

1 AN ACT concerning labor relations.

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

4 Section 5. The Illinois Public Labor Relations Act is
5 amended by changing 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
18 the regular course of his or her duties, assists and acts in
19 a confidential capacity to persons who formulate, determine,
20 and effectuate management policies with regard to labor
21 relations or who, in the regular course of his or her duties,
22 has authorized access to information relating to the
23 effectuation or review of the employer's collective
24 bargaining policies.

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

27 (e) "Essential services employees" means those public
28 employees performing functions so essential that the
29 interruption or termination of the function will constitute a
30 clear and present danger to the health and safety of the
31 persons in the affected community.

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

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

1 the peace officers or fire fighters in an appropriate
2 bargaining unit.

3 (g) "Fair share agreement" means an agreement between
4 the employer and an employee organization under which all or
5 any of the employees in a collective bargaining unit are
6 required to pay their proportionate share of the costs of the
7 collective bargaining process, contract administration, and
8 pursuing matters affecting wages, hours, and other conditions
9 of employment, but not to exceed the amount of dues uniformly
10 required of members. The amount certified by the exclusive
11 representative shall not include any fees for contributions
12 related to the election or support of any candidate for
13 political office. Nothing in this subsection (g) shall
14 preclude an employee from making voluntary political
15 contributions in conjunction with his or her fair share
16 payment.

17 (g-1) "Fire fighter" means, for the purposes of this Act
18 only, any person who has been or is hereafter appointed to a
19 fire department or fire protection district or employed by a
20 state university and sworn or commissioned to perform fire
21 fighter duties or paramedic duties, and includes ~~except--that~~
22 ~~the--following--persons--are--not--included:~~ part-time fire
23 fighters, auxiliary, reserve or voluntary fire fighters,
24 including paid on-call fire fighters, and also includes
25 clerks, and dispatchers, and ~~or~~ other civilian employees of a
26 fire department or fire protection district, other than
27 elected officials who are not routinely expected to perform
28 fire fighter duties, ~~or-elected-officials~~.

29 (g-2) "General Assembly of the State of Illinois" means
30 the legislative branch of the government of the State of
31 Illinois, as provided for under Article IV of the
32 Constitution of the State of Illinois, and includes but is
33 not limited to the House of Representatives, the Senate, the
34 Speaker of the House of Representatives, the Minority Leader

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

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

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

19 (j) "Managerial employee" means an individual who is
20 engaged predominantly in executive and management functions
21 and is charged with the responsibility of directing the
22 effectuation of management policies and practices.

23 (k) "Peace officer" means, for the purposes of this Act
24 only, any persons who have been or are hereafter appointed to
25 a police force, department, or agency and sworn or
26 commissioned to perform police duties, and includes ~~except~~
27 ~~that-the-following-persons-are-not-included:~~ part-time police
28 officers, special police officers, auxiliary police as
29 defined by Section 3.1-30-20 of the Illinois Municipal Code,
30 night watchmen, "merchant police", court security officers as
31 defined by Section 3-6012.1 of the Counties Code, temporary
32 employees, traffic guards or wardens, civilian parking meter
33 and parking facilities personnel or other individuals
34 specially appointed to aid or direct traffic at or near

1 schools or public functions or to aid in civil defense or
2 disaster, parking enforcement employees who are not
3 commissioned as peace officers and who are not armed and who
4 are not routinely expected to effect arrests, parking lot
5 attendants, clerks and dispatchers or other civilian
6 employees of a police department who are not routinely
7 expected to effect arrests, but does not include or elected
8 officials.

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

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

1 employee as defined in this subsection (m).

2 (n) "Public employee" or "employee", for the purposes of
3 this Act, means any individual employed by a public employer,
4 including interns and residents at public hospitals, but
5 excluding all of the following: employees of the General
6 Assembly of the State of Illinois; elected officials;
7 executive heads of a department; members of boards or
8 commissions; employees of any agency, board or commission
9 created by this Act; employees appointed to State positions
10 of a temporary or emergency nature; all employees of school
11 districts and higher education institutions except
12 firefighters and peace officers employed by a state
13 university; managerial employees; short-term employees;
14 confidential employees; independent contractors; and
15 supervisors except as provided in this Act.

