



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB4960

Introduced 1/27/2022, by Rep. Lakesia Collins - Sue Scherer

#### SYNOPSIS AS INTRODUCED:

5 ILCS 315/3 from Ch. 48, par. 1603  
5 ILCS 315/9 from Ch. 48, par. 1609

Amends the Illinois Public Labor Relations Act. Modifies defined terms for purposes of the Act, and provides that such defined terms apply to all public employees. Provides that no public employee position shall be excluded from a bargaining unit prior to that position being filled. Provides that in describing the unit found appropriate for purposes of collective bargaining, the Illinois Labor Relations Board shall, at a party's request, describe the unit in job function terms rather than by job titles. Provides that unit descriptions may also include those currently existing job titles that perform the job functions. Provides that a bargaining unit shall also include positions later filled that perform the job functions of a unit and job titles later created that: (i) are successor job titles to the currently existing job titles; (ii) perform the same or substantially similar job functions as the currently existing job titles; or (iii) are logically encompassed within an existing unit. Provides that specified provisions shall apply to bargaining units in existence on the effective date of this amendatory Act.

LRB102 25771 RJF 35101 b

1 AN ACT concerning government.

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

4 Section 5. The Illinois Public Labor Relations Act is  
5 amended by changing Sections 3 and 9 as follows:

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

7 (Text of Section before amendment by P.A. 102-686)

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  
16 other conditions of employment, as detailed in Section 7 and  
17 which 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 Determinations of confidential employee status shall be based  
3 on actual employee job duties and not solely on written job  
4 descriptions.

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

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

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

1 representative by a majority of the employees in an  
2 appropriate bargaining unit; (iv) recognized as the exclusive  
3 representative of personal assistants under Executive Order  
4 2003-8 prior to July 16, 2003 (the effective date of Public Act  
5 93-204) ~~this amendatory Act of the 93rd General Assembly~~, and  
6 the organization shall be considered to be the exclusive  
7 representative of the personal assistants as defined in this  
8 Section; or (v) recognized as the exclusive representative of  
9 child and day care home providers, including licensed and  
10 license exempt providers, pursuant to an election held under  
11 Executive Order 2005-1 prior to January 1, 2006 (the effective  
12 date of Public Act 94-320) ~~this amendatory Act of the 94th~~  
13 ~~General Assembly~~, and the organization shall be considered to  
14 be the exclusive representative of the child and day care home  
15 providers as defined in this Section.

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

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

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

19 (g) "Fair share agreement" means an agreement between the  
20 employer and an employee organization under which all or any  
21 of the employees in a collective bargaining unit are required  
22 to pay their proportionate share of the costs of the  
23 collective bargaining process, contract administration, and  
24 pursuing matters affecting wages, hours, and other conditions  
25 of employment, but not to exceed the amount of dues uniformly  
26 required of members. The amount certified by the exclusive

1 representative shall not include any fees for contributions  
2 related to the election or support of any candidate for  
3 political office. Nothing in this subsection (g) shall  
4 preclude an employee from making voluntary political  
5 contributions in conjunction with his or her fair share  
6 payment.

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

19 (g-2) "General Assembly of the State of Illinois" means  
20 the legislative branch of the government of the State of  
21 Illinois, as provided for under Article IV of the Constitution  
22 of the State of Illinois, and includes,    but is not limited to,     
23 the House of Representatives, the Senate, the Speaker of the  
24 House of 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  
6 Director of the Department of Central Management Services, and  
7 the Director of the Department of Labor; the county board in  
8 the case of a county; the corporate authorities in the case of  
9 a 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  
19 Secretary of State, the Comptroller, or the Treasurer, as the  
20 case may be, and whose job duties require the person to  
21 regularly communicate in the course of his or her employment  
22 with any official or staff of the General Assembly of the State  
23 of Illinois for the purpose of influencing any legislative  
24 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.  
3 Determination of managerial employee status shall be based on  
4 actual employee job duties and not solely on written job  
5 descriptions. With respect only to State employees in  
6 positions under the jurisdiction of the Attorney General,  
7 Secretary of State, Comptroller, or Treasurer (i) that were  
8 certified in a bargaining unit on or after December 2, 2008,  
9 (ii) for which a petition is filed with the Illinois Public  
10 Labor Relations Board on or after April 5, 2013 (the effective  
11 date of Public Act 97-1172), or (iii) for which a petition is  
12 pending before the Illinois Public Labor Relations Board on  
13 that date, "managerial employee" means an individual who is  
14 engaged in executive and management functions or who is  
15 charged with the effectuation of management policies and  
16 practices or who represents management interests by taking or  
17 recommending discretionary actions that effectively control or  
18 implement policy. Nothing in this definition prohibits an  
19 individual from also meeting the definition of "supervisor"  
20 under subsection (r) of this Section.

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



1 the Illinois Municipal Code, night watchmen, "merchant  
2 police", court security officers as defined by Section  
3 3-6012.1 of the Counties Code, temporary employees, traffic  
4 guards or wardens, civilian parking meter and parking  
5 facilities personnel or other individuals specially appointed  
6 to aid or direct traffic at or near schools or public functions  
7 or to aid in civil defense or disaster, parking enforcement  
8 employees who are not commissioned as peace officers and who  
9 are not armed and who are not routinely expected to effect  
10 arrests, parking lot attendants, clerks and dispatchers or  
11 other civilian employees of a police department who are not  
12 routinely expected to effect arrests, or elected officials.

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

21 (m) "Professional employee" means any employee engaged in  
22 work predominantly intellectual and varied in character rather  
23 than routine mental, manual, mechanical or physical work;  
24 involving the consistent exercise of discretion and adjustment  
25 in its performance; of such a character that the output  
26 produced or the result accomplished cannot be standardized in

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

13 (n) "Public employee" or "employee", for the purposes of  
14 this Act, means any individual employed by a public employer,  
15 including (i) interns and residents at public hospitals, (ii)  
16 as of July 16, 2003 (the effective date of Public Act 93-204)  
17 ~~this amendatory Act of the 93rd General Assembly~~, but not  
18 before, personal assistants working under the Home Services  
19 Program under Section 3 of the Rehabilitation of Persons with  
20 Disabilities Act, subject to the limitations set forth in this  
21 Act and in the Rehabilitation of Persons with Disabilities  
22 Act, (iii) as of January 1, 2006 (the effective date of Public  
23 Act 94-320) ~~this amendatory Act of the 94th General Assembly~~,  
24 but not before, child and day care home providers  
25 participating in the child care assistance program under  
26 Section 9A-11 of the Illinois Public Aid Code, subject to the

