



Sen. Dale A. Righter

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1 AMENDMENT TO SENATE BILL 1752

2 AMENDMENT NO. _____. Amend Senate Bill 1752 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, except that the following
13 persons are not included: part-time fire fighters, auxiliary,
14 reserve or voluntary fire fighters, including paid on-call fire
15 fighters, clerks and dispatchers or other civilian employees of
16 a fire department or fire protection district who are not
17 routinely expected to perform fire fighter duties, or elected
18 officials.

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

1 Support Services and any legislative support services agency
2 listed in the Legislative Commission Reorganization Act of
3 1984.

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

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

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

24 (j) "Managerial employee" means an individual who is
25 engaged predominantly in executive and management functions
26 and is charged with the responsibility of directing the

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

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

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

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

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

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

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

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

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

1 districts and higher education institutions except
2 firefighters and peace officers employed by a state university
3 and except peace officers employed by a school district in its
4 own police department in existence on the effective date of
5 this amendatory Act of the 96th General Assembly; managerial
6 employees; short-term employees; legislative liaisons; a
7 person who is a State employee under the jurisdiction of the
8 Office of the Attorney General who is licensed to practice law
9 or whose position authorizes, either directly or indirectly,
10 meaningful input into government decision-making on issues
11 where there is room for principled disagreement on goals or
12 their implementation; a person who is a State employee under
13 the jurisdiction of the Office of the Comptroller who holds the
14 position of Public Service Administrator or whose position is
15 otherwise exempt under the Comptroller Merit Employment Code; a
16 person who is a State employee under the jurisdiction of the
17 Secretary of State who holds the position classification of
18 Executive I or higher, whose position authorizes, either
19 directly or indirectly, meaningful input into government
20 decision-making on issues where there is room for principled
21 disagreement on goals or their implementation, or who is
22 otherwise exempt under the Secretary of State Merit Employment
23 Code; employees in the Office of the Secretary of State who are
24 completely exempt from jurisdiction B of the Secretary of State
25 Merit Employment Code and who are in Rutan-exempt positions on
26 or after April 5, 2013 (the effective date of Public Act

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

1 supervisors except as provided in this Act.

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

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

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

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

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

1 day care home providers shall not be covered by the State
2 Employees Group Insurance Act of 1971.

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

25 (o-5) With respect to wages, fringe benefits, hours,
26 holidays, vacations, proficiency examinations, sick leave, and

1 other conditions of employment, the public employer of public
2 employees who are court reporters, as defined in the Court
3 Reporters Act, shall be determined as follows:

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

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

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

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

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

1 in a subsequent calendar year.

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

9 (r) "Supervisor" is:

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

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

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

25 (2) With respect only to State employees in positions
26 under the jurisdiction of the Attorney General, Secretary

1 of State, Comptroller, or Treasurer (i) that were certified
2 in a bargaining unit on or after December 2, 2008, (ii) for
3 which a petition is filed with the Illinois Public Labor
4 Relations Board on or after April 5, 2013 (the effective
5 date of Public Act 97-1172), or (iii) for which a petition
6 is pending before the Illinois Public Labor Relations Board
7 on that date, an employee who qualifies as a supervisor
8 under (A) Section 152 of the National Labor Relations Act
9 and (B) orders of the National Labor Relations Board
10 interpreting that provision or decisions of courts
11 reviewing decisions of the National Labor Relations Board.

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

1 both supervisors and nonsupervisors, or supervisors only,
2 except as provided in paragraph (2) of this subsection (s) and
3 except for bargaining units in existence on January 1, 1986
4 (the effective date of this amendatory Act of 1985). A
5 bargaining unit determined by the Board to contain peace
6 officers shall contain no employees other than peace officers
7 unless otherwise agreed to by the employer and the labor
8 organization or labor organizations involved. Notwithstanding
9 any other provision of this Act, a bargaining unit, including a
10 historical bargaining unit, containing sworn peace officers of
11 the Department of Natural Resources (formerly designated the
12 Department of Conservation) shall contain no employees other
13 than such sworn peace officers upon the effective date of this
14 amendatory Act of 1990 or upon the expiration date of any
15 collective bargaining agreement in effect upon the effective
16 date of this amendatory Act of 1990 covering both such sworn
17 peace officers and other employees.

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

24 (3) Public employees who are court reporters, as defined in
25 the Court Reporters Act, shall be divided into 3 units for
26 collective bargaining purposes. One unit shall be court

1 reporters employed by the Cook County Judicial Circuit; one
2 unit shall be court reporters employed by the 12th, 18th, 19th,
3 and, on and after December 4, 2006, the 22nd judicial circuits;
4 and one unit shall be court reporters employed by all other
5 judicial circuits.

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

23 (Source: P.A. 98-100, eff. 7-19-13; 98-1004, eff. 8-18-14;
24 99-143, eff. 7-27-15.)

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".