

1 AN ACT concerning labor relations.

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, 9, and 21.5 as follows:

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

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

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

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

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

1 Determinations of confidential employee status shall be based  
2 on actual employee job duties and not solely on written job  
3 descriptions.

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

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

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

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

14 With respect to non-State fire fighters and paramedics  
15 employed by fire departments and fire protection districts,  
16 non-State peace officers, and peace officers in the Department  
17 of State Police, "exclusive representative" means the labor  
18 organization that has been (i) designated by the Board as the  
19 representative of a majority of peace officers or fire  
20 fighters 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 January 1, 1986 (the effective  
24 date of this amendatory Act of 1985) as the exclusive  
25 representative by a majority of the peace officers or fire  
26 fighters in an appropriate bargaining unit, or (iii) after

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

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

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

1 political office. Nothing in this subsection (g) shall  
2 preclude an employee from making voluntary political  
3 contributions in conjunction with his or her fair share  
4 payment.

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

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

1 1984.

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

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

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

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

1 Determination of managerial employee status shall be based on  
2 actual employee job duties and not solely on written job  
3 descriptions. With respect only to State employees in  
4 positions under the jurisdiction of the Attorney General,  
5 Secretary of State, Comptroller, or Treasurer (i) that were  
6 certified in a bargaining unit on or after December 2, 2008,  
7 (ii) for which a petition is filed with the Illinois Public  
8 Labor Relations Board on or after April 5, 2013 (the effective  
9 date of Public Act 97-1172), or (iii) for which a petition is  
10 pending before the Illinois Public Labor Relations Board on  
11 that date, "managerial employee" means an individual who is  
12 engaged in executive and management functions or who is  
13 charged with the effectuation of management policies and  
14 practices or who represents management interests by taking or  
15 recommending discretionary actions that effectively control or  
16 implement policy. Nothing in this definition prohibits an  
17 individual from also meeting the definition of "supervisor"  
18 under subsection (r) of this Section.

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

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

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

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



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

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

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

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

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

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

26 Home care and home health workers who function as personal

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

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

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

26 (o) Except as otherwise in subsection (o-5), "public

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

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



1 covered by the State Employees Group Insurance Act of 1971.

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

24 (o-5) With respect to wages, fringe benefits, hours,  
25 holidays, vacations, proficiency examinations, sick leave, and  
26 other conditions of employment, the public employer of public

1 employees who are court reporters, as defined in the Court  
2 Reporters Act, shall be determined as follows:

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

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

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

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

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

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

8 (r) "Supervisor" is:

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

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

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 new fire fighter units,  
16 employees shall consist of fire fighters of the rank of  
17 company officer and below. If a company officer otherwise  
18 qualifies as a supervisor under the preceding paragraph,  
19 however, he or she shall not be included in the fire  
20 fighter unit. If there is no rank between that of chief and  
21 the highest company officer, the employer may designate a  
22 position on each shift as a Shift Commander, and the  
23 persons occupying those positions shall be supervisors.  
24 All other ranks above that of company officer shall be  
25 supervisors.

26 (2) With respect only to State employees in positions

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

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

1 officers, and peace officers in the Department of State  
2 Police, a bargaining unit determined by the Board shall not  
3 include both supervisors and nonsupervisors, or supervisors  
4 only, except as provided in paragraph (2) of this subsection  
5 (s) and except for bargaining units in existence on January 1,  
6 1986 (the effective date of this amendatory Act of 1985). A  
7 bargaining unit determined by the Board to contain peace  
8 officers shall contain no employees other than peace officers  
9 unless otherwise agreed to by the employer and the labor  
10 organization or labor organizations involved. Notwithstanding  
11 any other provision of this Act, a bargaining unit, including  
12 a historical bargaining unit, containing sworn peace officers  
13 of the Department of Natural Resources (formerly designated  
14 the Department of Conservation) shall contain no employees  
15 other than such sworn peace officers upon the effective date  
16 of this amendatory Act of 1990 or upon the expiration date of  
17 any collective bargaining agreement in effect upon the  
18 effective date of this amendatory Act of 1990 covering both  
19 such sworn peace officers and other employees.

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

26 (3) Public employees who are court reporters, as defined

1 in the Court Reporters Act, shall be divided into 3 units for  
2 collective bargaining purposes. One unit shall be court  
3 reporters employed by the Cook County Judicial Circuit; one  
4 unit shall be court reporters employed by the 12th, 18th,  
5 19th, and, on and after December 4, 2006, the 22nd judicial  
6 circuits; and one unit shall be court reporters employed by  
7 all other judicial circuits.

