

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 3. The Illinois Public Labor Relations Act is
5 amended by changing Section 3 as follows:

6 (5 ILCS 315/3) (from Ch. 48, par. 1603)

7 Sec. 3. Definitions. As used in this Act, unless the
8 context otherwise requires:

9 (a) "Board" means the Illinois Labor Relations Board or,
10 with respect to a matter over which the jurisdiction of the
11 Board is assigned to the State Panel or the Local Panel under
12 Section 5, the panel having jurisdiction over the matter.

13 (b) "Collective bargaining" means bargaining over terms
14 and conditions of employment, including hours, wages, and other
15 conditions of employment, as detailed in Section 7 and which
16 are not excluded by Section 4.

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

1 (d) "Craft employees" means skilled journeymen, crafts
2 persons, and their apprentices and helpers.

3 (e) "Essential services employees" means those public
4 employees performing functions so essential that the
5 interruption or termination of the function will constitute a
6 clear and present danger to the health and safety of the
7 persons in the affected community.

8 (f) "Exclusive representative", except with respect to
9 non-State fire fighters and paramedics employed by fire
10 departments and fire protection districts, non-State peace
11 officers, and peace officers in the Department of State Police,
12 means the labor organization that has been (i) designated by
13 the Board as the representative of a majority of public
14 employees in an appropriate bargaining unit in accordance with
15 the procedures contained in this Act, (ii) historically
16 recognized by the State of Illinois or any political
17 subdivision of the State before July 1, 1984 (the effective
18 date of this Act) as the exclusive representative of the
19 employees in an appropriate bargaining unit, (iii) after July
20 1, 1984 (the effective date of this Act) recognized by an
21 employer upon evidence, acceptable to the Board, that the labor
22 organization has been designated as the exclusive
23 representative by a majority of the employees in an appropriate
24 bargaining unit; (iv) recognized as the exclusive
25 representative of personal care attendants or personal
26 assistants under Executive Order 2003-8 prior to the effective

1 date of this amendatory Act of the 93rd General Assembly, and
2 the organization shall be considered to be the exclusive
3 representative of the personal care attendants or personal
4 assistants as defined in this Section; or (v) recognized as the
5 exclusive representative of child and day care home providers,
6 including licensed and license exempt providers, pursuant to an
7 election held under Executive Order 2005-1 prior to the
8 effective date of this amendatory Act of the 94th General
9 Assembly, and the organization shall be considered to be the
10 exclusive representative of the child and day care home
11 providers as defined in this Section.

12 With respect to non-State fire fighters and paramedics
13 employed by fire departments and fire protection districts,
14 non-State peace officers, and peace officers in the Department
15 of State Police, "exclusive representative" means the labor
16 organization that has been (i) designated by the Board as the
17 representative of a majority of peace officers or fire fighters
18 in an appropriate bargaining unit in accordance with the
19 procedures contained in this Act, (ii) historically recognized
20 by the State of Illinois or any political subdivision of the
21 State before January 1, 1986 (the effective date of this
22 amendatory Act of 1985) as the exclusive representative by a
23 majority of the peace officers or fire fighters in an
24 appropriate bargaining unit, or (iii) after January 1, 1986
25 (the effective date of this amendatory Act of 1985) recognized
26 by an employer upon evidence, acceptable to the Board, that the

1 labor organization has been designated as the exclusive
2 representative by a majority of the peace officers or fire
3 fighters in an appropriate bargaining unit.

4 Where a historical pattern of representation exists for the
5 workers of a water system that was owned by a public utility,
6 as defined in Section 3-105 of the Public Utilities Act, prior
7 to becoming certified employees of a municipality or
8 municipalities once the municipality or municipalities have
9 acquired the water system as authorized in Section 11-124-5 of
10 the Illinois Municipal Code, the Board shall find the labor
11 organization that has historically represented the workers to
12 be the exclusive representative under this Act, and shall find
13 the unit represented by the exclusive representative to be the
14 appropriate unit.

15 (g) "Fair share agreement" means an agreement between the
16 employer and an employee organization under which all or any of
17 the employees in a collective bargaining unit are required to
18 pay their proportionate share of the costs of the collective
19 bargaining process, contract administration, and pursuing
20 matters affecting wages, hours, and other conditions of
21 employment, but not to exceed the amount of dues uniformly
22 required of members. The amount certified by the exclusive
23 representative shall not include any fees for contributions
24 related to the election or support of any candidate for
25 political office. Nothing in this subsection (g) shall preclude
26 an employee from making voluntary political contributions in

1 conjunction with his or her fair share payment.