1 limitations set forth in this Act and in Section 9A-11 of the  
2 Illinois Public Aid Code, (iv) as of January 29, 2013 (the  
3 effective date of Public Act 97-1158), but not before except  
4 as otherwise provided in this subsection (n), home care and  
5 home health workers who function as personal assistants and  
6 individual maintenance home health workers and who also work  
7 under the Home Services Program under Section 3 of the  
8 Rehabilitation of Persons with Disabilities Act, no matter  
9 whether the State provides those services through direct  
10 fee-for-service arrangements, with the assistance of a managed  
11 care organization or other intermediary, or otherwise, (v)  
12 beginning on July 19, 2013 (the effective date of Public Act  
13 98-100) ~~this amendatory Act of the 98th General Assembly~~ and  
14 notwithstanding any other provision of this Act, any person  
15 employed by a public employer and who is classified as or who  
16 holds the employment title of Chief Stationary Engineer,  
17 Assistant Chief Stationary Engineer, Sewage Plant Operator,  
18 Water Plant Operator, Stationary Engineer, Plant Operating  
19 Engineer, and any other employee who holds the position of:  
20 Civil Engineer V, Civil Engineer VI, Civil Engineer VII,  
21 Technical Manager I, Technical Manager II, Technical Manager  
22 III, Technical Manager IV, Technical Manager V, Technical  
23 Manager VI, Realty Specialist III, Realty Specialist IV,  
24 Realty Specialist V, Technical Advisor I, Technical Advisor  
25 II, Technical Advisor III, Technical Advisor IV, or Technical  
26 Advisor V employed by the Department of Transportation who is

1 in a position which is certified in a bargaining unit on or  
2 before July 19, 2013 (the effective date of Public Act 98-100)  
3 ~~this amendatory Act of the 98th General Assembly~~, and (vi)  
4 beginning on July 19, 2013 (the effective date of Public Act  
5 98-100) ~~this amendatory Act of the 98th General Assembly~~ and  
6 notwithstanding any other provision of this Act, any mental  
7 health administrator in the Department of Corrections who is  
8 classified as or who holds the position of Public Service  
9 Administrator (Option 8K), any employee of the Office of the  
10 Inspector General in the Department of Human Services who is  
11 classified as or who holds the position of Public Service  
12 Administrator (Option 7), any Deputy of Intelligence in the  
13 Department of Corrections who is classified as or who holds  
14 the position of Public Service Administrator (Option 7), and  
15 any employee of the Illinois State Police who handles issues  
16 concerning the Illinois State Police Sex Offender Registry and  
17 who is classified as or holds the position of Public Service  
18 Administrator (Option 7), but excluding all of the following:  
19 employees of the General Assembly of the State of Illinois;  
20 elected officials; executive heads of a department; members of  
21 boards or commissions; the Executive Inspectors General; any  
22 special Executive Inspectors General; employees of each Office  
23 of an Executive Inspector General; commissioners and employees  
24 of the Executive Ethics Commission; the Auditor General's  
25 Inspector General; employees of the Office of the Auditor  
26 General's Inspector General; the Legislative Inspector

1 General; any special Legislative Inspectors General; employees  
2 of the Office of the Legislative Inspector General;  
3 commissioners and employees of the Legislative Ethics  
4 Commission; employees of any agency, board or commission  
5 created by this Act; employees appointed to State positions of  
6 a temporary or emergency nature; all employees of school  
7 districts and higher education institutions except  
8 firefighters and peace officers employed by a state university  
9 and except peace officers employed by a school district in its  
10 own police department in existence on July 23, 2010 (the  
11 effective date of Public Act 96-1257) ~~this amendatory Act of~~  
12 ~~the 96th General Assembly~~; managerial employees; short-term  
13 employees; legislative liaisons; a person who is a State  
14 employee under the jurisdiction of the Office of the Attorney  
15 General who is licensed to practice law or whose position  
16 authorizes, either directly or indirectly, meaningful input  
17 into government decision-making on issues where there is room  
18 for principled disagreement on goals or their implementation;  
19 a person who is a State employee under the jurisdiction of the  
20 Office of the Comptroller who holds the position of Public  
21 Service Administrator or whose position is otherwise exempt  
22 under the Comptroller Merit Employment Code; a person who is a  
23 State employee under the jurisdiction of the Secretary of  
24 State who holds the position classification of Executive I or  
25 higher, whose position authorizes, either directly or  
26 indirectly, meaningful input into government decision-making

1 on issues where there is room for principled disagreement on  
2 goals or their implementation, or who is otherwise exempt  
3 under the Secretary of State Merit Employment Code; employees  
4 in the Office of the Secretary of State who are completely  
5 exempt from jurisdiction B of the Secretary of State Merit  
6 Employment Code and who are in Rutan-exempt positions on or  
7 after April 5, 2013 (the effective date of Public Act  
8 97-1172); a person who is a State employee under the  
9 jurisdiction of the Treasurer who holds a position that is  
10 exempt from the State Treasurer Employment Code; any employee  
11 of a State agency who (i) holds the title or position of, or  
12 exercises substantially similar duties as a legislative  
13 liaison, Agency General Counsel, Agency Chief of Staff, Agency  
14 Executive Director, Agency Deputy Director, Agency Chief  
15 Fiscal Officer, Agency Human Resources Director, Public  
16 Information Officer, or Chief Information Officer and (ii) was  
17 neither included in a bargaining unit nor subject to an active  
18 petition for certification in a bargaining unit; any employee  
19 of a State agency who (i) is in a position that is  
20 Rutan-exempt, as designated by the employer, and completely  
21 exempt from jurisdiction B of the Personnel Code and (ii) was  
22 neither included in a bargaining unit nor subject to an active  
23 petition for certification in a bargaining unit; any term  
24 appointed employee of a State agency pursuant to Section 8b.18  
25 or 8b.19 of the Personnel Code who was neither included in a  
26 bargaining unit nor subject to an active petition for

1 certification in a bargaining unit; any employment position  
2 properly designated pursuant to Section 6.1 of this Act;  
3 confidential employees; independent contractors; and  
4 supervisors except as provided in this Act.

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

19 Child and day care home providers shall not be considered  
20 public employees for any purposes not specifically provided  
21 for in Public Act 94-320 ~~this amendatory Act of the 94th~~  
22 ~~General Assembly~~, including, but not limited to, purposes of  
23 vicarious liability in tort and purposes of statutory  
24 retirement or health insurance benefits. Child and day care  
25 home providers shall not be covered by the State Employees  
26 Group Insurance Act of 1971.

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

5           (o) Except as otherwise in subsection (o-5), "public  
6 employer" or "employer" means the State of Illinois; any  
7 political subdivision of the State, unit of local government  
8 or school district; authorities including departments,  
9 divisions, bureaus, boards, commissions, or other agencies of  
10 the foregoing entities; and any person acting within the scope  
11 of his or her authority, express or implied, on behalf of those  
12 entities in dealing with its employees. As of July 16, 2003  
13 (the effective date of Public Act 93-204) ~~the amendatory Act~~  
14 ~~of the 93rd General Assembly~~, but not before, the State of  
15 Illinois shall be considered the employer of the personal  
16 assistants working under the Home Services Program under  
17 Section 3 of the Rehabilitation of Persons with Disabilities  
18 Act, subject to the limitations set forth in this Act and in  
19 the Rehabilitation of Persons with Disabilities Act. As of  
20 January 29, 2013 (the effective date of Public Act 97-1158),  
21 but not before except as otherwise provided in this subsection  
22 (o), the State shall be considered the employer of home care  
23 and home health workers who function as personal assistants  
24 and individual maintenance home health workers and who also  
25 work under the Home Services Program under Section 3 of the  
26 Rehabilitation of Persons with Disabilities Act, no matter



