



Rep. Kathleen Willis

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1 AMENDMENT TO HOUSE BILL 126

2 AMENDMENT NO. _____. Amend House Bill 126 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 99. Effective date. This Act takes effect upon
23 becoming law."