



Rep. Barbara Flynn Currie

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1 AMENDMENT TO SENATE BILL 3681

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3681, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. If and only if Senate Bill 1556, as passed by  
6 the 97th General Assembly, becomes law, the Illinois Public  
7 Labor Relations Act is amended by changing Sections 3 and 6.1  
8 as follows:

9 (5 ILCS 315/3) (from Ch. 48, par. 1603)

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

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

16 (b) "Collective bargaining" means bargaining over terms

1 and conditions of employment, including hours, wages, and other  
2 conditions of employment, as detailed in Section 7 and which  
3 are not excluded by Section 4.

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

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

13 (e) "Essential services employees" means those public  
14 employees performing functions so essential that the  
15 interruption or termination of the function will constitute a  
16 clear and present danger to the health and safety of the  
17 persons in the affected community.

18 (f) "Exclusive representative", except with respect to  
19 non-State fire fighters and paramedics employed by fire  
20 departments and fire protection districts, non-State peace  
21 officers, and peace officers in the Department of State Police,  
22 means the labor organization that has been (i) designated by  
23 the Board as the representative of a majority of public  
24 employees in an appropriate bargaining unit in accordance with  
25 the procedures contained in this Act, (ii) historically  
26 recognized by the State of Illinois or any political

1 subdivision of the State before July 1, 1984 (the effective  
2 date of this Act) as the exclusive representative of the  
3 employees in an appropriate bargaining unit, (iii) after July  
4 1, 1984 (the effective date of this Act) recognized by an  
5 employer upon evidence, acceptable to the Board, that the labor  
6 organization has been designated as the exclusive  
7 representative by a majority of the employees in an appropriate  
8 bargaining unit; (iv) recognized as the exclusive  
9 representative of personal care attendants or personal  
10 assistants under Executive Order 2003-8 prior to the effective  
11 date of this amendatory Act of the 93rd General Assembly, and  
12 the organization shall be considered to be the exclusive  
13 representative of the personal care attendants or personal  
14 assistants as defined in this Section; or (v) recognized as the  
15 exclusive representative of child and day care home providers,  
16 including licensed and license exempt providers, pursuant to an  
17 election held under Executive Order 2005-1 prior to the  
18 effective date of this amendatory Act of the 94th General  
19 Assembly, and the organization shall be considered to be the  
20 exclusive representative of the child and day care home  
21 providers as defined in this Section.

22 With respect to non-State fire fighters and paramedics  
23 employed by fire departments and fire protection districts,  
24 non-State peace officers, and peace officers in the Department  
25 of State Police, "exclusive representative" means the labor  
26 organization that has been (i) designated by the Board as the

1 representative of a majority of peace officers or fire fighters  
2 in an appropriate bargaining unit in accordance with the  
3 procedures contained in this Act, (ii) historically recognized  
4 by the State of Illinois or any political subdivision of the  
5 State before January 1, 1986 (the effective date of this  
6 amendatory Act of 1985) as the exclusive representative by a  
7 majority of the peace officers or fire fighters in an  
8 appropriate bargaining unit, or (iii) after January 1, 1986  
9 (the effective date of this amendatory Act of 1985) recognized  
10 by an employer upon evidence, acceptable to the Board, that the  
11 labor organization has been designated as the exclusive  
12 representative by a majority of the peace officers or fire  
13 fighters in an appropriate bargaining unit.

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

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

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

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

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

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

10 (i-5) "Legislative liaison" means a person who is an  
11 employee of a State agency, the Attorney General, the Secretary  
12 of State, the Comptroller, or the Treasurer, as the case may  
13 be, and whose job duties require the person to regularly  
14 communicate in the course of his or her employment with any  
15 official or staff of the General Assembly of the State of  
16 Illinois for the purpose of influencing any legislative action.

17 (j) "Managerial employee" means an individual who is  
18 engaged predominantly in executive and management functions  
19 and is charged with the responsibility of directing the  
20 effectuation of management policies and practices. With  
21 respect only to State employees in positions under the  
22 jurisdiction of the Attorney General, Secretary of State,  
23 Comptroller, or Treasurer (i) that were certified in a  
24 bargaining unit on or after December 2, 2008, (ii) for which a  
25 petition is filed with the Illinois Public Labor Relations  
26 Board on or after the effective date of this amendatory Act of

1 the 97th General Assembly, or (iii) for which a petition is  
2 pending before the Illinois Public Labor Relations Board on  
3 that date, "managerial employee" means an individual who is  
4 engaged in executive and management functions or who is charged  
5 with the effectuation of management policies and practices or  
6 who represents management interests by taking or recommending  
7 discretionary actions that effectively control or implement  
8 policy. Nothing in this definition prohibits an individual from  
9 also meeting the definition "supervisor" under subsection (r)  
10 of this Section.

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

1 employees of a police department who are not routinely expected  
2 to effect arrests, or elected officials.

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

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



1 person to qualify to become a professional employee as defined  
2 in this subsection (m).

