

# SB2458



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB2458

Introduced 2/26/2021, by Sen. Ram Villivalam

#### SYNOPSIS AS INTRODUCED:

5 ILCS 315/3

from Ch. 48, par. 1603

5 ILCS 315/6

from Ch. 48, par. 1606

Amends the Illinois Public Labor Relations Act. Provides for the right to organize and bargain collectively for legislative assistants of the General Assembly as public employees under the Act. Makes conforming changes.

LRB102 16496 RJF 21889 b

A BILL FOR

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

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

8 (f) "Exclusive representative", except with respect to  
9 non-State fire fighters and paramedics employed by fire  
10 departments and fire protection districts, non-State peace  
11 officers, and peace officers in the Department of State  
12 Police, means the labor organization that has been (i)  
13 designated by the Board as the representative of a majority of  
14 public employees in an appropriate bargaining unit in  
15 accordance with the procedures contained in this Act, (ii)  
16 historically recognized by the State of Illinois or any  
17 political subdivision of the State before July 1, 1984 (the  
18 effective date of this Act) as the exclusive representative of  
19 the employees in an appropriate bargaining unit, (iii) after  
20 July 1, 1984 (the effective date of this Act) recognized by an  
21 employer upon evidence, acceptable to the Board, that the  
22 labor organization has been designated as the exclusive  
23 representative by a majority of the employees in an  
24 appropriate bargaining unit; (iv) recognized as the exclusive  
25 representative of personal assistants under Executive Order  
26 2003-8 prior to the effective date of this amendatory Act of

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

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

1 the exclusive representative by a majority of the peace  
2 officers or fire fighters in an appropriate bargaining unit.

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

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

1 payment.

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

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

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

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

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

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

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

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

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



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

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

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

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

6 (n) "Public employee" or "employee", for the purposes of  
7 this Act, means any individual employed by a public employer,  
8 including (i) interns and residents at public hospitals, (ii)  
9 as of the effective date of this amendatory Act of the 93rd  
10 General Assembly, but not before, personal assistants working  
11 under the Home Services Program under Section 3 of the  
12 Rehabilitation of Persons with Disabilities Act, subject to  
13 the limitations set forth in this Act and in the  
14 Rehabilitation of Persons with Disabilities Act, (iii) as of  
15 the effective date of this amendatory Act of the 94th General  
16 Assembly, but not before, child and day care home providers  
17 participating in the child care assistance program under  
18 Section 9A-11 of the Illinois Public Aid Code, subject to the  
19 limitations set forth in this Act and in Section 9A-11 of the  
20 Illinois Public Aid Code, (iv) as of January 29, 2013 (the  
21 effective date of Public Act 97-1158), but not before except  
22 as otherwise provided in this subsection (n), home care and  
23 home health workers who function as personal assistants and  
24 individual maintenance home health workers and who also work  
25 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, (v)  
4 beginning on the effective date of this amendatory Act of the  
5 98th General Assembly and notwithstanding any other provision  
6 of this Act, any person employed by a public employer and who  
7 is classified as or who holds the employment title of Chief  
8 Stationary Engineer, Assistant Chief Stationary Engineer,  
9 Sewage Plant Operator, Water Plant Operator, Stationary  
10 Engineer, Plant Operating Engineer, and any other employee who  
11 holds the position of: Civil Engineer V, Civil Engineer VI,  
12 Civil Engineer VII, Technical Manager I, Technical Manager II,  
13 Technical Manager III, Technical Manager IV, Technical Manager  
14 V, Technical Manager VI, Realty Specialist III, Realty  
15 Specialist IV, Realty Specialist V, Technical Advisor I,  
16 Technical Advisor II, Technical Advisor III, Technical Advisor  
17 IV, or Technical Advisor V employed by the Department of  
18 Transportation who is in a position which is certified in a  
19 bargaining unit on or before the effective date of this  
20 amendatory Act of the 98th General Assembly, ~~and~~ (vi)  
21 beginning on the effective date of this amendatory Act of the  
22 98th General Assembly and notwithstanding any other provision  
23 of this Act, any mental health administrator in the Department  
24 of Corrections who is classified as or who holds the position  
25 of Public Service Administrator (Option 8K), any employee of  
26 the Office of the Inspector General in the Department of Human