1 whether the State provides those services through direct  
2 fee-for-service arrangements, with the assistance of a managed  
3 care organization or other intermediary, or otherwise, but  
4 subject to the limitations set forth in this Act and the  
5 Rehabilitation of Persons with Disabilities Act. The State  
6 shall not be considered to be the employer of home care and  
7 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, for any  
11 purposes not specifically provided for in Public Act 93-204 or  
12 Public Act 97-1158, including but not limited to, purposes of  
13 vicarious liability in tort and purposes of statutory  
14 retirement or health insurance benefits. Home care and home  
15 health workers who function as personal assistants and  
16 individual maintenance home health workers and who also work  
17 under the Home Services Program under Section 3 of the  
18 Rehabilitation of Persons with Disabilities Act shall not be  
19 covered by the State Employees Group Insurance Act of 1971. As  
20 of January 1, 2006 (the effective date of Public Act 94-320)  
21 ~~this amendatory Act of the 94th General Assembly~~ but not  
22 before, the State of Illinois shall be considered the employer  
23 of the day and child care home providers participating in the  
24 child care assistance program under Section 9A-11 of the  
25 Illinois Public Aid Code, subject to the limitations set forth  
26 in this Act and in Section 9A-11 of the Illinois Public Aid

1 Code. The State shall not be considered to be the employer of  
2 child and day care home providers for any purposes not  
3 specifically provided for in Public Act 94-320 ~~this amendatory~~  
4 ~~Act of the 94th General Assembly~~, including, but not limited  
5 to, purposes of vicarious liability in tort and purposes of  
6 statutory retirement or health insurance benefits. Child and  
7 day care home providers shall not be covered by the State  
8 Employees Group Insurance Act of 1971.

9 "Public employer" or "employer" as used in this Act,  
10 however, does not mean and shall not include the General  
11 Assembly of the State of Illinois, the Executive Ethics  
12 Commission, the Offices of the Executive Inspectors General,  
13 the Legislative Ethics Commission, the Office of the  
14 Legislative Inspector General, the Office of the Auditor  
15 General's Inspector General, the Office of the Governor, the  
16 Governor's Office of Management and Budget, the Illinois  
17 Finance Authority, the Office of the Lieutenant Governor, the  
18 State Board of Elections, and educational employers or  
19 employers as defined in the Illinois Educational Labor  
20 Relations Act, except with respect to a state university in  
21 its employment of firefighters and peace officers and except  
22 with respect to a school district in the employment of peace  
23 officers in its own police department in existence on July 23,  
24 2010 (the effective date of Public Act 96-1257) ~~this~~  
25 ~~amendatory Act of the 96th General Assembly~~. County boards and  
26 county sheriffs shall be designated as joint or co-employers

1 of county peace officers appointed under the authority of a  
2 county sheriff. Nothing in this subsection (o) shall be  
3 construed to prevent the State Panel or the Local Panel from  
4 determining that employers are joint or co-employers.

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

10 (1) For court reporters employed by the Cook County  
11 Judicial Circuit, the chief judge of the Cook County  
12 Circuit Court is the public employer and employer  
13 representative.

14 (2) For court reporters employed by the 12th, 18th,  
15 19th, and, on and after December 4, 2006, the 22nd  
16 judicial circuits, a group consisting of the chief judges  
17 of those circuits, acting jointly by majority vote, is the  
18 public employer and employer representative.

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

23 (p) "Security employee" means an employee who is  
24 responsible for the supervision and control of inmates at  
25 correctional facilities. The term also includes other  
26 non-security employees in bargaining units having the majority

1 of employees being responsible for the supervision and control  
2 of inmates at correctional facilities.

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

8 (q-5) "State agency" means an agency directly responsible  
9 to the Governor, as defined in Section 3.1 of the Executive  
10 Reorganization Implementation Act, and the Illinois Commerce  
11 Commission, the Illinois Workers' Compensation Commission, the  
12 Civil Service Commission, the Pollution Control Board, the  
13 Illinois Racing Board, and the Illinois State Police Merit  
14 Board.

15 (r) "Supervisor" is:

16 (1) An employee whose principal work is substantially  
17 different from that of his or her subordinates and who has  
18 authority, in the interest of the employer, to hire,  
19 transfer, suspend, lay off, recall, promote, discharge,  
20 direct, reward, or discipline employees, to adjust their  
21 grievances, or to effectively recommend any of those  
22 actions, if the exercise of that authority is not of a  
23 merely routine or clerical nature, but requires the  
24 consistent use of independent judgment. Except with  
25 respect to police employment, the term "supervisor"  
26 includes only those individuals who devote a preponderance

1 of their employment time to exercising that authority,  
2 State supervisors notwithstanding. Determinations of  
3 supervisor status shall be based on actual employee job  
4 duties and not solely on written job descriptions. Nothing  
5 in this definition prohibits an individual from also  
6 meeting the definition of "managerial employee" under  
7 subsection (j) of this Section. In addition, in  
8 determining supervisory status in police employment, rank  
9 shall not be determinative. The Board shall consider, as  
10 evidence of bargaining unit inclusion or exclusion, the  
11 common law enforcement policies and relationships between  
12 police officer ranks and certification under applicable  
13 civil service law, ordinances, personnel codes, or  
14 Division 2.1 of Article 10 of the Illinois Municipal Code,  
15 but these factors shall not be the sole or predominant  
16 factors considered by the Board in determining police  
17 supervisory status.

18 Notwithstanding the provisions of the preceding  
19 paragraph, in determining supervisory status in fire  
20 fighter employment, no fire fighter shall be excluded as a  
21 supervisor who has established representation rights under  
22 Section 9 of this Act. Further, in new fire fighter units,  
23 employees shall consist of fire fighters of the rank of  
24 company officer and below. If a company officer otherwise  
25 qualifies as a supervisor under the preceding paragraph,  
26 however, he or she shall not be included in the fire

1 fighter unit. If there is no rank between that of chief and  
2 the highest company officer, the employer may designate a  
3 position on each shift as a Shift Commander, and the  
4 persons occupying those positions shall be supervisors.  
5 All other ranks above that of company officer shall be  
6 supervisors.

7 (2) With respect only to State employees in positions  
8 under the jurisdiction of the Attorney General, Secretary  
9 of State, Comptroller, or Treasurer (i) that were  
10 certified in a bargaining unit on or after December 2,  
11 2008, (ii) for which a petition is filed with the Illinois  
12 Public Labor Relations Board on or after April 5, 2013  
13 (the effective date of Public Act 97-1172), or (iii) for  
14 which a petition is pending before the Illinois Public  
15 Labor Relations Board on that date, an employee who  
16 qualifies as a supervisor under (A) Section 152 of the  
17 National Labor Relations Act and (B) orders of the  
18 National Labor Relations Board interpreting that provision  
19 or decisions of courts reviewing decisions of the National  
20 Labor Relations Board.

