in Section 9A-11 of  
18 the Illinois Public Aid Code. The State shall not be considered  
19 to be the employer of child and day care home providers for any  
20 purposes not specifically provided for in this amendatory Act  
21 of the 94th General Assembly, including but not limited to,  
22 purposes of vicarious liability in tort and purposes of  
23 statutory retirement or health insurance benefits. Child and  
24 day care home providers shall not be covered by the State  
25 Employees Group Insurance Act of 1971.

26 "Public employer" or "employer" as used in this Act,



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

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

1           (1) For court reporters employed by the Cook County  
2           Judicial Circuit, the chief judge of the Cook County  
3           Circuit Court is the public employer and employer  
4           representative.

5           (2) For court reporters employed by the 12th, 18th,  
6           19th, and, on and after December 4, 2006, the 22nd judicial  
7           circuits, a group consisting of the chief judges of those  
8           circuits, acting jointly by majority vote, is the public  
9           employer and employer representative.

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

14          (p) "Security employee" means an employee who is  
15          responsible for the supervision and control of inmates at  
16          correctional facilities. The term also includes other  
17          non-security employees in bargaining units having the majority  
18          of employees being responsible for the supervision and control  
19          of inmates at correctional facilities.

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

25          (q-5) "State agency" means an agency directly responsible  
26          to the Governor, as defined in Section 3.1 of the Executive

1 Reorganization Implementation Act, and the Illinois Commerce  
2 Commission, the Illinois Workers' Compensation Commission, the  
3 Civil Service Commission, the Pollution Control Board, the  
4 Illinois Racing Board, and the Department of State Police Merit  
5 Board.

6 (r) "Supervisor" is:

7 (1) An employee whose principal work is substantially  
8 different from that of his or her subordinates and who has  
9 authority, in the interest of the employer, to hire,  
10 transfer, suspend, lay off, recall, promote, discharge,  
11 direct, reward, or discipline employees, to adjust their  
12 grievances, or to effectively recommend any of those  
13 actions, if the exercise of that authority is not of a  
14 merely routine or clerical nature, but requires the  
15 consistent use of independent judgment. Except with  
16 respect to police employment, the term "supervisor"  
17 includes only those individuals who devote a preponderance  
18 of their employment time to exercising that authority,  
19 State supervisors notwithstanding. Nothing in this  
20 definition prohibits an individual from also meeting the  
21 definition of "managerial employee" under subsection (j)  
22 of this Section. In addition, in determining supervisory  
23 status in police employment, rank shall not be  
24 determinative. The Board shall consider, as evidence of  
25 bargaining unit inclusion or exclusion, the common law  
26 enforcement policies and relationships between police

1 officer ranks and certification under applicable civil  
2 service law, ordinances, personnel codes, or Division 2.1  
3 of Article 10 of the Illinois Municipal Code, but these  
4 factors shall not be the sole or predominant factors  
5 considered by the Board in determining police supervisory  
6 status.

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

22 (2) With respect only to State employees in positions  
23 under the jurisdiction of the Attorney General, Secretary  
24 of State, Comptroller, or Treasurer (i) that were certified  
25 in a bargaining unit on or after December 2, 2008, (ii) for  
26 which a petition is filed with the Illinois Public Labor

1 Relations Board on or after April 5, 2013 (the effective  
2 date of Public Act 97-1172), or (iii) for which a petition  
3 is pending before the Illinois Public Labor Relations Board  
4 on that date, an employee who qualifies as a supervisor  
5 under (A) Section 152 of the National Labor Relations Act  
6 and (B) orders of the National Labor Relations Board  
7 interpreting that provision or decisions of courts  
8 reviewing decisions of the National Labor Relations Board.