1 Services who is classified as or who holds the position of  
2 Public Service Administrator (Option 7), any Deputy of  
3 Intelligence in the Department of Corrections who is  
4 classified as or who holds the position of Public Service  
5 Administrator (Option 7), and any employee of the Department  
6 of State Police who handles issues concerning the Illinois  
7 State Police Sex Offender Registry and who is classified as or  
8 holds the position of Public Service Administrator (Option 7),  
9 and (vii) beginning on the effective date of this amendatory  
10 Act of the 102nd General Assembly, legislative assistants  
11 employed by members of the General Assembly under Section 4 of  
12 the General Assembly Compensation Act.

13 "Public employee" or "employee" does not include but  
14 excluding all of the following: employees of the General  
15 Assembly of the State of Illinois, other than legislative  
16 assistants; elected officials; executive heads of a  
17 department; members of boards or commissions; the Executive  
18 Inspectors General; any special Executive Inspectors General;  
19 employees of each Office of an Executive Inspector General;  
20 commissioners and employees of the Executive Ethics  
21 Commission; the Auditor General's Inspector General; employees  
22 of the Office of the Auditor General's Inspector General; the  
23 Legislative Inspector General; any special Legislative  
24 Inspectors General; employees of the Office of the Legislative  
25 Inspector General; commissioners and employees of the  
26 Legislative Ethics Commission; employees of any agency, board

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

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

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

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

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

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



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

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

3 For the purposes of collective bargaining under this Act,  
4 the State of Illinois shall be considered the public employer  
5 of legislative assistants employed by members of the General  
6 Assembly under Section 4 of the General Assembly Compensation  
7 Act.

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

1 this subsection (o) shall be construed to prevent the State  
2 Panel or the Local Panel from determining that employers are  
3 joint or co-employers.

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

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

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

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

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

1 of inmates at correctional facilities.

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

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

14 (r) "Supervisor" is:

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

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

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

1 persons occupying those positions shall be supervisors.  
2 All other ranks above that of company officer shall be  
3 supervisors.

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

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

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

24 (2) Notwithstanding the exclusion of supervisors from  
25 bargaining units as provided in paragraph (1) of this  
26 subsection (s), a public employer may agree to permit its

1 supervisory employees to form bargaining units and may bargain  
2 with those units. This Act shall apply if the public employer  
3 chooses to bargain under this subsection.

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

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



1 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or  
2 S-RC-07-100.

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

4 (5 ILCS 315/6) (from Ch. 48, par. 1606)

5 Sec. 6. Right to organize and bargain collectively;  
6 exclusive representation; and fair share arrangements.

7 (a) Employees of the State and any political subdivision  
8 of the State, excluding employees of the General Assembly of  
9 the State of Illinois, other than legislative assistants, and  
10 employees excluded from the definition of "public employee"  
11 under subsection (n) of Section 3 of this Act, have, and are  
12 protected in the exercise of, the right of self-organization,  
13 and may form, join or assist any labor organization, to  
14 bargain collectively through representatives of their own  
15 choosing on questions of wages, hours and other conditions of  
16 employment, not excluded by Section 4 of this Act, and to  
17 engage in other concerted activities not otherwise prohibited  
18 by law for the purposes of collective bargaining or other  
19 mutual aid or protection, free from interference, restraint or  
20 coercion. Employees also have, and are protected in the  
21 exercise of, the right to refrain from participating in any  
22 such concerted activities. Employees may be required, pursuant  
23 to the terms of a lawful fair share agreement, to pay a fee  
24 which shall be their proportionate share of the costs of the  
25 collective bargaining process, contract administration and

1 pursuing matters affecting wages, hours and other conditions  
2 of employment as defined in Section 3(g).