21 (s) (1) "Unit" means a class of jobs or positions that are  
22 held by employees whose collective interests may suitably be  
23 represented by a labor organization for collective bargaining.  
24 Except with respect to non-State fire fighters and paramedics  
25 employed by fire departments and fire protection districts,  
26 non-State peace officers, and peace officers in the Illinois

1 State Police, a bargaining unit determined by the Board shall  
2 not include both employees and supervisors, or supervisors  
3 only, except as provided in paragraph (2) of this subsection  
4 (s) and except for bargaining units in existence on July 1,  
5 1984 (the effective date of this Act). With respect to  
6 non-State fire fighters and paramedics employed by fire  
7 departments and fire protection districts, non-State peace  
8 officers, and peace officers in the Illinois State Police, a  
9 bargaining unit determined by the Board shall not include both  
10 supervisors and nonsupervisors, or supervisors only, except as  
11 provided in paragraph (2) of this subsection (s) and except  
12 for bargaining units in existence on January 1, 1986 (the  
13 effective date of this amendatory Act of 1985). A bargaining  
14 unit determined by the Board to contain peace officers shall  
15 contain no employees other than peace officers unless  
16 otherwise agreed to by the employer and the labor organization  
17 or labor organizations involved. Notwithstanding any other  
18 provision of this Act, a bargaining unit, including a  
19 historical bargaining unit, containing sworn peace officers of  
20 the Department of Natural Resources (formerly designated the  
21 Department of Conservation) shall contain no employees other  
22 than such sworn peace officers upon September 11, 1990 (the  
23 effective date of Public Act 86-1413) ~~this amendatory Act of~~  
24 ~~1990~~ or upon the expiration date of any collective bargaining  
25 agreement in effect upon September 11, 1990 (the effective  
26 date of Public Act 86-1413) ~~this amendatory Act of 1990~~

1 covering both such sworn peace officers and other employees.

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

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

16 (t) "Active petition for certification in a bargaining  
17 unit" means a petition for certification filed with the Board  
18 under one of the following case numbers: S-RC-11-110;  
19 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;  
20 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;  
21 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;  
22 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;  
23 S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220;  
24 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;  
25 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;  
26 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;



1 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;  
2 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;  
3 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;  
4 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;  
5 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or  
6 S-RC-07-100.

7 (Source: P.A. 102-151, eff. 7-23-21; 102-538, eff. 8-20-21;  
8 revised 10-13-21.)

9 (Text of Section after amendment by P.A. 102-686)

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

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

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

20 (c) "Confidential employee" means an employee who, in the  
21 regular course of his or her duties, assists and acts in a  
22 confidential capacity to persons who formulate, determine, and  
23 effectuate management policies with regard to labor relations  
24 or who, in the regular course of his or her duties, has  
25 authorized, actual, and more than incidental access to

1 information relating to the effectuation or review of the  
2 employer's collective bargaining policies. Determinations of  
3 confidential employee status shall be based on actual employee  
4 job duties and not solely on written job descriptions. The  
5 definition of "confidential employee" herein applies to all  
6 public employees.

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

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

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

1 employer upon evidence, acceptable to the Board, that the  
2 labor organization has been designated as the exclusive  
3 representative by a majority of the employees in an  
4 appropriate bargaining unit; (iv) recognized as the exclusive  
5 representative of personal assistants under Executive Order  
6 2003-8 prior to July 16, 2003 (the effective date of Public Act  
7 93-204) ~~this amendatory Act of the 93rd General Assembly~~, and  
8 the organization shall be considered to be the exclusive  
9 representative of the personal assistants as defined in this  
10 Section; or (v) recognized as the exclusive representative of  
11 child and day care home providers, including licensed and  
12 license exempt providers, pursuant to an election held under  
13 Executive Order 2005-1 prior to January 1, 2006 (the effective  
14 date of Public Act 94-320) ~~this amendatory Act of the 94th~~  
15 ~~General Assembly~~, and the organization shall be considered to  
16 be the 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 Illinois  
21 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  
24 fighters in an appropriate bargaining unit in accordance with  
25 the procedures contained in this Act, (ii) historically  
26 recognized by the State of Illinois or any political

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

10 Where a historical pattern of representation exists for  
11 the workers of a water system that was owned by a public  
12 utility, as defined in Section 3-105 of the Public Utilities  
13 Act, prior to becoming certified employees of a municipality  
14 or 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  
23 of the employees in a collective bargaining unit are required  
24 to pay their proportionate share of the costs of the  
25 collective bargaining process, contract administration, and  
26 pursuing matters affecting wages, hours, and other conditions

1 of 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  
6 preclude an employee from making voluntary political  
7 contributions in conjunction with his or her fair share  
8 payment.

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

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

1 Representatives, the President of the Senate, the Minority  
2 Leader of the Senate, the Joint Committee on Legislative  
3 Support Services, and any legislative support services agency  
4 listed in the Legislative Commission Reorganization Act of  
5 1984.

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

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

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

1           (j) "Managerial employee" means an individual who is  
2 engaged ~~predominantly~~ in executive and management functions  
3 for a majority of his or her employment time and is charged  
4 with the responsibility of, and devotes a majority of his or  
5 her employment time to, directing the effectuation of  
6 management policies and practices. Exercise of discretion or  
7 acting on behalf of an office holder, agency head, or board or  
8 commission by professional employees, including attorneys, as  
9 part of the performance of their work as professional  
10 employees, does not constitute evidence of executive and  
11 management functions or of directing the effectuation of  
12 management policies and practices. Determination of managerial  
13 employee status shall be based on actual employee job duties  
14 and not on written job descriptions. No employee shall be  
15 determined to be a managerial employee as a matter of law.  
16 Determination of managerial employee status shall be based on  
17 actual employee job duties and not solely on written job  
18 descriptions. With respect only to State employees in  
19 positions under the jurisdiction of the Attorney General,  
20 Secretary of State, Comptroller, or Treasurer (i) that were  
21 certified in a bargaining unit on or after December 2, 2008,  
22 (ii) for which a petition is filed with the Illinois Public  
23 Labor Relations Board on or after April 5, 2013 (the effective  
24 date of Public Act 97-1172), or (iii) for which a petition is  
25 pending before the Illinois Public Labor Relations Board on  
26 that date, "managerial employee" means an individual who is

1 engaged in executive and management functions or who is  
2 charged with the effectuation of management policies and  
3 practices or who represents management interests by taking or  
4 recommending discretionary actions that effectively control or  
5 implement policy. Nothing in this definition prohibits an  
6 individual from also meeting the definition of "supervisor"  
7 under subsection (r) of this Section. The definition of  
8 "managerial employee" herein applies to all public employees.