9 (s) (1) "Unit" means a class of jobs or positions that are  
10 held by employees whose collective interests may suitably be  
11 represented by a labor organization for collective bargaining.  
12 Except with respect to non-State fire fighters and paramedics  
13 employed by fire departments and fire protection districts,  
14 non-State peace officers, and peace officers in the Department  
15 of State Police, a bargaining unit determined by the Board  
16 shall not include both employees and supervisors, or  
17 supervisors only, except as provided in paragraph (2) of this  
18 subsection (s) and except for bargaining units in existence on  
19 July 1, 1984 (the effective date of this Act). With respect to  
20 non-State fire fighters and paramedics employed by fire  
21 departments and fire protection districts, non-State peace  
22 officers, and peace officers in the Department of State Police,  
23 a bargaining unit determined by the Board shall not include  
24 both supervisors and nonsupervisors, or supervisors only,  
25 except as provided in paragraph (2) of this subsection (s) and  
26 except for bargaining units in existence on January 1, 1986

1 (the effective date of this amendatory Act of 1985). A  
2 bargaining unit determined by the Board to contain peace  
3 officers shall contain no employees other than peace officers  
4 unless otherwise agreed to by the employer and the labor  
5 organization or labor organizations involved. Notwithstanding  
6 any other provision of this Act, a bargaining unit, including a  
7 historical bargaining unit, containing sworn peace officers of  
8 the Department of Natural Resources (formerly designated the  
9 Department of Conservation) shall contain no employees other  
10 than such sworn peace officers upon the effective date of this  
11 amendatory Act of 1990 or upon the expiration date of any  
12 collective bargaining agreement in effect upon the effective  
13 date of this amendatory Act of 1990 covering both such sworn  
14 peace officers and other employees.

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

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

1 and one unit shall be court reporters employed by all other  
2 judicial circuits.

3 (t) "Active petition for certification in a bargaining  
4 unit" means a petition for certification filed with the Board  
5 under one of the following case numbers: S-RC-11-110;  
6 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;  
7 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;  
8 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;  
9 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;  
10 S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220;  
11 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;  
12 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;  
13 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;  
14 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;  
15 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;  
16 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;  
17 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;  
18 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or  
19 S-RC-07-100.

20 (Source: P.A. 98-100, eff. 7-19-13; 98-1004, eff. 8-18-14;  
21 99-143, eff. 7-27-15.)

22 Section 10. The Public Employee Disability Act is amended  
23 by changing Section 1 as follows:

24 (5 ILCS 345/1) (from Ch. 70, par. 91)

1           Sec. 1. Disability benefit.

2           (a) For the purposes of this Section, "eligible employee"  
3 means any part-time or full-time State correctional officer or  
4 any other full or part-time employee of the Department of  
5 Corrections, any full or part-time employee of the Prisoner  
6 Review Board, any full or part-time employee of the Department  
7 of Human Services working within a penal institution or a State  
8 mental health or developmental disabilities facility operated  
9 by the Department of Human Services, and any full-time law  
10 enforcement officer or full-time firefighter, including a  
11 full-time paramedic or a firefighter who performs paramedic  
12 duties, who is employed by the State of Illinois, any unit of  
13 local government (including any home rule unit), any State  
14 supported college or university, or any other public entity  
15 granted the power to employ persons for such purposes by law.

16           (b) Whenever an eligible employee suffers any injury in the  
17 line of duty which causes him to be unable to perform his  
18 duties, he shall continue to be paid by the employing public  
19 entity on the same basis as he was paid before the injury, with  
20 no deduction from his sick leave credits, compensatory time for  
21 overtime accumulations or vacation, or service credits in a  
22 public employee pension fund during the time he is unable to  
23 perform his duties due to the result of the injury, but not  
24 longer than one year in relation to the same injury. However,  
25 no injury to an employee of the Department of Corrections or  
26 the Prisoner Review Board working within a penal institution or



1 an employee of the Department of Human Services working within  
2 a departmental mental health or developmental disabilities  
3 facility shall qualify the employee for benefits under this  
4 Section unless the injury is the direct or indirect result of  
5 violence by inmates of the penal institution or residents of  
6 the mental health or developmental disabilities facility.