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

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

1 (5 ILCS 315/9) (from Ch. 48, par. 1609)

2 Sec. 9. Elections; recognition.

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

5 (1) by a public employee or group of public employees  
6 or any labor organization acting in their behalf  
7 demonstrating that 30% of the public employees in an  
8 appropriate unit (A) wish to be represented for the  
9 purposes of collective bargaining by a labor organization  
10 as exclusive representative, or (B) asserting that the  
11 labor organization which has been certified or is  
12 currently recognized by the public employer as bargaining  
13 representative is no longer the representative of the  
14 majority of public employees in the unit; or

15 (2) by a public employer alleging that one or more  
16 labor organizations have presented to it a claim that they  
17 be recognized as the representative of a majority of the  
18 public employees in an appropriate unit,

19 the Board shall investigate such petition, and if it has  
20 reasonable cause to believe that a question of representation  
21 exists, shall provide for an appropriate hearing upon due  
22 notice. Such hearing shall be held at the offices of the Board  
23 or such other location as the Board deems appropriate. If it  
24 finds upon the record of the hearing that a question of  
25 representation exists, it shall direct an election in  
26 accordance with subsection (d) of this Section, which election



1 shall be held not later than 120 days after the date the  
2 petition was filed regardless of whether that petition was  
3 filed before or after the effective date of this amendatory  
4 Act of 1987; provided, however, the Board may extend the time  
5 for holding an election by an additional 60 days if, upon  
6 motion by a person who has filed a petition under this Section  
7 or is the subject of a petition filed under this Section and is  
8 a party to such hearing, or upon the Board's own motion, the  
9 Board finds that good cause has been shown for extending the  
10 election date; provided further, that nothing in this Section  
11 shall prohibit the Board, in its discretion, from extending  
12 the time for holding an election for so long as may be  
13 necessary under the circumstances, where the purpose for such  
14 extension is to permit resolution by the Board of an unfair  
15 labor practice charge filed by one of the parties to a  
16 representational proceeding against the other based upon  
17 conduct which may either affect the existence of a question  
18 concerning representation or have a tendency to interfere with  
19 a fair and free election, where the party filing the charge has  
20 not filed a request to proceed with the election; and provided  
21 further that prior to the expiration of the total time  
22 allotted for holding an election, a person who has filed a  
23 petition under this Section or is the subject of a petition  
24 filed under this Section and is a party to such hearing or the  
25 Board, may move for and obtain the entry of an order in the  
26 circuit court of the county in which the majority of the public

1 employees sought to be represented by such person reside, such  
2 order extending the date upon which the election shall be  
3 held. Such order shall be issued by the circuit court only upon  
4 a judicial finding that there has been a sufficient showing  
5 that there is good cause to extend the election date beyond  
6 such period and shall require the Board to hold the election as  
7 soon as is feasible given the totality of the circumstances.  
8 Such 120 day period may be extended one or more times by the  
9 agreement of all parties to the hearing to a date certain  
10 without the necessity of obtaining a court order. Nothing in  
11 this Section prohibits the waiving of hearings by stipulation  
12 for the purpose of a consent election in conformity with the  
13 rules and regulations of the Board or an election in a unit  
14 agreed upon by the parties. Other interested employee  
15 organizations may intervene in the proceedings in the manner  
16 and within the time period specified by rules and regulations  
17 of the Board. Interested parties who are necessary to the  
18 proceedings may also intervene in the proceedings in the  
19 manner and within the time period specified by the rules and  
20 regulations of the Board.

21 (a-5) The Board shall designate an exclusive  
22 representative for purposes of collective bargaining when the  
23 representative demonstrates a showing of majority interest by  
24 employees in the unit. If the parties to a dispute are without  
25 agreement on the means to ascertain the choice, if any, of  
26 employee organization as their representative, the Board shall

1 ascertain the employees' choice of employee organization, on  
2 the basis of dues deduction authorization or other evidence,  
3 or, if necessary, by conducting an election. All evidence  
4 submitted by an employee organization to the Board to  
5 ascertain an employee's choice of an employee organization is  
6 confidential and shall not be submitted to the employer for  
7 review. The Board shall ascertain the employee's choice of  
8 employee organization within 120 days after the filing of the  
9 majority interest petition; however, the Board may extend time  
10 by an additional 60 days, upon its own motion or upon the  
11 motion of a party to the proceeding. If either party provides  
12 to the Board, before the designation of a representative,  
13 clear and convincing evidence that the dues deduction  
14 authorizations, and other evidence upon which the Board would  
15 otherwise rely to ascertain the employees' choice of  
16 representative, are fraudulent or were obtained through  
17 coercion, the Board shall promptly thereafter conduct an  
18 election. The Board shall also investigate and consider a  
19 party's allegations that the dues deduction authorizations and  
20 other evidence submitted in support of a designation of  
21 representative without an election were subsequently changed,  
22 altered, withdrawn, or withheld as a result of employer fraud,  
23 coercion, or any other unfair labor practice by the employer.  
24 If the Board determines that a labor organization would have  
25 had a majority interest but for an employer's fraud, coercion,  
26 or unfair labor practice, it shall designate the labor

