

SB2371



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2371

Introduced 2/10/2023, by Sen. Robert Peters

SYNOPSIS AS INTRODUCED:

5 ILCS 315/3

from Ch. 48, par. 1603

Amends the Illinois Public Labor Relations Act. Provides that, beginning on the effective date of the amendatory Act, Assistant State's Attorneys, Assistant Public Defenders, and Assistant Appellate Defenders are not managerial employees for purposes of the Act. Effective immediately.

LRB103 30833 DTM 57332 b

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Public Labor Relations Act is
5 amended by changing Section 3 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 Illinois State Police,
15 means the labor organization that has been (i) designated by
16 the Board as the representative of a majority of public
17 employees 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 July 1, 1984 (the effective
21 date of this Act) as the exclusive representative of the
22 employees in an appropriate bargaining unit; (iii) after July
23 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 July 16, 2003 (the effective date of Public Act
4 93-204), and the organization shall be considered to be the
5 exclusive representative of the personal assistants as defined
6 in this Section; or (v) recognized as the exclusive
7 representative of child and day care home providers, including
8 licensed and license exempt providers, pursuant to an election
9 held under Executive Order 2005-1 prior to January 1, 2006
10 (the effective date of Public Act 94-320), and the
11 organization shall be considered to be the exclusive
12 representative of the child and day care home providers as
13 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 Illinois
17 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. Notwithstanding any
19 other provision of this Act, beginning on the effective date
20 of this amendatory Act of the 103rd General Assembly,
21 "managerial employee" does not include Assistant State's
22 Attorneys, Assistant Public Defenders, or Assistant Appellate
23 Defenders.

24 (k) "Peace officer" means, for the purposes of this Act
25 only, any persons who have been or are hereafter appointed to a
26 police force, department, or agency and sworn or commissioned

1 to perform police duties, except that the following persons
2 are not included: part-time police officers, special police
3 officers, auxiliary police as defined by Section 3.1-30-20 of
4 the Illinois Municipal Code, night watchmen, "merchant
5 police", court security officers as defined by Section
6 3-6012.1 of the Counties Code, temporary employees, traffic
7 guards or wardens, civilian parking meter and parking
8 facilities personnel or other individuals specially appointed
9 to aid or direct traffic at or near schools or public functions
10 or to aid in civil defense or disaster, parking enforcement
11 employees who are not commissioned as peace officers and who
12 are not armed and who are not routinely expected to effect
13 arrests, parking lot attendants, clerks and dispatchers or
14 other civilian employees of a police department who are not
15 routinely expected to effect arrests, or elected officials.

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

24 (m) "Professional employee" means any employee engaged in
25 work predominantly intellectual and varied in character rather
26 than routine mental, manual, mechanical or physical work;

1 involving the consistent exercise of discretion and adjustment
2 in its performance; of such a character that the output
3 produced or the result accomplished cannot be standardized in
4 relation to a given period of time; and requiring advanced
5 knowledge in a field of science or learning customarily
6 acquired by a prolonged course of specialized intellectual
7 instruction and study in an institution of higher learning or
8 a hospital, as distinguished from a general academic education
9 or from apprenticeship or from training in the performance of
10 routine mental, manual, or physical processes; or any employee
11 who has completed the courses of specialized intellectual
12 instruction and study prescribed in this subsection (m) and is
13 performing related work under the supervision of a
14 professional person to qualify to become a professional
15 employee as defined in this subsection (m).

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

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

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

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

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

1 confidential employees; independent contractors; and
2 supervisors except as provided in this Act.

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

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

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

1 shall be excluded from this Act.

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

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

1 insurance benefits. Child and day care home providers shall
2 not be covered by the State Employees Group Insurance Act of
3 1971.

4 "Public employer" or "employer" as used in this Act,
5 however, does not mean and shall not include the General
6 Assembly of the State of Illinois, the Executive Ethics
7 Commission, the Offices of the Executive Inspectors General,
8 the Legislative Ethics Commission, the Office of the
9 Legislative Inspector General, the Office of the Auditor
10 General's Inspector General, the Office of the Governor, the
11 Governor's Office of Management and Budget, the Illinois
12 Finance Authority, the Office of the Lieutenant Governor, the
13 State Board of Elections, and educational employers or
14 employers as defined in the Illinois Educational Labor
15 Relations Act, except with respect to a state university in
16 its employment of firefighters and peace officers and except
17 with respect to a school district in the employment of peace
18 officers in its own police department in existence on July 23,
19 2010 (the effective date of Public Act 96-1257). County boards
20 and county sheriffs shall be designated as joint or
21 co-employers of county peace officers appointed under the
22 authority of a county sheriff. Nothing in this subsection (o)
23 shall be construed to prevent the State Panel or the Local
24 Panel from determining that employers are joint or
25 co-employers.

26 (o-5) With respect to wages, fringe benefits, hours,

1 holidays, vacations, proficiency examinations, sick leave, and
2 other conditions of employment, the public employer of public
3 employees who are court reporters, as defined in the Court
4 Reporters Act, shall be determined as follows:

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

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

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

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

24 (q) "Short-term employee" means an employee who is
25 employed for less than 2 consecutive calendar quarters during
26 a calendar year and who does not have a reasonable assurance

1 that he or she will be rehired by the same employer for the
2 same service in a subsequent calendar year.

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

10 (r) "Supervisor" is:

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

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

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

1 employer may designate a position on each shift as a Shift
2 Commander, and the persons occupying those positions shall
3 be supervisors. All other ranks above that of the highest
4 company officer shall be supervisors.

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

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

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

25 (2) Notwithstanding the exclusion of supervisors from
26 bargaining units as provided in paragraph (1) of this

1 subsection (s), a public employer may agree to permit its
2 supervisory employees to form bargaining units and may bargain
3 with those units. This Act shall apply if the public employer
4 chooses to bargain under this subsection.

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

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

1 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;
2 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or
3 S-RC-07-100.

4 (Source: P.A. 102-151, eff. 7-23-21; 102-538, eff. 8-20-21;
5 102-686, eff. 6-1-22; 102-813, eff. 5-13-22; revised 6-13-22.)

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