2 (g-1) "Fire fighter" means, for the purposes of this Act
3 only, any person who has been or is hereafter appointed to a
4 fire department or fire protection district or employed by a
5 state university and sworn or commissioned to perform fire
6 fighter duties or paramedic duties, except that the following
7 persons are not included: part-time fire fighters, auxiliary,
8 reserve or voluntary fire fighters, including paid on-call fire
9 fighters, clerks and dispatchers or other civilian employees of
10 a fire department or fire protection district who are not
11 routinely expected to perform fire fighter duties, or elected
12 officials.

13 (g-2) "General Assembly of the State of Illinois" means the
14 legislative branch of the government of the State of Illinois,
15 as provided for under Article IV of the Constitution of the
16 State of Illinois, and includes but is not limited to the House
17 of Representatives, the Senate, the Speaker of the House of
18 Representatives, the Minority Leader of the House of
19 Representatives, the President of the Senate, the Minority
20 Leader of the Senate, the Joint Committee on Legislative
21 Support Services and any legislative support services agency
22 listed in the Legislative Commission Reorganization Act of
23 1984.

24 (h) "Governing body" means, in the case of the State, the
25 State Panel of the Illinois Labor Relations Board, the Director
26 of the Department of Central Management Services, and the

1 Director of the Department of Labor; the county board in the
2 case of a county; the corporate authorities in the case of a
3 municipality; and the appropriate body authorized to provide
4 for expenditures of its funds in the case of any other unit of
5 government.

6 (i) "Labor organization" means any organization in which
7 public employees participate and that exists for the purpose,
8 in whole or in part, of dealing with a public employer
9 concerning wages, hours, and other terms and conditions of
10 employment, including the settlement of grievances.

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

15 (k) "Peace officer" means, for the purposes of this Act
16 only, any persons who have been or are hereafter appointed to a
17 police force, department, or agency and sworn or commissioned
18 to perform police duties, except that the following persons are
19 not included: part-time police officers, special police
20 officers, auxiliary police as defined by Section 3.1-30-20 of
21 the Illinois Municipal Code, night watchmen, "merchant
22 police", court security officers as defined by Section 3-6012.1
23 of the Counties Code, temporary employees, traffic guards or
24 wardens, civilian parking meter and parking facilities
25 personnel or other individuals specially appointed to aid or
26 direct traffic at or near schools or public functions or to aid

1 in civil defense or disaster, parking enforcement employees who
2 are not commissioned as peace officers and who are not armed
3 and who are not routinely expected to effect arrests, parking
4 lot attendants, clerks and dispatchers or other civilian
5 employees of a police department who are not routinely expected
6 to effect arrests, or elected officials.

7 (l) "Person" includes one or more individuals, labor
8 organizations, public employees, associations, corporations,
9 legal representatives, trustees, trustees in bankruptcy,
10 receivers, or the State of Illinois or any political
11 subdivision of the State or governing body, but does not
12 include the General Assembly of the State of Illinois or any
13 individual employed by the General Assembly of the State of
14 Illinois.

15 (m) "Professional employee" means any employee engaged in
16 work predominantly intellectual and varied in character rather
17 than routine mental, manual, mechanical or physical work;
18 involving the consistent exercise of discretion and adjustment
19 in its performance; of such a character that the output
20 produced or the result accomplished cannot be standardized in
21 relation to a given period of time; and requiring advanced
22 knowledge in a field of science or learning customarily
23 acquired by a prolonged course of specialized intellectual
24 instruction and study in an institution of higher learning or a
25 hospital, as distinguished from a general academic education or
26 from apprenticeship or from training in the performance of

1 routine mental, manual, or physical processes; or any employee
2 who has completed the courses of specialized intellectual
3 instruction and study prescribed in this subsection (m) and is
4 performing related work under the supervision of a professional
5 person to qualify to become a professional employee as defined
6 in this subsection (m).

