



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4420

Introduced 2/3/2020, by Rep. David A. Welter

SYNOPSIS AS INTRODUCED:

5 ILCS 315/3

from Ch. 48, par. 1603

5 ILCS 315/29 new

Amends the Illinois Public Labor Relations Act. Provides that, in labor negotiations in which a circuit clerk's office is an involved bargaining unit, the county board that is responsible for the funding of the circuit clerk's office shall be considered a co-employer of the bargaining unit along with the circuit clerk's office, and shall be entitled to representation in all labor negotiations. Provides that, in labor negotiations in which the office having managerial authority over probation officers and staff is an involved bargaining unit, the county board that is responsible for the funding of that office shall be considered a co-employer of the bargaining unit along with the office that has managerial authority, and shall be entitled to representation in all labor negotiations. Makes a conforming change. Effective January 1, 2021.

LRB101 16487 RJF 65868 b

1 AN ACT concerning government.

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

4 Section 5. The Illinois Public Labor Relations Act is
5 amended by changing Section 3 and by adding Section 29 as
6 follows:

7 (5 ILCS 315/3) (from Ch. 48, par. 1603)

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

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

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

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

1 or review of the employer's collective bargaining policies.

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

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

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

1 2003-8 prior to the effective date of this amendatory Act of
2 the 93rd General Assembly, and the organization shall be
3 considered to be the exclusive representative of the personal
4 assistants as defined in this Section; or (v) recognized as the
5 exclusive representative of child and day care home providers,
6 including licensed and license exempt providers, pursuant to an
7 election held under Executive Order 2005-1 prior to the
8 effective date of this amendatory Act of the 94th General
9 Assembly, and the organization shall be considered to be the
10 exclusive representative of the child and day care home
11 providers as defined in this Section.

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

1 labor organization has been designated as the exclusive
2 representative by a majority of the peace officers or fire
3 fighters in an appropriate bargaining unit.

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

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

1 conjunction with his or her fair share payment.

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

14 (g-2) "General Assembly of the State of Illinois" means the
15 legislative branch of the government of the State of Illinois,
16 as provided for under Article IV of the Constitution of the
17 State of Illinois, and includes but is not limited to the House
18 of Representatives, the Senate, the Speaker of the House of
19 Representatives, the Minority Leader of the House of
20 Representatives, the President of the Senate, the Minority
21 Leader of the Senate, the Joint Committee on Legislative
22 Support Services and any legislative support services agency
23 listed in the Legislative Commission Reorganization Act of
24 1984.

25 (h) "Governing body" means, in the case of the State, the
26 State Panel of the Illinois Labor Relations Board, the Director

1 of the Department of Central Management Services, and the
2 Director of the Department of Labor; the county board in the
3 case of a county; the corporate authorities in the case of a
4 municipality; and the appropriate body authorized to provide
5 for expenditures of its funds in the case of any other unit of
6 government.

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

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

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

1 petition is filed with the Illinois Public Labor Relations
2 Board on or after April 5, 2013 (the effective date of Public
3 Act 97-1172), or (iii) for which a petition is pending before
4 the Illinois Public Labor Relations Board on that date,
5 "managerial employee" means an individual who is engaged in
6 executive and management functions or who is charged with the
7 effectuation of management policies and practices or who
8 represents management interests by taking or recommending
9 discretionary actions that effectively control or implement
10 policy. Nothing in this definition prohibits an individual from
11 also meeting the definition of "supervisor" under subsection
12 (r) of this Section.

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

1 and who are not routinely expected to effect arrests, parking
2 lot attendants, clerks and dispatchers or other civilian
3 employees of a police department who are not routinely expected
4 to effect arrests, or elected officials.

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

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

1 instruction and study prescribed in this subsection (m) and is
2 performing related work under the supervision of a professional
3 person to qualify to become a professional employee as defined
4 in this subsection (m).

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

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

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

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

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

19 Home care and home health workers who function as personal
20 assistants and individual maintenance home health workers and
21 who also work under the Home Services Program under Section 3
22 of the Rehabilitation of Persons with Disabilities Act shall
23 not be considered public employees for any purposes not
24 specifically provided for in Public Act 93-204 or Public Act
25 97-1158, including but not limited to, purposes of vicarious
26 liability in tort and purposes of statutory retirement or

1 health insurance benefits. Home care and home health workers
2 who 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 shall not be covered by the State Employees
6 Group Insurance Act of 1971 (5 ILCS 375/).

