

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" includes  
2 graduate students who are research assistants primarily  
3 performing duties that involve research or graduate  
4 assistants primarily performing duties that are  
5 pre-professional, but excludes graduate students who are  
6 teaching assistants primarily performing duties that involve  
7 the delivery and support of instruction and all other  
8 graduate assistants.

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

18 (d) "Exclusive representative" means the labor  
19 organization which has been designated by the Illinois  
20 Educational Labor Relations Board as the representative of  
21 the majority of educational employees in an appropriate unit,  
22 or recognized by an educational employer prior to January 1,  
23 1984 as the exclusive representative of the employees in an  
24 appropriate unit or, after January 1, 1984, recognized by an  
25 employer upon evidence that the employee organization has  
26 been designated as the exclusive representative by a majority  
27 of the employees in an appropriate unit.

28 (e) "Board" means the Illinois Educational Labor  
29 Relations Board.

30 (f) "Regional Superintendent" means the regional  
31 superintendent of schools provided for in Articles 3 and 3A  
32 of The School Code.

33 (g) "Supervisor" means any individual having authority  
34 in the interests of the employer to hire, transfer, suspend,

1 lay off, recall, promote, discharge, reward or discipline  
2 other employees within the appropriate bargaining unit and  
3 adjust their grievances, or to effectively recommend such  
4 action if the exercise of such authority is not of a merely  
5 routine or clerical nature but requires the use of  
6 independent judgment. The term "supervisor" includes only  
7 those individuals who devote a preponderance of their  
8 employment time to such exercising authority.

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

11 (i) "Person" includes an individual, educational  
12 employee, educational employer, legal representative, or  
13 employee organization.

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

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

1 instruction and study described in clause (iv) of paragraph  
2 (1) of this subsection, and (ii) is performing related work  
3 under the supervision of a professional person to qualify  
4 himself or herself to become a professional as defined in  
5 paragraph (1).

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

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

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

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

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

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

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

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.