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



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

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

1           (n) "Public employee" or "employee", for the purposes of  
2 this Act, means any individual employed by a public employer,  
3 including (i) interns and residents at public hospitals, (ii)  
4 as of July 16, 2003 (the effective date of Public Act 93-204)  
5 ~~this amendatory Act of the 93rd General Assembly~~, but not  
6 before, personal assistants working under the Home Services  
7 Program under Section 3 of the Rehabilitation of Persons with  
8 Disabilities Act, subject to the limitations set forth in this  
9 Act and in the Rehabilitation of Persons with Disabilities  
10 Act, (iii) as of January 1, 2006 (the effective date of Public  
11 Act 94-320) ~~this amendatory Act of the 94th General Assembly~~,  
12 but not before, child and day care home providers  
13 participating in the child care assistance program under  
14 Section 9A-11 of the Illinois Public Aid Code, subject to the  
15 limitations set forth in this Act and in Section 9A-11 of the  
16 Illinois Public Aid Code, (iv) as of January 29, 2013 (the  
17 effective date of Public Act 97-1158), but not before except  
18 as otherwise provided in this subsection (n), home care and  
19 home health workers who function as personal assistants and  
20 individual maintenance home health workers and who also work  
21 under the Home Services Program under Section 3 of the  
22 Rehabilitation of Persons with Disabilities Act, no matter  
23 whether the State provides those services through direct  
24 fee-for-service arrangements, with the assistance of a managed  
25 care organization or other intermediary, or otherwise, (v)  
26 beginning on July 19, 2013 (the effective date of Public Act

1 ~~98-100) this amendatory Act of the 98th General Assembly~~ and  
2 notwithstanding any other provision of this Act, any person  
3 employed by a public employer and who is classified as or who  
4 holds the employment title of Chief Stationary Engineer,  
5 Assistant Chief Stationary Engineer, Sewage Plant Operator,  
6 Water Plant Operator, Stationary Engineer, Plant Operating  
7 Engineer, and any other employee who holds the position of:  
8 Civil Engineer V, Civil Engineer VI, Civil Engineer VII,  
9 Technical Manager I, Technical Manager II, Technical Manager  
10 III, Technical Manager IV, Technical Manager V, Technical  
11 Manager VI, Realty Specialist III, Realty Specialist IV,  
12 Realty Specialist V, Technical Advisor I, Technical Advisor  
13 II, Technical Advisor III, Technical Advisor IV, or Technical  
14 Advisor V employed by the Department of Transportation who is  
15 in a position which is certified in a bargaining unit on or  
16 before July 19, 2013 (the effective date of Public Act 98-100)  
17 ~~this amendatory Act of the 98th General Assembly~~, and (vi)  
18 beginning on July 19, 2013 (the effective date of Public Act  
19 98-100) ~~this amendatory Act of the 98th General Assembly~~ and  
20 notwithstanding any other provision of this Act, any mental  
21 health administrator in the Department of Corrections who is  
22 classified as or who holds the position of Public Service  
23 Administrator (Option 8K), any employee of the Office of the  
24 Inspector General in the Department of Human Services who is  
25 classified as or who holds the position of Public Service  
26 Administrator (Option 7), any Deputy of Intelligence in the

1 Department of Corrections who is classified as or who holds  
2 the position of Public Service Administrator (Option 7), and  
3 any employee of the Illinois State Police who handles issues  
4 concerning the Illinois State Police Sex Offender Registry and  
5 who is classified as or holds the position of Public Service  
6 Administrator (Option 7), but excluding all of the following:  
7 employees of the General Assembly of the State of Illinois;  
8 elected officials; executive heads of a department; members of  
9 boards or commissions; the Executive Inspectors General; any  
10 special Executive Inspectors General; employees of each Office  
11 of an Executive Inspector General; commissioners and employees  
12 of the Executive Ethics Commission; the Auditor General's  
13 Inspector General; employees of the Office of the Auditor  
14 General's Inspector General; the Legislative Inspector  
15 General; any special Legislative Inspectors General; employees  
16 of the Office of the Legislative Inspector General;  
17 commissioners and employees of the Legislative Ethics  
18 Commission; employees of any agency, board or commission  
19 created by this Act; employees appointed to State positions of  
20 a temporary or emergency nature; all employees of school  
21 districts and higher education institutions except  
22 firefighters and peace officers employed by a state university  
23 and except peace officers employed by a school district in its  
24 own police department in existence on July 23, 2010 (the  
25 effective date of Public Act 96-1257) ~~this amendatory Act of~~  
26 ~~the 96th General Assembly~~; managerial employees; short-term

1 employees; legislative liaisons; a person who is a State  
2 employee under the jurisdiction of the Office of the Attorney  
3 General who is licensed to practice law or whose position  
4 authorizes, either directly or indirectly, meaningful input  
5 into government decision-making on issues where there is room  
6 for principled disagreement on goals or their implementation;  
7 a person who is a State employee under the jurisdiction of the  
8 Office of the Comptroller who holds the position of Public  
9 Service Administrator or whose position is otherwise exempt  
10 under the Comptroller Merit Employment Code; a person who is a  
11 State employee under the jurisdiction of the Secretary of  
12 State who holds the position classification of Executive I or  
13 higher, whose position authorizes, either directly or  
14 indirectly, meaningful input into government decision-making  
15 on issues where there is room for principled disagreement on  
16 goals or their implementation, or who is otherwise exempt  
17 under the Secretary of State Merit Employment Code; employees  
18 in the Office of the Secretary of State who are completely  
19 exempt from jurisdiction B of the Secretary of State Merit  
20 Employment Code and who are in Rutan-exempt positions on or  
21 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.

7 Child and day care home providers shall not be considered  
8 public employees for any purposes not specifically provided  
9 for in Public Act 94-320 ~~this amendatory Act of the 94th~~  
10 ~~General Assembly~~, including, but not limited to, purposes of  
11 vicarious liability in tort and purposes of statutory  
12 retirement or health insurance benefits. Child and day care  
13 home providers shall not be covered by the State Employees  
14 Group Insurance Act of 1971.

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

19 (o) Except as otherwise in subsection (o-5), "public  
20 employer" or "employer" means the State of Illinois; any  
21 political subdivision of the State, unit of local government  
22 or school district; authorities including departments,  
23 divisions, bureaus, boards, commissions, or other agencies of  
24 the foregoing entities; and any person acting within the scope  
25 of his or her authority, express or implied, on behalf of those  
26 entities in dealing with its employees. As of July 16, 2003

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



1 vicarious liability in tort and purposes of statutory  
2 retirement or health insurance benefits. Home care and home  
3 health workers who function as personal assistants and  
4 individual maintenance home health workers and who also work  
5 under the Home Services Program under Section 3 of the  
6 Rehabilitation of Persons with Disabilities Act shall not be  
7 covered by the State Employees Group Insurance Act of 1971. As  
8 of January 1, 2006 (the effective date of Public Act 94-320)  
9 ~~this amendatory Act of the 94th General Assembly~~ but not  
10 before, the State of Illinois shall be considered the employer  
11 of the day and child care home providers participating in the  
12 child care assistance program under Section 9A-11 of the  
13 Illinois Public Aid Code, subject to the limitations set forth  
14 in this Act and in Section 9A-11 of the Illinois Public Aid  
15 Code. The State shall not be considered to be the employer of  
16 child and day care home providers for any purposes not  
17 specifically provided for in Public Act 94-320 ~~this amendatory~~  
18 ~~Act of the 94th General Assembly~~, including, but not limited  
19 to, purposes of vicarious liability in tort and purposes of  
20 statutory retirement or health insurance benefits. Child and  
21 day care home providers shall not be covered by the State  
22 Employees Group Insurance Act of 1971.