7 (n) "Public employee" or "employee", for the purposes of
8 this Act, means any individual employed by a public employer,
9 including (i) interns and residents at public hospitals, (ii)
10 as of the effective date of this amendatory Act of the 93rd
11 General Assembly, but not before, personal care attendants and
12 personal assistants working under the Home Services Program
13 under Section 3 of the Disabled Persons Rehabilitation Act,
14 subject to the limitations set forth in this Act and in the
15 Disabled Persons Rehabilitation Act, and (iii) as of the
16 effective date of this amendatory Act of the 94th General
17 Assembly, but not before, child and day care home providers
18 participating in the child care assistance program under
19 Section 9A-11 of the Illinois Public Aid Code, subject to the
20 limitations set forth in this Act and in Section 9A-11 of the
21 Illinois Public Aid Code, but excluding all of the following:
22 employees of the General Assembly of the State of Illinois;
23 employees of the State Board of Elections; elected officials;
24 executive heads of a department; members of boards or
25 commissions; the Executive Inspectors General; any special
26 Executive Inspectors General; employees of each Office of an

1 Executive Inspector General; commissioners and employees of
2 the Executive Ethics Commission; the Auditor General's
3 Inspector General; employees of the Office of the Auditor
4 General's Inspector General; the Legislative Inspector
5 General; any special Legislative Inspectors General; employees
6 of the Office of the Legislative Inspector General;
7 commissioners and employees of the Legislative Ethics
8 Commission; employees of any agency, board or commission
9 created by this Act; employees appointed to State positions of
10 a temporary or emergency nature; all employees of school
11 districts and higher education institutions except
12 firefighters and peace officers employed by a state university
13 and except peace officers employed by a school district in its
14 own police department in existence on the effective date of
15 this amendatory Act of the 96th General Assembly; managerial
16 employees; short-term employees; confidential employees;
17 independent contractors; and supervisors except as provided in
18 this Act.

19 Personal care attendants and personal assistants shall not
20 be considered public employees for any purposes not
21 specifically provided for in the amendatory Act of the 93rd
22 General Assembly, including but not limited to, purposes of
23 vicarious liability in tort and purposes of statutory
24 retirement or health insurance benefits. Personal care
25 attendants and personal assistants shall not be covered by the
26 State Employees Group Insurance Act of 1971 (5 ILCS 375/).

1 Child and day care home providers shall not be considered
2 public employees for any purposes not specifically provided for
3 in this amendatory Act of the 94th General Assembly, including
4 but not limited to, purposes of vicarious liability in tort and
5 purposes of statutory retirement or health insurance benefits.
6 Child and day care home providers shall not be covered by the
7 State Employees Group Insurance Act of 1971.

8 Notwithstanding Section 9, subsection (c), or any other
9 provisions of this Act, all peace officers above the rank of
10 captain in municipalities with more than 1,000,000 inhabitants
11 shall be excluded from this Act.

12 (o) Except as otherwise in subsection (o-5), "public
13 employer" or "employer" means the State of Illinois; any
14 political subdivision of the State, unit of local government or
15 school district; authorities including departments, divisions,
16 bureaus, boards, commissions, or other agencies of the
17 foregoing entities; and any person acting within the scope of
18 his or her authority, express or implied, on behalf of those
19 entities in dealing with its employees. As of the effective
20 date of the amendatory Act of the 93rd General Assembly, but
21 not before, the State of Illinois shall be considered the
22 employer of the personal care attendants and personal
23 assistants working under the Home Services Program under
24 Section 3 of the Disabled Persons Rehabilitation Act, subject
25 to the limitations set forth in this Act and in the Disabled
26 Persons Rehabilitation Act. The State shall not be considered

1 to be the employer of personal care attendants and personal
2 assistants for any purposes not specifically provided for in
3 this amendatory Act of the 93rd General Assembly, including but
4 not limited to, purposes of vicarious liability in tort and
5 purposes of statutory retirement or health insurance benefits.
6 Personal care attendants and personal assistants shall not be
7 covered by the State Employees Group Insurance Act of 1971 (5
8 ILCS 375/). As of the effective date of this amendatory Act of
9 the 94th General Assembly but not before, the State of Illinois
10 shall be considered the employer of the day and child care home
11 providers participating in the child care assistance program
12 under Section 9A-11 of the Illinois Public Aid Code, subject to
13 the limitations set forth in this Act and in Section 9A-11 of
14 the Illinois Public Aid Code. The State shall not be considered
15 to be the employer of child and day care home providers for any
16 purposes not specifically provided for in this amendatory Act
17 of the 94th General Assembly, including but not limited to,
18 purposes of vicarious liability in tort and purposes of
19 statutory retirement or health insurance benefits. Child and
20 day care home providers shall not be covered by the State
21 Employees Group Insurance Act of 1971.