1 organization as an exclusive representative without conducting  
2 an election. If a hearing is necessary to resolve any issues of  
3 representation under this Section, the Board shall conclude  
4 its hearing process and issue a certification of the entire  
5 appropriate unit not later than 120 days after the date the  
6 petition was filed. The 120-day period may be extended one or  
7 more times by the agreement of all parties to a hearing to a  
8 date certain.

9 (a-6) A labor organization or an employer may file a unit  
10 clarification petition seeking to clarify an existing  
11 bargaining unit. Unit clarification petitions may be filed if:

12 (1) substantial changes occur in the duties and functions of  
13 an existing job title, raising an issue as to the title's unit  
14 placement; (2) an existing job title that is logically  
15 encompassed within the existing unit was inadvertently  
16 excluded by the parties at the time the unit was established;  
17 (3) a newly created job title is logically encompassed within  
18 an existing unit; (4) a significant change takes place in  
19 statutory or case law that affects the bargaining rights of  
20 employees; (5) a determination needs to be made as to the unit  
21 placement of positions in dispute following a majority  
22 interest certification of representative issued under  
23 subsection (a-5); (6) a determination needs to be made as to  
24 the unit placement of positions in dispute following a  
25 certification of representative issued following a direction  
26 of election under subsection (d); (7) the parties have agreed

1 to eliminate a position or title because the employer no  
2 longer uses it; (8) the parties have agreed to exclude some of  
3 the positions in a title or classification from a bargaining  
4 unit and include others; or (9) as prescribed in rules set by  
5 the Board. The Board shall conclude its investigation,  
6 including any hearing process deemed necessary, and issue a  
7 certification of clarified unit or dismiss the petition not  
8 later than 120 days after the date the petition was filed. The  
9 120-day period may be extended one or more times by the  
10 agreement of all parties to a hearing to a date certain.

11 (b) The Board shall decide in each case, in order to assure  
12 public employees the fullest freedom in exercising the rights  
13 guaranteed by this Act, a unit appropriate for the purpose of  
14 collective bargaining, based upon but not limited to such  
15 factors as: historical pattern of recognition; community of  
16 interest including employee skills and functions; degree of  
17 functional integration; interchangeability and contact among  
18 employees; fragmentation of employee groups; common  
19 supervision, wages, hours and other working conditions of the  
20 employees involved; and the desires of the employees. For  
21 purposes of this subsection, fragmentation shall not be the  
22 sole or predominant factor used by the Board in determining an  
23 appropriate bargaining unit. Except with respect to non-State  
24 fire fighters and paramedics employed by fire departments and  
25 fire protection districts, non-State peace officers and peace  
26 officers in the State Department of State Police, a single

1 bargaining unit determined by the Board may not include both  
2 supervisors and nonsupervisors, except for bargaining units in  
3 existence on the effective date of this Act. With respect to  
4 non-State fire fighters and paramedics employed by fire  
5 departments and fire protection districts, non-State peace  
6 officers and peace officers in the State Department of State  
7 Police, a single bargaining unit determined by the Board may  
8 not include both supervisors and nonsupervisors, except for  
9 bargaining units in existence on the effective date of this  
10 amendatory Act of 1985.

11 In cases involving an historical pattern of recognition,  
12 and in cases where the employer has recognized the union as the  
13 sole and exclusive bargaining agent for a specified existing  
14 unit, the Board shall find the employees in the unit then  
15 represented by the union pursuant to the recognition to be the  
16 appropriate unit.

17 Notwithstanding the above factors, where the majority of  
18 public employees of a craft so decide, the Board shall  
19 designate such craft as a unit appropriate for the purposes of  
20 collective bargaining.

21 The Board shall not decide that any unit is appropriate if  
22 such unit includes both professional and nonprofessional  
23 employees, unless a majority of each group votes for inclusion  
24 in such unit.