23 "Public employer" or "employer" as used in this Act,  
24 however, does not mean and shall not include the General  
25 Assembly of the State of Illinois, the Executive Ethics  
26 Commission, the Offices of the Executive Inspectors General,

1 the Legislative Ethics Commission, the Office of the  
2 Legislative Inspector General, the Office of the Auditor  
3 General's Inspector General, the Office of the Governor, the  
4 Governor's Office of Management and Budget, the Illinois  
5 Finance Authority, the Office of the Lieutenant Governor, the  
6 State Board of Elections, and educational employers or  
7 employers as defined in the Illinois Educational Labor  
8 Relations Act, except with respect to a state university in  
9 its employment of firefighters and peace officers and except  
10 with respect to a school district in the employment of peace  
11 officers in its own police department in existence on July 23,  
12 2010 (the effective date of Public Act 96-1257) ~~this~~  
13 ~~amendatory Act of the 96th General Assembly~~. County boards and  
14 county sheriffs shall be designated as joint or co-employers  
15 of county peace officers appointed under the authority of a  
16 county sheriff. Nothing in this subsection (o) shall be  
17 construed to prevent the State Panel or the Local Panel from  
18 determining that employers are joint or co-employers.

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

24 (1) For court reporters employed by the Cook County  
25 Judicial Circuit, the chief judge of the Cook County  
26 Circuit Court is the public employer and employer

1 representative.

2 (2) For court reporters employed by the 12th, 18th,  
3 19th, and, on and after December 4, 2006, the 22nd  
4 judicial circuits, a group consisting of the chief judges  
5 of those circuits, acting jointly by majority vote, is the  
6 public employer and employer representative.

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

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

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

22 (q-5) "State agency" means an agency directly responsible  
23 to the Governor, as defined in Section 3.1 of the Executive  
24 Reorganization Implementation Act, and the Illinois Commerce  
25 Commission, the Illinois Workers' Compensation Commission, the  
26 Civil Service Commission, the Pollution Control Board, the

1 Illinois Racing Board, and the Illinois State Police Merit  
2 Board.

3 (r) "Supervisor" is:

4 (1) An employee whose principal work is substantially  
5 different from that of his or her subordinates and who has  
6 authority, in the interest of the employer, to hire,  
7 transfer, suspend, lay off, recall, promote, discharge,  
8 direct, reward, or discipline employees, to adjust their  
9 grievances, or to effectively recommend any of those  
10 actions without independent review by others, if the  
11 exercise of that authority is not of a merely routine or  
12 clerical nature, but requires the consistent use of  
13 independent judgment on behalf of the employer. The  
14 authority to assign is not an indication of supervisory  
15 status. Except with respect to police employment, the term  
16 "supervisor" includes only those individuals who devote a  
17 majority preponderance of their employment time to the  
18 actual exercise of exercising that authority, ~~State~~  
19 ~~supervisors notwithstanding~~. Determinations of supervisor  
20 status shall be based on actual employee job duties and  
21 not solely on written job descriptions. Nothing in this  
22 definition prohibits an individual from also meeting the  
23 definition of "managerial employee" under subsection (j)  
24 of this Section. In addition, in determining supervisory  
25 status in police employment, rank shall not be  
26 determinative. The Board shall consider, as evidence of

1 bargaining unit inclusion or exclusion, the common law  
2 enforcement policies and relationships between police  
3 officer ranks and certification under applicable civil  
4 service law, ordinances, personnel codes, or Division 2.1  
5 of Article 10 of the Illinois Municipal Code, but these  
6 factors shall not be the sole or predominant factors  
7 considered by the Board in determining police supervisory  
8 status. Subject to the following provisions of this  
9 subsection (r), the definition of "supervisor" herein  
10 applies to all public employees.

11 Notwithstanding the provisions of the preceding  
12 paragraph, in determining supervisory status in fire  
13 fighter employment, no fire fighter shall be excluded as a  
14 supervisor who has established representation rights under  
15 Section 9 of this Act. Further, in fire fighter units,  
16 employees shall consist of fire fighters of the highest  
17 rank of company officer and below. A company officer may  
18 be responsible for multiple companies or apparatus on a  
19 shift, multiple stations, or an entire shift. There may be  
20 more than one company officer per shift. If a company  
21 officer otherwise qualifies as a supervisor under the  
22 preceding paragraph, however, he or she shall not be  
23 included in the fire fighter unit. If there is no rank  
24 between that of chief and the highest company officer, the  
25 employer may designate a position on each shift as a Shift  
26 Commander, and the persons occupying those positions shall

1 be supervisors. All other ranks above that of the highest  
2 company officer shall be supervisors.

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

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

1 1984 (the effective date of this Act). With respect to  
2 non-State fire fighters and paramedics employed by fire  
3 departments and fire protection districts, non-State peace  
4 officers, and peace officers in the Illinois State Police, a  
5 bargaining unit determined by the Board shall not include both  
6 supervisors and nonsupervisors, or supervisors only, except as  
7 provided in paragraph (2) of this subsection (s) and except  
8 for bargaining units in existence on January 1, 1986 (the  
9 effective date of this amendatory Act of 1985). A bargaining  
10 unit determined by the Board to contain peace officers shall  
11 contain no employees other than peace officers unless  
12 otherwise agreed to by the employer and the labor organization  
13 or labor organizations involved. Notwithstanding any other  
14 provision of this Act, a bargaining unit, including a  
15 historical bargaining unit, containing sworn peace officers of  
16 the Department of Natural Resources (formerly designated the  
17 Department of Conservation) shall contain no employees other  
18 than such sworn peace officers upon September 11, 1990 (the  
19 effective date of Public Act 86-1413) ~~this amendatory Act of~~  
20 ~~1990~~ or upon the expiration date of any collective bargaining  
21 agreement in effect upon September 11, 1990 (the effective  
22 date of Public Act 86-1413) ~~this amendatory Act of 1990~~  
23 covering both such sworn peace officers and other employees.  
24 In bargaining units created after the effective date of this  
25 amendatory Act of the 102nd General Assembly, a bargaining  
26 unit determined by the Board shall not include both employees

1 and managerial employees, or managerial employees only, except  
2 as provided in paragraph (4) of this subsection (s).

3 (2) Notwithstanding the exclusion of supervisors from  
4 bargaining units as provided in paragraph (1) of this  
5 subsection (s), a public employer may agree to permit its  
6 supervisory employees to form bargaining units and may bargain  
7 with those units. This Act shall apply if the public employer  
8 chooses to bargain under this subsection. Changes to  
9 bargaining units formed under this paragraph (2) shall be made  
10 only in accordance with Section 9.

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

19 (4) Notwithstanding the exclusion of managerial employees  
20 from bargaining units as provided in paragraph (1) of this  
21 subsection (s), a public employer may agree to permit its  
22 managerial employees to form bargaining units and may bargain  
23 with those units. This Act shall apply if the public employer  
24 chooses to bargain under this subsection (s). Changes to  
25 bargaining units formed under this paragraph (4) shall be made  
26 only in accordance with Section 9.



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

18 (Source: P.A. 102-151, eff. 7-23-21; 102-538, eff. 8-20-21;  
19 102-686, eff. 6-1-22; revised 1-6-22.)