22 "Public employer" or "employer" as used in this Act,
23 however, does not mean and shall not include the General
24 Assembly of the State of Illinois, the Executive Ethics
25 Commission, the Offices of the Executive Inspectors General,
26 the Legislative Ethics Commission, the Office of the

1 Legislative Inspector General, the Office of the Auditor
2 General's Inspector General, the State Board of Elections, and
3 educational employers or employers as defined in the Illinois
4 Educational Labor Relations Act, except with respect to a state
5 university in its employment of firefighters and peace officers
6 and except with respect to a school district in the employment
7 of peace officers in its own police department in existence on
8 the effective date of this amendatory Act of the 96th General
9 Assembly. County boards and county sheriffs shall be designated
10 as joint or co-employers of county peace officers appointed
11 under the authority of a county sheriff. Nothing in this
12 subsection (o) shall be construed to prevent the State Panel or
13 the Local Panel from determining that employers are joint or
14 co-employers.

15 (o-5) With respect to wages, fringe benefits, hours,
16 holidays, vacations, proficiency examinations, sick leave, and
17 other conditions of employment, the public employer of public
18 employees who are court reporters, as defined in the Court
19 Reporters Act, shall be determined as follows:

20 (1) For court reporters employed by the Cook County
21 Judicial Circuit, the chief judge of the Cook County
22 Circuit Court is the public employer and employer
23 representative.

24 (2) For court reporters employed by the 12th, 18th,
25 19th, and, on and after December 4, 2006, the 22nd judicial
26 circuits, a group consisting of the chief judges of those

1 circuits, acting jointly by majority vote, is the public
2 employer and employer representative.

3 (3) For court reporters employed by all other judicial
4 circuits, a group consisting of the chief judges of those
5 circuits, acting jointly by majority vote, is the public
6 employer and employer representative.

7 (p) "Security employee" means an employee who is
8 responsible for the supervision and control of inmates at
9 correctional facilities. The term also includes other
10 non-security employees in bargaining units having the majority
11 of employees being responsible for the supervision and control
12 of inmates at correctional facilities.

13 (q) "Short-term employee" means an employee who is employed
14 for less than 2 consecutive calendar quarters during a calendar
15 year and who does not have a reasonable assurance that he or
16 she will be rehired by the same employer for the same service
17 in a subsequent calendar year.

18 (r) "Supervisor" is an employee whose principal work is
19 substantially different from that of his or her subordinates
20 and who has authority, in the interest of the employer, to
21 hire, transfer, suspend, lay off, recall, promote, discharge,
22 direct, reward, or discipline employees, to adjust their
23 grievances, or to effectively recommend any of those actions,
24 if the exercise of that authority is not of a merely routine or
25 clerical nature, but requires the consistent use of independent
26 judgment. Except with respect to police employment, the term

1 "supervisor" includes only those individuals who devote a
2 preponderance of their employment time to exercising that
3 authority, State supervisors notwithstanding. In addition, in
4 determining supervisory status in police employment, rank
5 shall not be determinative. The Board shall consider, as
6 evidence of bargaining unit inclusion or exclusion, the common
7 law enforcement policies and relationships between police
8 officer ranks and certification under applicable civil service
9 law, ordinances, personnel codes, or Division 2.1 of Article 10
10 of the Illinois Municipal Code, but these factors shall not be
11 the sole or predominant factors considered by the Board in
12 determining police supervisory status.

13 Notwithstanding the provisions of the preceding paragraph,
14 in determining supervisory status in fire fighter employment,
15 no fire fighter shall be excluded as a supervisor who has
16 established representation rights under Section 9 of this Act.
17 Further, in new fire fighter units, employees shall consist of
18 fire fighters of the rank of company officer and below. If a
19 company officer otherwise qualifies as a supervisor under the
20 preceding paragraph, however, he or she shall not be included
21 in the fire fighter unit. If there is no rank between that of
22 chief and the highest company officer, the employer may
23 designate a position on each shift as a Shift Commander, and
24 the persons occupying those positions shall be supervisors. All
25 other ranks above that of company officer shall be supervisors.

