

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 is
5 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 joint
11 agreements of any type formed by 2 or more school districts,
12 public community college district or State college or
13 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 created
16 pursuant to Section 1A-8 of the School Code due to a district
17 violating a financial plan but does include a School Finance
18 Authority created under Article 1E of the School Code.

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

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

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

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

25 (e) "Board" means the Illinois Educational Labor Relations
26 Board.

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

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

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

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

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

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

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

34 (l) "Professional employee" means, in the case of any
35 public school district, or combination of school districts
36 pursuant to joint agreement, any employee who has a certificate

1 issued under Article 21 or Section 34-83 of the School Code, as
2 now or hereafter amended.

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

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

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

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

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

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

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.