3 (b) Nothing in this Act prevents an employee from  
4 presenting a grievance to the employer and having the  
5 grievance heard and settled without the intervention of an  
6 employee organization; provided that the exclusive bargaining  
7 representative is afforded the opportunity to be present at  
8 such conference and that any settlement made shall not be  
9 inconsistent with the terms of any agreement in effect between  
10 the employer and the exclusive bargaining representative.

11 (c) A labor organization designated by the Board as the  
12 representative of the majority of public employees in an  
13 appropriate unit in accordance with the procedures herein or  
14 recognized by a public employer as the representative of the  
15 majority of public employees in an appropriate unit is the  
16 exclusive representative for the employees of such unit for  
17 the purpose of collective bargaining with respect to rates of  
18 pay, wages, hours and other conditions of employment not  
19 excluded by Section 4 of this Act. Unless otherwise mutually  
20 agreed, a public employer is required at least once each month  
21 and upon request, to furnish the exclusive bargaining  
22 representative with a complete list of the names and addresses  
23 of the public employees in the bargaining unit, provided that  
24 a public employer shall not be required to furnish such a list  
25 more than once per payroll period. The exclusive bargaining  
26 representative shall use the list exclusively for bargaining

1 representation purposes and shall not disclose any information  
2 contained in the list for any other purpose. Nothing in this  
3 Section, however, shall prohibit a bargaining representative  
4 from disseminating a list of its union members.

5 At the time the public employer provides such list, it  
6 shall also provide to the exclusive representative, in an  
7 Excel file or other mutually agreed upon editable digital file  
8 format, the employee's job title, worksite location, work  
9 telephone numbers, identification number if available, and any  
10 home and personal cellular telephone numbers on file with the  
11 employer, date of hire, work email address, and any personal  
12 email address on file with the employer. In addition, unless  
13 otherwise mutually agreed, within 10 calendar days from the  
14 date of hire of a bargaining unit employee, the public  
15 employer shall provide to the exclusive representative, in an  
16 electronic file or other mutually agreed upon format, the  
17 following information about the new employee: the employee's  
18 name, job title, worksite location, home address, work  
19 telephone numbers, and any home and personal cellular  
20 telephone numbers on file with the employer, date of hire,  
21 work email address, and any personal email address on file  
22 with the employer.

23 (c-5) No employer shall disclose the following information  
24 of any employee: (1) the employee's home address (including  
25 ZIP code and county); (2) the employee's date of birth; (3) the  
26 employee's home and personal phone number; (4) the employee's

1 personal email address; (5) any information personally  
2 identifying employee membership or membership status in a  
3 labor organization or other voluntary association affiliated  
4 with a labor organization or a labor federation (including  
5 whether employees are members of such organization, the  
6 identity of such organization, whether or not employees pay or  
7 authorize the payment of any dues or moneys to such  
8 organization, and the amounts of such dues or moneys); and (6)  
9 emails or other communications between a labor organization  
10 and its members.

11 As soon as practicable after receiving a request for any  
12 information prohibited from disclosure under this subsection  
13 (c-5), excluding a request from the exclusive bargaining  
14 representative of the employee, the employer must provide a  
15 written copy of the request, or a written summary of any oral  
16 request, to the exclusive bargaining representative of the  
17 employee or, if no such representative exists, to the  
18 employee. The employer must also provide a copy of any  
19 response it has made within 5 business days of sending the  
20 response to any request.

21 If an employer discloses information in violation of this  
22 subsection (c-5), an aggrieved employee of the employer or his  
23 or her exclusive bargaining representative may file an unfair  
24 labor practice charge with the Illinois Labor Relations Board  
25 pursuant to Section 10 of this Act or commence an action in the  
26 circuit court to enforce the provisions of this Act, including

1 actions to compel compliance, if an employer willfully and  
2 wantonly discloses information in violation of this  
3 subsection. The circuit court for the county in which the  
4 complainant resides, in which the complainant is employed, or  
5 in which the employer is located shall have jurisdiction in  
6 this matter.