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

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

18 (o) Except as otherwise in subsection (o-5), "public
19 employer" or "employer" means the State of Illinois; any
20 political subdivision of the State, unit of local government or
21 school district; authorities including departments, divisions,
22 bureaus, boards, commissions, or other agencies of the
23 foregoing entities; and any person acting within the scope of
24 his or her authority, express or implied, on behalf of those
25 entities in dealing with its employees. As of the effective
26 date of the amendatory Act of the 93rd General Assembly, but

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

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

20 With respect to labor negotiations in which a circuit
21 clerk's office or an office having managerial authority over
22 probation officers and staff are an involved bargaining unit,
23 "employer" shall include the county board that is responsible
24 for the funding of those offices.

25 "Public employer" or "employer" as used in this Act,
26 however, does not mean and shall not include the General

1 Assembly of the State of Illinois, the Executive Ethics
2 Commission, the Offices of the Executive Inspectors General,
3 the Legislative Ethics Commission, the Office of the
4 Legislative Inspector General, the Office of the Auditor
5 General's Inspector General, the Office of the Governor, the
6 Governor's Office of Management and Budget, the Illinois
7 Finance Authority, the Office of the Lieutenant Governor, the
8 State Board of Elections, and educational employers or
9 employers as defined in the Illinois Educational Labor
10 Relations Act, except with respect to a state university in its
11 employment of firefighters and peace officers and except with
12 respect to a school district in the employment of peace
13 officers in its own police department in existence on the
14 effective date of this amendatory Act of the 96th General
15 Assembly. County boards and county sheriffs shall be designated
16 as joint or co-employers of county peace officers appointed
17 under the authority of a county sheriff. Nothing in this
18 subsection (o) shall be construed to prevent the State Panel or
19 the Local Panel from determining that employers are joint or
20 co-employers.

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

26 (1) For court reporters employed by the Cook County

1 Judicial Circuit, the chief judge of the Cook County
2 Circuit Court is the public employer and employer
3 representative.

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

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

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

24 (q-5) "State agency" means an agency directly responsible
25 to the Governor, as defined in Section 3.1 of the Executive
26 Reorganization Implementation Act, and the Illinois Commerce

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

5 (r) "Supervisor" is:

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

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

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

21 (2) With respect only to State employees in positions
22 under the jurisdiction of the Attorney General, Secretary
23 of State, Comptroller, or Treasurer (i) that were certified
24 in a bargaining unit on or after December 2, 2008, (ii) for
25 which a petition is filed with the Illinois Public Labor
26 Relations Board on or after April 5, 2013 (the effective

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

8 (s) (1) "Unit" means a class of jobs or positions that are
9 held by employees whose collective interests may suitably be
10 represented by a labor organization for collective bargaining.
11 Except with respect to non-State fire fighters and paramedics
12 employed by fire departments and fire protection districts,
13 non-State peace officers, and peace officers in the Department
14 of State Police, a bargaining unit determined by the Board
15 shall not include both employees and supervisors, or
16 supervisors only, except as provided in paragraph (2) of this
17 subsection (s) and except for bargaining units in existence on
18 July 1, 1984 (the effective date of this Act). With respect to
19 non-State fire fighters and paramedics employed by fire
20 departments and fire protection districts, non-State peace
21 officers, and peace officers in the Department of State Police,
22 a bargaining unit determined by the Board shall not include
23 both supervisors and nonsupervisors, or supervisors only,
24 except as provided in paragraph (2) of this subsection (s) and
25 except for bargaining units in existence on January 1, 1986
26 (the effective date of this amendatory Act of 1985). A

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

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

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

1 judicial circuits.

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

19 (Source: P.A. 99-143, eff. 7-27-15; 100-1131, eff. 11-28-18.)

20 (5 ILCS 315/29 new)

21 Sec. 29. Co-employer status in labor negotiations.

22 (a) In labor negotiations in which a circuit clerk's office
23 is an involved bargaining unit, the county board that is
24 responsible for the funding of the circuit clerk's office shall
25 be considered a co-employer of the bargaining unit along with

1 the circuit clerk's office, and shall be entitled to
2 representation in all labor negotiations.

3 (b) In labor negotiations in which the office having
4 managerial authority over probation officers and staff is an
5 involved bargaining unit, the county board that is responsible
6 for the funding of that office shall be considered a
7 co-employer of the bargaining unit along with the office that
8 has managerial authority, and shall be entitled to
9 representation in all labor negotiations.

10 Section 99. Effective date. This Act takes effect January
11 1, 2021.