

1 AN ACT in relation to 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 of the School
19 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. In this subsection (b), the term "student" does
2 not include a graduate student employed by his or her
3 institution of higher education.

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

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

23 (e) "Board" means the Illinois Educational Labor
24 Relations Board.

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

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

1 independent judgment. The term "supervisor" includes only
2 those individuals who devote a preponderance of their
3 employment time to such exercising authority.

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

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

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

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

1 (l) "Professional employee" means, in the case of any
2 public school district, or combination of school districts
3 pursuant to joint agreement, any employee who has a
4 certificate issued under Article 21 or Section 34-83 of the
5 School Code, as now or hereafter amended.

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

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

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

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

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

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

32 Section 99. Effective date. This Act takes effect upon
33 becoming law.