20 (5 ILCS 315/9) (from Ch. 48, par. 1609)

21 Sec. 9. Elections; recognition.

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

24 (1) by a public employee or group of public employees  
25 or any labor organization acting in their behalf

1 demonstrating that 30% of the public employees in an  
2 appropriate unit (A) wish to be represented for the  
3 purposes of collective bargaining by a labor organization  
4 as exclusive representative, or (B) asserting that the  
5 labor organization which has been certified or is  
6 currently recognized by the public employer as bargaining  
7 representative is no longer the representative of the  
8 majority of public employees in the unit; or

9 (2) by a public employer alleging that one or more  
10 labor organizations have presented to it a claim that they  
11 be recognized as the representative of a majority of the  
12 public employees in an appropriate unit, the Board shall  
13 investigate such petition, and if it has reasonable cause  
14 to believe that a question of representation exists, shall  
15 provide for an appropriate hearing upon due notice. Such  
16 hearing shall be held at the offices of the Board or such  
17 other location as the Board deems appropriate. If it finds  
18 upon the record of the hearing that a question of  
19 representation exists, it shall direct an election in  
20 accordance with subsection (d) of this Section, which  
21 election shall be held not later than 120 days after the  
22 date the petition was filed regardless of whether that  
23 petition was filed before or after July 1, 1988 (the  
24 effective date of Public Act 85-924) ~~this amendatory Act~~  
25 ~~of 1987~~; provided, however, the Board may extend the time  
26 for holding an election by an additional 60 days if, upon

1 motion by a person who has filed a petition under this  
2 Section or is the subject of a petition filed under this  
3 Section and is a party to such hearing, or upon the Board's  
4 own motion, the Board finds that good cause has been shown  
5 for extending the election date; provided further, that  
6 nothing in this Section shall prohibit the Board, in its  
7 discretion, from extending the time for holding an  
8 election for so long as may be necessary under the  
9 circumstances, where the purpose for such extension is to  
10 permit resolution by the Board of an unfair labor practice  
11 charge filed by one of the parties to a representational  
12 proceeding against the other based upon conduct which may  
13 either affect the existence of a question concerning  
14 representation or have a tendency to interfere with a fair  
15 and free election, where the party filing the charge has  
16 not filed a request to proceed with the election; and  
17 provided further that prior to the expiration of the total  
18 time allotted for holding an election, a person who has  
19 filed a petition under this Section or is the subject of a  
20 petition filed under this Section and is a party to such  
21 hearing or the Board, may move for and obtain the entry of  
22 an order in the circuit court of the county in which the  
23 majority of the public employees sought to be represented  
24 by such person reside, such order extending the date upon  
25 which the election shall be held. Such order shall be  
26 issued by the circuit court only upon a judicial finding

1           that there has been a sufficient showing that there is  
2           good cause to extend the election date beyond such period  
3           and shall require the Board to hold the election as soon as  
4           is feasible given the totality of the circumstances. Such  
5           120-day ~~120-day~~ period may be extended one or more times by  
6           the agreement of all parties to the hearing to a date  
7           certain without the necessity of obtaining a court order.  
8           The showing of interest in support of a petition filed  
9           under paragraph (1) of this subsection (a) may be  
10          evidenced by electronic communications, and such writing  
11          or communication may be evidenced by the electronic  
12          signature of the employee as provided under Section 5-120  
13          of the Electronic Commerce Security Act. The showing of  
14          interest shall be valid only if signed within 12 months  
15          prior to the filing of the petition. Nothing in this  
16          Section prohibits the waiving of hearings by stipulation  
17          for the purpose of a consent election in conformity with  
18          the rules and regulations of the Board or an election in a  
19          unit agreed upon by the parties. Other interested employee  
20          organizations may intervene in the proceedings in the  
21          manner and within the time period specified by rules and  
22          regulations of the Board. Interested parties who are  
23          necessary to the proceedings may also intervene in the  
24          proceedings in the manner and within the time period  
25          specified by the rules and regulations of the Board.

26          (a-5)    The    Board    shall    designate    an    exclusive

1 representative for purposes of collective bargaining when the  
2 representative demonstrates a showing of majority interest by  
3 employees in the unit. If the parties to a dispute are without  
4 agreement on the means to ascertain the choice, if any, of  
5 employee organization as their representative, the Board shall  
6 ascertain the employees' choice of employee organization, on  
7 the basis of dues deduction authorization or other evidence,  
8 or, if necessary, by conducting an election. The showing of  
9 interest in support of a petition filed under this subsection  
10 (a-5) may be evidenced by electronic communications, and such  
11 writing or communication may be evidenced by the electronic  
12 signature of the employee as provided under Section 5-120 of  
13 the Electronic Commerce Security Act. The showing of interest  
14 shall be valid only if signed within 12 months prior to the  
15 filing of the petition. All evidence submitted by an employee  
16 organization to the Board to ascertain an employee's choice of  
17 an employee organization is confidential and shall not be  
18 submitted to the employer for review. The Board shall  
19 ascertain the employee's choice of employee organization  
20 within 120 days after the filing of the majority interest  
21 petition; however, the Board may extend time by an additional  
22 60 days, upon its own motion or upon the motion of a party to  
23 the proceeding. If either party provides to the Board, before  
24 the designation of a representative, clear and convincing  
25 evidence that the dues deduction authorizations, and other  
26 evidence upon which the Board would otherwise rely to

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

20 (a-6) A labor organization or an employer may file a unit  
21 clarification petition seeking to clarify an existing  
22 bargaining unit. Unit clarification petitions may be filed if:  
23 (1) substantial changes occur in the duties and functions of  
24 an existing job title, raising an issue as to the title's unit  
25 placement; (2) an existing job title that is logically  
26 encompassed within the existing unit was inadvertently

1 excluded by the parties at the time the unit was established;  
2 (3) a newly created job title is logically encompassed within  
3 an existing unit; (4) a significant change takes place in  
4 statutory or case law that affects the bargaining rights of  
5 employees; (5) a determination needs to be made as to the unit  
6 placement of positions in dispute following a majority  
7 interest certification of representative issued under  
8 subsection (a-5); (6) a determination needs to be made as to  
9 the unit placement of positions in dispute following a  
10 certification of representative issued following a direction  
11 of election under subsection (d); (7) the parties have agreed  
12 to eliminate a position or title because the employer no  
13 longer uses it; (8) the parties have agreed to exclude some of  
14 the positions in a title or classification from a bargaining  
15 unit and include others; or (9) as prescribed in rules set by  
16 the Board. The Board shall conclude its investigation,  
17 including any hearing process deemed necessary, and issue a  
18 certification of clarified unit or dismiss the petition not  
19 later than 120 days after the date the petition was filed. The  
20 120-day period may be extended one or more times by the  
21 agreement of all parties to a hearing to a date certain.