7 (c) At any time during the period for which continuing  
8 compensation is required by this Act, the employing public  
9 entity may order at the expense of that entity physical or  
10 medical examinations of the injured person to determine the  
11 degree of disability.

12 (d) During this period of disability, the injured person  
13 shall not be employed in any other manner, with or without  
14 monetary compensation. Any person who is employed in violation  
15 of this paragraph forfeits the continuing compensation  
16 provided by this Act from the time such employment begins. Any  
17 salary compensation due the injured person from workers'  
18 compensation or any salary due him from any type of insurance  
19 which may be carried by the employing public entity shall  
20 revert to that entity during the time for which continuing  
21 compensation is paid to him under this Act. Any person with a  
22 disability receiving compensation under the provisions of this  
23 Act shall not be entitled to any benefits for which he would  
24 qualify because of his disability under the provisions of the  
25 Illinois Pension Code.

26 (e) Any employee of the State of Illinois, as defined in

1 Section 14-103.05 of the Illinois Pension Code, who becomes  
2 permanently unable to perform the duties of such employment due  
3 to an injury received in the active performance of his duties  
4 as a State employee as a result of a willful act of violence by  
5 another employee of the State of Illinois, as so defined,  
6 committed during such other employee's course of employment and  
7 after January 1, 1988, shall be eligible for benefits pursuant  
8 to the provisions of this Section. For purposes of this  
9 Section, permanent disability is defined as a diagnosis or  
10 prognosis of an inability to return to current job duties by a  
11 physician licensed to practice medicine in all of its branches.

12 (f) The compensation and other benefits provided to  
13 part-time employees covered by this Section shall be calculated  
14 based on the percentage of time the part-time employee was  
15 scheduled to work pursuant to his or her status as a part-time  
16 employee.

17 (g) Pursuant to paragraphs (h) and (i) of Section 6 of  
18 Article VII of the Illinois Constitution, this Act specifically  
19 denies and limits the exercise by home rule units of any power  
20 which is inconsistent herewith, and all existing laws and  
21 ordinances which are inconsistent herewith are hereby  
22 superseded. This Act does not preempt the concurrent exercise  
23 by home rule units of powers consistent herewith.

24 This Act does not apply to any home rule unit with a  
25 population of over 1,000,000.

26 (h) In those cases where the injury to a State employee for

1 which a benefit is payable under this Act was caused under  
2 circumstances creating a legal liability for damages on the  
3 part of some person other than the State employer, all of the  
4 rights and privileges, including the right to notice of suit  
5 brought against such other person and the right to commence or  
6 join in such suit, as given the employer, together with the  
7 conditions or obligations imposed under paragraph (b) of  
8 Section 5 of the Workers' Compensation Act, are also given and  
9 granted to the State, to the end that, with respect to State  
10 employees only, the State may be paid or reimbursed for the  
11 amount of benefit paid or to be paid by the State to the  
12 injured employee or his or her personal representative out of  
13 any judgment, settlement, or payment for such injury obtained  
14 by such injured employee or his or her personal representative  
15 from such other person by virtue of the injury.

16 (Source: P.A. 99-143, eff. 7-27-15.)

17 Section 15. The Public Safety Employee Benefits Act is  
18 amended by changing Section 3 as follows:

19 (820 ILCS 320/3)

20 Sec. 3. Definition. For the purposes of this Act, the term  
21 "firefighter" includes, without limitation, a licensed  
22 emergency medical technician (EMT) who is a sworn member of a  
23 public fire department, a paramedic employed by a unit of local  
24 government, or an EMT, emergency medical

1 technician-intermediate (EMT-I), or advanced emergency medical  
2 technician (A-EMT) employed by a unit of local government.

3 (Source: P.A. 93-569, eff. 8-20-03.)

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.".