7 This subsection does not apply to disclosures (i) required  
8 under the Freedom of Information Act, (ii) for purposes of  
9 conducting public operations or business, or (iii) to the  
10 exclusive representative.

11 (c-10) Employers shall provide to exclusive  
12 representatives, including their agents and employees,  
13 reasonable access to employees in the bargaining units they  
14 represent. This access shall at all times be conducted in a  
15 manner so as not to impede normal operations.

16 (1) Access includes the following:

17 (A) the right to meet with one or more employees on  
18 the employer's premises during the work day to  
19 investigate and discuss grievances and  
20 workplace-related complaints without charge to pay or  
21 leave time of employees or agents of the exclusive  
22 representative;

23 (B) the right to conduct worksite meetings during  
24 lunch and other non-work breaks, and before and after  
25 the workday, on the employer's premises to discuss  
26 collective bargaining negotiations, the administration

1 of collective bargaining agreements, other matters  
2 related to the duties of the exclusive representative,  
3 and internal matters involving the governance or  
4 business of the exclusive representative, without  
5 charge to pay or leave time of employees or agents of  
6 the exclusive representative;

7 (C) the right to meet with newly hired employees,  
8 without charge to pay or leave time of the employees or  
9 agents of the exclusive representative, on the  
10 employer's premises or at a location mutually agreed  
11 to by the employer and exclusive representative for up  
12 to one hour either within the first two weeks of  
13 employment in the bargaining unit or at a later date  
14 and time if mutually agreed upon by the employer and  
15 the exclusive representative; and

16 (D) the right to use the facility mailboxes and  
17 bulletin boards of the employer to communicate with  
18 bargaining unit employees regarding collective  
19 bargaining negotiations, the administration of the  
20 collective bargaining agreements, the investigation of  
21 grievances, other workplace-related complaints and  
22 issues, and internal matters involving the governance  
23 or business of the exclusive representative.

24 (2) Nothing in this Section shall prohibit an employer  
25 and exclusive representative from agreeing in a collective  
26 bargaining agreement to provide the exclusive

1 representative greater access to bargaining unit  
2 employees, including through the use of the employer's  
3 email system.

4 (d) Labor organizations recognized by a public employer as  
5 the exclusive representative or so designated in accordance  
6 with the provisions of this Act are responsible for  
7 representing the interests of all public employees in the  
8 unit. Nothing herein shall be construed to limit an exclusive  
9 representative's right to exercise its discretion to refuse to  
10 process grievances of employees that are unmeritorious.

11 (e) When a collective bargaining agreement is entered into  
12 with an exclusive representative, it may include in the  
13 agreement a provision requiring employees covered by the  
14 agreement who are not members of the organization to pay their  
15 proportionate share of the costs of the collective bargaining  
16 process, contract administration and pursuing matters  
17 affecting wages, hours and conditions of employment, as  
18 defined in Section 3 (g), but not to exceed the amount of dues  
19 uniformly required of members. The organization shall certify  
20 to the employer the amount constituting each nonmember  
21 employee's proportionate share which shall not exceed dues  
22 uniformly required of members. In such case, the proportionate  
23 share payment in this Section shall be deducted by the  
24 employer from the earnings of the nonmember employees and paid  
25 to the employee organization.

26 (f) Employers shall make payroll deductions of labor

1 organization dues, initiation fees, assessments, and other  
2 payments for a labor organization that is the exclusive  
3 representative. Such deductions shall be made in accordance  
4 with the terms of an employee's written authorization, and  
5 shall be paid to the exclusive representative. Written  
6 authorization may be evidenced by electronic communications,  
7 and such writing or communication may be evidenced by the  
8 electronic signature of the employee as provided under Section  
9 5-120 of the Electronic Commerce Security Act.

