

1 AN ACT concerning educational 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 Educational Labor Relations Act  
5 is amended by changing Section 2 as follows:

6 (115 ILCS 5/2) (from Ch. 48, par. 1702)

7 Sec. 2. Definitions. As used in this Act:

8 (a) "Educational employer" or "employer" means the  
9 governing body of a public school district, combination of  
10 public school districts, including the governing body of  
11 joint agreements of any type formed by 2 or more school  
12 districts, public community college district or State college  
13 or university, and any State agency whose major function is  
14 providing educational services. "Educational employer" or  
15 "employer" does not include a Financial Oversight Panel  
16 created pursuant to Section 1A-8 of the School Code due to a  
17 district violating a financial plan but does include a School  
18 Finance Authority created under Article 1E or 1F of the  
19 School Code.

20 (b) "Educational employee" or "employee" means any  
21 individual, excluding supervisors, managerial, confidential,  
22 short term employees, student, and part-time academic  
23 employees of community colleges employed full or part time by  
24 an educational employer, but shall not include elected  
25 officials and appointees of the Governor with the advice and  
26 consent of the Senate, firefighters as defined by subsection  
27 (g-1) of Section 3 of the Illinois Public Labor Relations  
28 Act, and peace officers employed by a State university. For  
29 the purposes of this Act, part-time academic employees of  
30 community colleges shall be defined as those employees who  
31 provide less than 6 credit hours of instruction per academic

1 semester.

2 (c) "Employee organization" or "labor organization"  
3 means an organization of any kind in which membership  
4 includes educational employees, and which exists for the  
5 purpose, in whole or in part, of dealing with employers  
6 concerning grievances, employee-employer disputes, wages,  
7 rates of pay, hours of employment, or conditions of work, but  
8 shall not include any organization which practices  
9 discrimination in membership because of race, color, creed,  
10 age, gender, national origin or political affiliation.

11 (d) "Exclusive representative" means the labor  
12 organization which has been designated by the Illinois  
13 Educational Labor Relations Board as the representative of  
14 the majority of educational employees in an appropriate unit,  
15 or recognized by an educational employer prior to January 1,  
16 1984 as the exclusive representative of the employees in an  
17 appropriate unit or, after January 1, 1984, recognized by an  
18 employer upon evidence that the employee organization has  
19 been designated as the exclusive representative by a majority  
20 of the employees in an appropriate unit.

21 (e) "Board" means the Illinois Educational Labor  
22 Relations Board.

23 (f) "Regional Superintendent" means the regional  
24 superintendent of schools provided for in Articles 3 and 3A  
25 of The School Code.

26 (g) "Supervisor" means any individual having authority  
27 in the interests of the employer to hire, transfer, suspend,  
28 lay off, recall, promote, discharge, reward or discipline  
29 other employees within the appropriate bargaining unit and  
30 adjust their grievances, or to effectively recommend such  
31 action if the exercise of such authority is not of a merely  
32 routine or clerical nature but requires the use of  
33 independent judgment. The term "supervisor" includes only  
34 those individuals who devote a preponderance of their

1 employment time to such exercising authority.

2 (h) "Unfair labor practice" or "unfair practice" means  
3 any practice prohibited by Section 14 of this Act.

4 (i) "Person" includes an individual, educational  
5 employee, educational employer, legal representative, or  
6 employee organization.

7 (j) "Wages" means salaries or other forms of  
8 compensation for services rendered.

9 (k) "Professional employee" means, in the case of a  
10 public community college, State college or university, State  
11 agency whose major function is providing educational  
12 services, the Illinois School for the Deaf, and the Illinois  
13 School for the Visually Impaired, (1) any employee engaged in  
14 work (i) predominantly intellectual and varied in character  
15 as opposed to routine mental, manual, mechanical, or physical  
16 work; (ii) involving the consistent exercise of discretion  
17 and judgment in its performance; (iii) of such character that  
18 the output produced or the result accomplished cannot be  
19 standardized in relation to a given period of time; and (iv)  
20 requiring knowledge of an advanced type in a field of science  
21 or learning customarily acquired by a prolonged course of  
22 specialized intellectual instruction and study in an  
23 institution of higher learning or a hospital, as  
24 distinguished from a general academic education or from an  
25 apprenticeship or from training in the performance of routine  
26 mental, manual, or physical processes; or (2) any employee,  
27 who (i) has completed the courses of specialized intellectual  
28 instruction and study described in clause (iv) of paragraph  
29 (1) of this subsection, and (ii) is performing related work  
30 under the supervision of a professional person to qualify  
31 himself or herself to become a professional as defined in  
32 paragraph (1).

33 (l) "Professional employee" means, in the case of any  
34 public school district, or combination of school districts

1 pursuant to joint agreement, any employee who has a  
2 certificate issued under Article 21 or Section 34-83 of the  
3 School Code, as now or hereafter amended.

4 (m) "Unit" or "bargaining unit" means any group of  
5 employees for which an exclusive representative is selected.

6 (n) "Confidential employee" means an employee, who (i)  
7 in the regular course of his or her duties, assists and acts  
8 in a confidential capacity to persons who formulate,  
9 determine and effectuate management policies with regard to  
10 labor relations or who (ii) in the regular course of his or  
11 her duties has access to information relating to the  
12 effectuation or review of the employer's collective  
13 bargaining policies.

14 (o) "Managerial employee" means an individual who is  
15 engaged predominantly in executive and management functions  
16 and is charged with the responsibility of directing the  
17 effectuation of such management policies and practices.

18 (p) "Craft employee" means a skilled journeyman, craft  
19 person, and his or her apprentice or helper.

20 (q) "Short-term employee" is an employee who is employed  
21 for less than 2 consecutive calendar quarters during a  
22 calendar year and who does not have a reasonable expectation  
23 that he or she will be rehired by the same employer for the  
24 same service in a subsequent calendar year. Nothing in this  
25 subsection shall affect the employee status of individuals  
26 who were covered by a collective bargaining agreement on the  
27 effective date of this amendatory Act of 1991.

28 (Source: P.A. 92-547, eff. 6-13-02; 92-748, eff. 1-1-03;  
29 revised 8-26-02.)

30 Section 99. Effective date. This Act takes effect upon  
31 becoming law.