26 (s) (1) "Unit" means a class of jobs or positions that are

1 held by employees whose collective interests may suitably be
2 represented by a labor organization for collective bargaining.
3 Except with respect to non-State fire fighters and paramedics
4 employed by fire departments and fire protection districts,
5 non-State peace officers, and peace officers in the Department
6 of State Police, a bargaining unit determined by the Board
7 shall not include both employees and supervisors, or
8 supervisors only, except as provided in paragraph (2) of this
9 subsection (s) and except for bargaining units in existence on
10 July 1, 1984 (the effective date of this Act). With respect to
11 non-State fire fighters and paramedics employed by fire
12 departments and fire protection districts, non-State peace
13 officers, and peace officers in the Department of State Police,
14 a bargaining unit determined by the Board shall not include
15 both supervisors and nonsupervisors, or supervisors only,
16 except as provided in paragraph (2) of this subsection (s) and
17 except for bargaining units in existence on January 1, 1986
18 (the effective date of this amendatory Act of 1985). A
19 bargaining unit determined by the Board to contain peace
20 officers shall contain no employees other than peace officers
21 unless otherwise agreed to by the employer and the labor
22 organization or labor organizations involved. Notwithstanding
23 any other provision of this Act, a bargaining unit, including a
24 historical bargaining unit, containing sworn peace officers of
25 the Department of Natural Resources (formerly designated the
26 Department of Conservation) shall contain no employees other

1 than such sworn peace officers upon the effective date of this
2 amendatory Act of 1990 or upon the expiration date of any
3 collective bargaining agreement in effect upon the effective
4 date of this amendatory Act of 1990 covering both such sworn
5 peace officers and other employees.

6 (2) Notwithstanding the exclusion of supervisors from
7 bargaining units as provided in paragraph (1) of this
8 subsection (s), a public employer may agree to permit its
9 supervisory employees to form bargaining units and may bargain
10 with those units. This Act shall apply if the public employer
11 chooses to bargain under this subsection.

12 (3) Public employees who are court reporters, as defined in
13 the Court Reporters Act, shall be divided into 3 units for
14 collective bargaining purposes. One unit shall be court
15 reporters employed by the Cook County Judicial Circuit; one
16 unit shall be court reporters employed by the 12th, 18th, 19th,
17 and, on and after December 4, 2006, the 22nd judicial circuits;
18 and one unit shall be court reporters employed by all other
19 judicial circuits.

20 (Source: P.A. 96-1257, eff. 7-23-10; 97-586, eff. 8-26-11.)

21 Section 5. The Election Code is amended by changing
22 Sections 13-2.5 and 14-4.5 as follows:

23 (10 ILCS 5/13-2.5)

24 Sec. 13-2.5. Time off from work to serve as election judge.

1 Any person who is appointed as an election judge under Section
2 13-1 or 13-2 may, after giving his or her employer at least 20
3 days' written notice, be absent from his or her place of work
4 for the purpose of serving as an election judge. An employer
5 may not penalize an employee for that absence other than a
6 deduction in salary for the time the employee was absent from
7 his or her place of employment. An employer may not require an
8 employee to use earned vacation time or any form of paid leave
9 time to serve as an election judge.

10 This Section does not apply to an employer with fewer than
11 25 employees. An employer with more than 25 employees shall not
12 be required to permit more than 10% of the employees to be
13 absent under this Section on the same election day.

14 (Source: P.A. 94-645, eff. 8-22-05.)

15 (10 ILCS 5/14-4.5)

16 Sec. 14-4.5. Time off from work to serve as election judge.
17 Any person who is appointed as an election judge under Section
18 13-1 or 13-2 may, after giving his or her employer at least 20
19 days' written notice, be absent from his or her place of work
20 for the purpose of serving as an election judge. An employer
21 may not penalize an employee for that absence other than a
22 deduction in salary for the time the employee was absent from
23 his or her place of employment. An employer may not require an
24 employee to use earned vacation time or any form of paid leave
25 time to serve as an election judge.

1 This Section does not apply to an employer with fewer than
2 25 employees. An employer with more than 25 employees shall not
3 be required to permit more than 10% of the employees to be
4 absent under this Section on the same election day.

5 (Source: P.A. 94-645, eff. 8-22-05.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.