10 There is no impediment to an employee's right to resign  
11 union membership at any time. However, notwithstanding any  
12 other provision of law to the contrary regarding authorization  
13 and deduction of dues or other payments to a labor  
14 organization, the exclusive representative and a public  
15 employee may agree to reasonable limits on the right of the  
16 employee to revoke such authorization, including a period of  
17 irrevocability that exceeds one year. An authorization that is  
18 irrevocable for one year, which may be automatically renewed  
19 for successive annual periods in accordance with the terms of  
20 the authorization, and that contains at least an annual 10-day  
21 period of time during which the employee may revoke the  
22 authorization, shall be deemed reasonable.

23 This Section shall apply to all claims that allege that a  
24 labor organization or a public employer has improperly  
25 deducted or collected dues from an employee without regard to  
26 whether the claims or the facts upon which they are based



1 occurred before, on, or after the effective date of this  
2 amendatory Act of the 101st General Assembly and shall apply  
3 retroactively to the maximum extent permitted by law.

4 (f-5) Where a collective bargaining agreement is  
5 terminated, or continues in effect beyond its scheduled  
6 expiration date pending the negotiation of a successor  
7 agreement or the resolution of an impasse under Section 14,  
8 the employer shall continue to honor and abide by any dues  
9 deduction or fair share clause contained therein until a new  
10 agreement is reached including dues deduction or a fair share  
11 clause. For the benefit of any successor exclusive  
12 representative certified under this Act, this provision shall  
13 be applicable, provided the successor exclusive  
14 representative:

15 (i) certifies to the employer the amount constituting  
16 each non-member's proportionate share under subsection  
17 (e); or

18 (ii) presents the employer with employee written  
19 authorizations for the deduction of dues, assessments, and  
20 fees under this subsection.

21 Failure to so honor and abide by dues deduction or fair  
22 share clauses for the benefit of any exclusive representative,  
23 including a successor, shall be a violation of the duty to  
24 bargain and an unfair labor practice.

25 (f-10) Upon receiving written notice of authorization, the  
26 public employer must commence dues deductions as soon as

1 practicable, but in no case later than 30 days after receiving  
2 notice from the labor organization. Employee deductions shall  
3 be transmitted to the labor organization no later than 30 days  
4 after they are deducted unless a shorter period is mutually  
5 agreed to.

6 (f-15) Deductions shall remain in effect until:

7 (1) the public employer receives notice that a public  
8 employee has revoked their authorization in writing in  
9 accordance with the terms of the authorization; or

10 (2) the individual employee is no longer employed by  
11 the public employer in a bargaining unit position  
12 represented by the same exclusive representative, provided  
13 that if the employee is, within a period of one year,  
14 employed by the same public employer in a position  
15 represented by the same labor organization, the right to  
16 dues deduction shall be automatically reinstated.

17 Nothing in this subsection prevents an employee from  
18 continuing to authorize payroll deductions when no longer  
19 represented by the exclusive representative that would receive  
20 such deduction.

21 Should the individual employee who has signed a dues  
22 deduction authorization card either be removed from a public  
23 employer's payroll or otherwise placed on any type of  
24 involuntary or voluntary leave of absence, whether paid or  
25 unpaid, the public employee's dues deduction shall be  
26 continued upon that public employee's return to the payroll in

1 a bargaining unit position represented by the same exclusive  
2 representative or restoration to active duty from such a leave  
3 of absence.

4 (f-20) Unless otherwise mutually agreed by the public  
5 employer and the exclusive representative, employee requests  
6 to authorize, revoke, cancel, or change authorizations for  
7 payroll deductions for labor organizations shall be directed  
8 to the labor organization rather than to the public employer.  
9 The labor organization shall be responsible for initially  
10 processing and notifying the public employer of proper  
11 requests or providing proper requests to the employer. If the  
12 requests are not provided to the public employer, the employer  
13 shall rely on information provided by the labor organization  
14 regarding whether deductions for a labor organization were  
15 properly authorized, revoked, canceled, or changed, and the  
16 labor organization shall indemnify the public employer for any  
17 damages and reasonable costs incurred for any claims made by  
18 employees for deductions made in good faith reliance on that  
19 information.