22 (b) The Board shall decide in each case, in order to assure  
23 public employees the fullest freedom in exercising the rights  
24 guaranteed by this Act, a unit appropriate for the purpose of  
25 collective bargaining, based upon but not limited to such  
26 factors as: historical pattern of recognition; community of

1 interest including employee skills and functions; degree of  
2 functional integration; interchangeability and contact among  
3 employees; fragmentation of employee groups; common  
4 supervision, wages, hours and other working conditions of the  
5 employees involved; and the desires of the employees. For  
6 purposes of this subsection, fragmentation shall not be the  
7 sole or predominant factor used by the Board in determining an  
8 appropriate bargaining unit. Except with respect to non-State  
9 fire fighters and paramedics employed by fire departments and  
10 fire protection districts, non-State peace officers and peace  
11 officers in the Illinois State Police, a single bargaining  
12 unit determined by the Board may not include both supervisors  
13 and nonsupervisors, except for bargaining units in existence  
14 on the effective date of this Act. With respect to non-State  
15 fire fighters and paramedics employed by fire departments and  
16 fire protection districts, non-State peace officers and peace  
17 officers in the Illinois State Police, a single bargaining  
18 unit determined by the Board may not include both supervisors  
19 and nonsupervisors, except for bargaining units in existence  
20 on January 1, 1986 (the effective date of Public Act 84-1104)  
21 ~~this amendatory Act of 1985.~~

22 In cases involving an historical pattern of recognition,  
23 and in cases where the employer has recognized the union as the  
24 sole and exclusive bargaining agent for a specified existing  
25 unit, the Board shall find the employees in the unit then  
26 represented by the union pursuant to the recognition to be the



1 appropriate unit.

2 Notwithstanding the above factors, where the majority of  
3 public employees of a craft so decide, the Board shall  
4 designate such craft as a unit appropriate for the purposes of  
5 collective bargaining.

6 Notwithstanding any rule or provision of law to the  
7 contrary, no public employee position shall be excluded from a  
8 bargaining unit prior to that position being filled.

9 The Board shall not decide that any unit is appropriate if  
10 such unit includes both professional and nonprofessional  
11 employees, unless a majority of each group votes for inclusion  
12 in such unit.

13 In describing the unit found appropriate for purposes of  
14 collective bargaining, the Board shall, at a party's request,  
15 describe the unit in job function terms rather than by job  
16 titles. Unit descriptions may also include those currently  
17 existing job titles that perform the job functions. A  
18 bargaining unit shall also include positions later filled that  
19 perform the job functions of a unit and job titles later  
20 created that: (i) are successor job titles to the currently  
21 existing job titles; (ii) perform the same or substantially  
22 similar job functions as the currently existing job titles; or  
23 (iii) are logically encompassed within an existing unit. The  
24 provisions of this paragraph shall apply to bargaining units  
25 in existence on the effective date of this amendatory Act of  
26 the 102nd General Assembly.

1 (c) Nothing in this Act shall interfere with or negate the  
2 current representation rights or patterns and practices of  
3 labor organizations which have historically represented public  
4 employees for the purpose of collective bargaining, including  
5 but not limited to the negotiations of wages, hours and  
6 working conditions, discussions of employees' grievances,  
7 resolution of jurisdictional disputes, or the establishment  
8 and maintenance of prevailing wage rates, unless a majority of  
9 employees so represented express a contrary desire pursuant to  
10 the procedures set forth in this Act.

11 (d) In instances where the employer does not voluntarily  
12 recognize a labor organization as the exclusive bargaining  
13 representative for a unit of employees, the Board shall  
14 determine the majority representative of the public employees  
15 in an appropriate collective bargaining unit by conducting a  
16 secret ballot election, except as otherwise provided in  
17 subsection (a-5). Such a secret ballot election may be  
18 conducted electronically, using an electronic voting system,  
19 in addition to paper ballot voting systems. Within 7 days  
20 after the Board issues its bargaining unit determination and  
21 direction of election or the execution of a stipulation for  
22 the purpose of a consent election, the public employer shall  
23 submit to the labor organization the complete names and  
24 addresses of those employees who are determined by the Board  
25 to be eligible to participate in the election. When the Board  
26 has determined that a labor organization has been fairly and

1 freely chosen by a majority of employees in an appropriate  
2 unit, it shall certify such organization as the exclusive  
3 representative. If the Board determines that a majority of  
4 employees in an appropriate unit has fairly and freely chosen  
5 not to be represented by a labor organization, it shall so  
6 certify. The Board may also revoke the certification of the  
7 public employee organizations as exclusive bargaining  
8 representatives which have been found by a secret ballot  
9 election to be no longer the majority representative.

10 (e) The Board shall not conduct an election in any  
11 bargaining unit or any subdivision thereof within which a  
12 valid election has been held in the preceding 12-month period.  
13 The Board shall determine who is eligible to vote in an  
14 election and shall establish rules governing the conduct of  
15 the election or conduct affecting the results of the election.  
16 The Board shall include on a ballot in a representation  
17 election a choice of "no representation". A labor organization  
18 currently representing the bargaining unit of employees shall  
19 be placed on the ballot in any representation election. In any  
20 election where none of the choices on the ballot receives a  
21 majority, a runoff election shall be conducted between the 2  
22 choices receiving the largest number of valid votes cast in  
23 the election. A labor organization which receives a majority  
24 of the votes cast in an election shall be certified by the  
25 Board as exclusive representative of all public employees in  
26 the unit.

1 (f) A labor organization shall be designated as the  
2 exclusive representative by a public employer, provided that  
3 the labor organization represents a majority of the public  
4 employees in an appropriate unit. Any employee organization  
5 which is designated or selected by the majority of public  
6 employees, in a unit of the public employer having no other  
7 recognized or certified representative, as their  
8 representative for purposes of collective bargaining may  
9 request recognition by the public employer in writing. The  
10 public employer shall post such request for a period of at  
11 least 20 days following its receipt thereof on bulletin boards  
12 or other places used or reserved for employee notices.

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

22 (h) No election shall be directed by the Board in any  
23 bargaining unit where there is in force a valid collective  
24 bargaining agreement. The Board, however, may process an  
25 election petition filed between 90 and 60 days prior to the  
26 expiration of the date of an agreement, and may further

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

9 (i) An order of the Board dismissing a representation  
10 petition, determining and certifying that a labor organization  
11 has been fairly and freely chosen by a majority of employees in  
12 an appropriate bargaining unit, determining and certifying  
13 that a labor organization has not been fairly and freely  
14 chosen by a majority of employees in the bargaining unit or  
15 certifying a labor organization as the exclusive  
16 representative of employees in an appropriate bargaining unit  
17 because of a determination by the Board that the labor  
18 organization is the historical bargaining representative of  
19 employees in the bargaining unit, is a final order. Any person  
20 aggrieved by any such order issued on or after July 1, 1988  
21 (the effective date of Public Act 85-924) ~~this amendatory Act~~  
22 ~~of 1987~~ may apply for and obtain judicial review in accordance  
23 with provisions of the Administrative Review Law, as now or  
24 hereafter amended, except that such review shall be afforded  
25 directly in the Appellate Court for the district in which the  
26 aggrieved party resides or transacts business. Any direct

1 appeal to the Appellate Court shall be filed within 35 days  
2 from the date that a copy of the decision sought to be reviewed  
3 was served upon the party affected by the decision.

4 (Source: P.A. 102-151, eff. 7-23-21; 102-538, eff. 8-20-21;  
5 102-596, eff. 8-27-21; revised 10-15-21.)

6 Section 95. No acceleration or delay. Where this Act makes  
7 changes in a statute that is represented in this Act by text  
8 that is not yet or no longer in effect (for example, a Section  
9 represented by multiple versions), the use of that text does  
10 not accelerate or delay the taking effect of (i) the changes  
11 made by this Act or (ii) provisions derived from any other  
12 Public Act.