

1 AMENDMENT TO SENATE BILL 1070

2 AMENDMENT NO. _____. Amend Senate Bill 1070, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Educational Labor Relations Act
6 is amended by changing Section 2 as follows:

7 (115 ILCS 5/2) (from Ch. 48, par. 1702)

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

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

21 (b) "Educational employee" or "employee" means any
22 individual, excluding supervisors, managerial, confidential,

1 short term employees, student, and part-time academic
2 employees of community colleges employed full or part time by
3 an educational employer, but shall not include elected
4 officials and appointees of the Governor with the advice and
5 consent of the Senate, firefighters as defined by subsection
6 (g-1) of Section 3 of the Illinois Public Labor Relations
7 Act, and peace officers employed by a State university. For
8 the purposes of this Act, part-time academic employees of
9 community colleges shall be defined as those employees who
10 provide less than 6 credit hours of instruction per academic
11 semester. In this subsection (b), the term "student" includes
12 graduate students who are research assistants primarily
13 performing duties that involve research or graduate
14 assistants primarily performing duties that are
15 pre-professional, but excludes graduate students who are
16 teaching assistants primarily performing duties that involve
17 the delivery and support of instruction and all other
18 graduate assistants whose primary duties are not related to
19 and in furtherance of the assistant's specific program of
20 study.

21 (c) "Employee organization" or "labor organization"
22 means an organization of any kind in which membership
23 includes educational employees, and which exists for the
24 purpose, in whole or in part, of dealing with employers
25 concerning grievances, employee-employer disputes, wages,
26 rates of pay, hours of employment, or conditions of work, but
27 shall not include any organization which practices
28 discrimination in membership because of race, color, creed,
29 age, gender, national origin or political affiliation.

30 (d) "Exclusive representative" means the labor
31 organization which has been designated by the Illinois
32 Educational Labor Relations Board as the representative of
33 the majority of educational employees in an appropriate unit,
34 or recognized by an educational employer prior to January 1,

1 1984 as the exclusive representative of the employees in an
2 appropriate unit or, after January 1, 1984, recognized by an
3 employer upon evidence that the employee organization has
4 been designated as the exclusive representative by a majority
5 of the employees in an appropriate unit.

6 (e) "Board" means the Illinois Educational Labor
7 Relations Board.

8 (f) "Regional Superintendent" means the regional
9 superintendent of schools provided for in Articles 3 and 3A
10 of The School Code.

11 (g) "Supervisor" means any individual having authority
12 in the interests of the employer to hire, transfer, suspend,
13 lay off, recall, promote, discharge, reward or discipline
14 other employees within the appropriate bargaining unit and
15 adjust their grievances, or to effectively recommend such
16 action if the exercise of such authority is not of a merely
17 routine or clerical nature but requires the use of
18 independent judgment. The term "supervisor" includes only
19 those individuals who devote a preponderance of their
20 employment time to such exercising authority.

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

23 (i) "Person" includes an individual, educational
24 employee, educational employer, legal representative, or
25 employee organization.

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

28 (k) "Professional employee" means, in the case of a
29 public community college, State college or university, State
30 agency whose major function is providing educational
31 services, the Illinois School for the Deaf, and the Illinois
32 School for the Visually Impaired, (1) any employee engaged in
33 work (i) predominantly intellectual and varied in character
34 as opposed to routine mental, manual, mechanical, or physical

1 work; (ii) involving the consistent exercise of discretion
2 and judgment in its performance; (iii) of such character that
3 the output produced or the result accomplished cannot be
4 standardized in relation to a given period of time; and (iv)
5 requiring knowledge of an advanced type in a field of science
6 or learning customarily acquired by a prolonged course of
7 specialized intellectual instruction and study in an
8 institution of higher learning or a hospital, as
9 distinguished from a general academic education or from an
10 apprenticeship or from training in the performance of routine
11 mental, manual, or physical processes; or (2) any employee,
12 who (i) has completed the courses of specialized intellectual
13 instruction and study described in clause (iv) of paragraph
14 (1) of this subsection, and (ii) is performing related work
15 under the supervision of a professional person to qualify
16 himself or herself to become a professional as defined in
17 paragraph (1).

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

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

25 (n) "Confidential employee" means an employee, who (i)
26 in the regular course of his or her duties, assists and acts
27 in a confidential capacity to persons who formulate,
28 determine and effectuate management policies with regard to
29 labor relations or who (ii) in the regular course of his or
30 her duties has access to information relating to the
31 effectuation or review of the employer's collective
32 bargaining policies.

33 (o) "Managerial employee" means an individual who is
34 engaged predominantly in executive and management functions

1 and is charged with the responsibility of directing the
2 effectuation of such management policies and practices.

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

5 (q) "Short-term employee" is an employee who is employed
6 for less than 2 consecutive calendar quarters during a
7 calendar year and who does not have a reasonable expectation
8 that he or she will be rehired by the same employer for the
9 same service in a subsequent calendar year. Nothing in this
10 subsection shall affect the employee status of individuals
11 who were covered by a collective bargaining agreement on the
12 effective date of this amendatory Act of 1991.

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

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."