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

20 (o) "Public employer" or "employer" means the State of
21 Illinois; any political subdivision of the State, unit of
22 local government or school district; authorities including
23 departments, divisions, bureaus, boards, commissions, or
24 other agencies of the foregoing entities; and any person
25 acting within the scope of his or her authority, express or
26 implied, on behalf of those entities in dealing with its
27 employees. "Public employer" or "employer" as used in this
28 Act, however, does not mean and shall not include the General
29 Assembly of the State of Illinois and educational employers
30 or employers as defined in the Illinois Educational Labor
31 Relations Act, except with respect to a state university in
32 its employment of firefighters and peace officers. County
33 boards and county sheriffs shall be designated as joint or
34 co-employers of county peace officers appointed under the

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

5 (p) "Security employee" means an employee who is
6 responsible for the supervision and control of inmates at
7 correctional facilities. The term also includes other
8 non-security employees in bargaining units having the
9 majority of employees being responsible for the supervision
10 and control of inmates at correctional facilities.

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

16 (r) "Supervisor" is an employee whose principal work is
17 substantially different from that of his or her subordinates
18 and who has authority, in the interest of the employer, to
19 hire, transfer, suspend, lay off, recall, promote, discharge,
20 direct, reward, or discipline employees, to adjust their
21 grievances, or to effectively recommend any of those actions,
22 if the exercise of that authority is not of a merely routine
23 or clerical nature, but requires the consistent use of
24 independent judgment. Except with respect to police
25 employment, the term "supervisor" includes only those
26 individuals who devote a preponderance of their employment
27 time to exercising that authority, State supervisors
28 notwithstanding. In addition, in determining supervisory
29 status in police employment, rank shall not be determinative.
30 The Board shall consider, as evidence of bargaining unit
31 inclusion or exclusion, the common law enforcement policies
32 and relationships between police officer ranks and
33 certification under applicable civil service law, ordinances,
34 personnel codes, or Division 2.1 of Article 10 of the

1 Illinois Municipal Code, but these factors shall not be the
2 sole or predominant factors considered by the Board in
3 determining police supervisory status.

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

18 (s) (1) "Unit" means a class of jobs or positions that
19 are held by employees whose collective interests may
20 suitably be represented by a labor organization for
21 collective bargaining. Except with respect to non-State
22 fire fighters and paramedics employed by fire departments
23 and fire protection districts, non-State peace officers,
24 and peace officers in the Department of State Police, a
25 bargaining unit determined by the Board shall not include
26 both employees and supervisors, or supervisors only,
27 except as provided in paragraph (2) of this subsection
28 (s) and except for bargaining units in existence on July
29 1, 1984 (the effective date of this Act). With respect
30 to non-State fire fighters and paramedics employed by
31 fire departments and fire protection districts, non-State
32 peace officers, and peace officers in the Department of
33 State Police, a bargaining unit determined by the Board
34 shall not include both supervisors and nonsupervisors, or

1 supervisors only, except as provided in paragraph (2) of
2 this subsection (s) and except for bargaining units in
3 existence on January 1, 1986 (the effective date of this
4 amendatory Act of 1985). A bargaining unit determined by
5 the Board to contain peace officers shall contain no
6 employees other than peace officers unless otherwise
7 agreed to by the employer and the labor organization or
8 labor organizations involved. Notwithstanding any other
9 provision of this Act, a bargaining unit, including a
10 historical bargaining unit, containing sworn peace
11 officers of the Department of Natural Resources (formerly
12 designated the Department of Conservation) shall contain
13 no employees other than such sworn peace officers upon
14 the effective date of this amendatory Act of 1990 or upon
15 the expiration date of any collective bargaining
16 agreement in effect upon the effective date of this
17 amendatory Act of 1990 covering both such sworn peace
18 officers and other employees.

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

26 (Source: P.A. 90-14, eff. 7-1-97; 90-655, eff. 7-30-98;
27 91-798, eff. 7-9-00.)