25 (c) Nothing in this Act shall interfere with or negate the  
26 current representation rights or patterns and practices of

1 labor organizations which have historically represented public  
2 employees for the purpose of collective bargaining, including  
3 but not limited to the negotiations of wages, hours and  
4 working conditions, discussions of employees' grievances,  
5 resolution of jurisdictional disputes, or the establishment  
6 and maintenance of prevailing wage rates, unless a majority of  
7 employees so represented express a contrary desire pursuant to  
8 the procedures set forth in this Act.

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

1 represented by a labor organization, it shall so certify. The  
2 Board may also revoke the certification of the public employee  
3 organizations as exclusive bargaining representatives which  
4 have been found by a secret ballot election to be no longer the  
5 majority representative.

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

23 (f) A labor organization shall be designated as the  
24 exclusive representative by a public employer, provided that  
25 the labor organization represents a majority of the public  
26 employees in an appropriate unit. Any employee organization



1 which is designated or selected by the majority of public  
2 employees, in a unit of the public employer having no other  
3 recognized or certified representative, as their  
4 representative for purposes of collective bargaining may  
5 request recognition by the public employer in writing. The  
6 public employer shall post such request for a period of at  
7 least 20 days following its receipt thereof on bulletin boards  
8 or other places used or reserved for employee notices.

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

18 (h) No election shall be directed by the Board in any  
19 bargaining unit where there is in force a valid collective  
20 bargaining agreement. The Board, however, may process an  
21 election petition filed between 90 and 60 days prior to the  
22 expiration of the date of an agreement, and may further  
23 refine, by rule or decision, the implementation of this  
24 provision. Where more than 4 years have elapsed since the  
25 effective date of the agreement, the agreement shall continue  
26 to bar an election, except that the Board may process an

1 election petition filed between 90 and 60 days prior to the end  
2 of the fifth year of such an agreement, and between 90 and 60  
3 days prior to the end of each successive year of such  
4 agreement.

5 (i) An order of the Board dismissing a representation  
6 petition, determining and certifying that a labor organization  
7 has been fairly and freely chosen by a majority of employees in  
8 an appropriate bargaining unit, determining and certifying  
9 that a labor organization has not been fairly and freely  
10 chosen by a majority of employees in the bargaining unit or  
11 certifying a labor organization as the exclusive  
12 representative of employees in an appropriate bargaining unit  
13 because of a determination by the Board that the labor  
14 organization is the historical bargaining representative of  
15 employees in the bargaining unit, is a final order. Any person  
16 aggrieved by any such order issued on or after the effective  
17 date of this amendatory Act of 1987 may apply for and obtain  
18 judicial review in accordance with provisions of the  
19 Administrative Review Law, as now or hereafter amended, except  
20 that such review shall be afforded directly in the Appellate  
21 Court for the district in which the aggrieved party resides or  
22 transacts business. Any direct appeal to the Appellate Court  
23 shall be filed within 35 days from the date that a copy of the  
24 decision sought to be reviewed was served upon the party  
25 affected by the decision.

26 (Source: P.A. 95-331, eff. 8-21-07; 96-813, eff. 10-30-09.)

1 (5 ILCS 315/21.5)

2 Sec. 21.5. Termination of certain agreements after  
3 constitutional officers take office.

4 (a) No collective bargaining agreement entered into, on or  
5 after the effective date of this amendatory Act of the 96th  
6 General Assembly between an executive branch constitutional  
7 officer or any agency or department of an executive branch  
8 constitutional officer and a labor organization may extend  
9 more than 12 months after the date on ~~beyond June 30th of the~~  
10 ~~year in~~ which the terms of office of executive branch  
11 constitutional officers begin.

12 (b) No collective bargaining agreement entered into, on or  
13 after the effective date of this amendatory Act of the 96th  
14 General Assembly between an executive branch constitutional  
15 officer or any agency or department of an executive branch  
16 constitutional officer and a labor organization may provide  
17 for an increase in salary, wages, or benefits starting on or  
18 after the first day of the terms of office of executive branch  
19 constitutional officers and ending June 30th of that same  
20 year. The provisions of this subsection (b) shall not apply to  
21 salary, pay schedules, or benefits that would continue because  
22 of the duty to maintain the status quo and to bargain in good  
23 faith.

24 (c) Any collective bargaining agreement in violation of  
25 this Section is terminated and rendered null and void by

1 operation of law.

2 (d) For purposes of this Section, "executive branch  
3 constitutional officer" has the same meaning as that term is  
4 defined in the State Officials and Employees Ethics Act.

5 (Source: P.A. 96-1529, eff. 2-16-11.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.