20 (f-25) Upon receipt by the exclusive representative of an  
21 appropriate written authorization from an employee, written  
22 notice of authorization shall be provided to the employer and  
23 any authorized deductions shall be made in accordance with  
24 law. The labor organization shall indemnify the public  
25 employer for any damages and reasonable costs incurred for any  
26 claims made by employees for deductions made in good faith

1 reliance on its notification.

2 (f-30) The failure of an employer to comply with the  
3 provisions of this Section shall be a violation of the duty to  
4 bargain and an unfair labor practice. Relief for the violation  
5 shall be reimbursement by the public employer of dues that  
6 should have been deducted or paid based on a valid  
7 authorization given by the employee or employees. In addition,  
8 the provisions of a collective bargaining agreement that  
9 contain the obligations set forth in this Section may be  
10 enforced in accordance with Sections 8 and 16.

11 (f-35) The Illinois Labor Relations Board shall have  
12 exclusive jurisdiction over claims under Illinois law that  
13 allege that a labor organization has unlawfully collected dues  
14 from a public employee in violation of this Act. The Board  
15 shall by rule require that in cases in which a public employee  
16 alleges that a labor organization has unlawfully collected  
17 dues, the public employer shall continue to deduct the  
18 employee's dues from the employee's pay, but shall transmit  
19 the dues to the Board for deposit in an escrow account  
20 maintained by the Board. If the exclusive representative  
21 maintains an escrow account for the purpose of holding dues to  
22 which an employee has objected, the employer shall transmit  
23 the entire amount of dues to the exclusive representative, and  
24 the exclusive representative shall hold in escrow the dues  
25 that the employer would otherwise have been required to  
26 transmit to the Board for escrow; provided that the escrow

1 account maintained by the exclusive representative complies  
2 with rules adopted by the Board or that the collective  
3 bargaining agreement requiring the payment of the dues  
4 contains an indemnification provision for the purpose of  
5 indemnifying the employer with respect to the employer's  
6 transmission of dues to the exclusive representative.

7 (f-40) If any clause, sentence, paragraph, or subparagraph  
8 of this Section shall be adjudged by a court of competent  
9 jurisdiction to be unconstitutional or otherwise invalid, that  
10 judgment shall not affect, impair, or invalidate the remainder  
11 thereof, but shall be confined in its operation to the clause,  
12 sentence, paragraph, or subparagraph of this Section directly  
13 involved in the controversy in which that judgment shall have  
14 been rendered.

15 If any clause, sentence, paragraph, or part of a signed  
16 authorization for payroll deductions shall be adjudged by a  
17 court of competent jurisdiction to be unconstitutional or  
18 otherwise invalid, that judgment shall not affect, impair, or  
19 invalidate the remainder of the signed authorization, but  
20 shall be confined in its operation to the clause, sentence,  
21 paragraph, or part of the signed authorization directly  
22 involved in the controversy in which that judgment shall have  
23 been rendered.

24 (g) Agreements containing a fair share agreement must  
25 safeguard the right of nonassociation of employees based upon  
26 bona fide religious tenets or teachings of a church or

1 religious body of which such employees are members. Such  
2 employees may be required to pay an amount equal to their fair  
3 share, determined under a lawful fair share agreement, to a  
4 nonreligious charitable organization mutually agreed upon by  
5 the employees affected and the exclusive bargaining  
6 representative to which such employees would otherwise pay  
7 such service fee. If the affected employees and the bargaining  
8 representative are unable to reach an agreement on the matter,  
9 the Board may establish an approved list of charitable  
10 organizations to which such payments may be made.

11 (Source: P.A. 101-620, eff. 12-20-19.)