3 (n) "Public employee" or "employee", for the purposes of  
4 this Act, means any individual employed by a public employer,  
5 including (i) interns and residents at public hospitals, (ii)  
6 as of the effective date of this amendatory Act of the 93rd  
7 General Assembly, but not before, personal care attendants and  
8 personal assistants working under the Home Services Program  
9 under Section 3 of the Disabled Persons Rehabilitation Act,  
10 subject to the limitations set forth in this Act and in the  
11 Disabled Persons Rehabilitation Act, ~~and~~ (iii) as of the  
12 effective date of this amendatory Act of the 94th General  
13 Assembly, but not before, child and day care home providers  
14 participating in the child care assistance program under  
15 Section 9A-11 of the Illinois Public Aid Code, subject to the  
16 limitations set forth in this Act and in Section 9A-11 of the  
17 Illinois Public Aid Code, and (iv) beginning on the effective  
18 date of this amendatory Act of the 97th General Assembly and  
19 notwithstanding any other provision of this Act, any person  
20 employed by a public employer and who is classified as or who  
21 holds the employment title of Chief Stationary Engineer,  
22 Assistant Chief Stationary Engineer, Sewage Plant Operator,  
23 Water Plant Operator, Stationary Engineer, or Plant Operating  
24 Engineer, but excluding all of the following: employees of the  
25 General Assembly of the State of Illinois; elected officials;  
26 executive heads of a department; members of boards or

1 commissions; the Executive Inspectors General; any special  
2 Executive Inspectors General; employees of each Office of an  
3 Executive Inspector General; commissioners and employees of  
4 the Executive Ethics Commission; the Auditor General's  
5 Inspector General; employees of the Office of the Auditor  
6 General's Inspector General; the Legislative Inspector  
7 General; any special Legislative Inspectors General; employees  
8 of the Office of the Legislative Inspector General;  
9 commissioners and employees of the Legislative Ethics  
10 Commission; employees of any agency, board or commission  
11 created by this Act; employees appointed to State positions of  
12 a temporary or emergency nature; all employees of school  
13 districts and higher education institutions except  
14 firefighters and peace officers employed by a state university  
15 and except peace officers employed by a school district in its  
16 own police department in existence on the effective date of  
17 this amendatory Act of the 96th General Assembly; managerial  
18 employees; short-term employees; legislative liaisons; a  
19 person who is a State employee under the jurisdiction of the  
20 Office of the Attorney General who is licensed to practice law  
21 or whose position authorizes, either directly or indirectly,  
22 meaningful input into government decision-making on issues  
23 where there is room for principled disagreement on goals or  
24 their implementation; a person who is a State employee under  
25 the jurisdiction of the Office of the Comptroller who holds the  
26 position of Public Service Administrator or whose position is

1 otherwise exempt under the Comptroller Merit Employment Code; a  
2 person who is a State employee under the jurisdiction of the  
3 Secretary of State who holds the position classification of  
4 Executive I or higher, whose position authorizes, either  
5 directly or indirectly, meaningful input into government  
6 decision-making on issues where there is room for principled  
7 disagreement on goals or their implementation, or who is  
8 otherwise exempt under the Secretary of State Merit Employment  
9 Code; employees in the Office of the Secretary of State who are  
10 completely exempt from jurisdiction B of the Secretary of State  
11 Merit Employment Code and who are in Rutan-exempt positions on  
12 or after the effective date of this amendatory Act of the 97th  
13 General Assembly; a person who is a State employee under the  
14 jurisdiction of the Treasurer who holds a position that is  
15 exempt from the State Treasurer Employment Code; any employee  
16 of a State agency who (i) holds the title or position of, or  
17 exercises substantially similar duties as a, legislative  
18 liaison, Agency General Counsel, Agency Chief of Staff, Agency  
19 Executive Director, Agency Deputy Director, Agency Chief  
20 Fiscal Officer, Agency Human Resources Director, Public  
21 Information Officer, or Chief Information Officer and (ii) was  
22 neither included in a bargaining unit nor subject to an active  
23 petition for certification in a bargaining unit; any employee  
24 of a State agency who (i) is in a position that is  
25 Rutan-exempt, as designated by the employer, and completely  
26 exempt from jurisdiction B of the Personnel Code and (ii) was

1 neither included in a bargaining unit nor subject to an active  
2 petition for certification in a bargaining unit; any term  
3 appointed employee of a State agency pursuant to Section 8b.18  
4 or 8b.19 of the Personnel Code who was neither included in a  
5 bargaining unit nor subject to an active petition for  
6 certification in a bargaining unit; any employment position  
7 properly designated pursuant to Section 6.1 of this Act;  
8 confidential employees; independent contractors; and  
9 supervisors except as provided in this Act.

10 Personal care attendants and personal assistants shall not  
11 be considered public employees for any purposes not  
12 specifically provided for in the amendatory Act of the 93rd  
13 General Assembly, including but not limited to, purposes of  
14 vicarious liability in tort and purposes of statutory  
15 retirement or health insurance benefits. Personal care  
16 attendants and personal assistants shall not be covered by the  
17 State Employees Group Insurance Act of 1971 (5 ILCS 375/).

18 Child and day care home providers shall not be considered  
19 public employees for any purposes not specifically provided for  
20 in this amendatory Act of the 94th General Assembly, including  
21 but not limited to, purposes of vicarious liability in tort and  
22 purposes of statutory retirement or health insurance benefits.  
23 Child and day care home providers shall not be covered by the  
24 State Employees Group Insurance Act of 1971.

25 Notwithstanding Section 9, subsection (c), or any other  
26 provisions of this Act, all peace officers above the rank of

1 captain in municipalities with more than 1,000,000 inhabitants  
2 shall be excluded from this Act.

3 (o) Except as otherwise in subsection (o-5), "public  
4 employer" or "employer" means the State of Illinois; any  
5 political subdivision of the State, unit of local government or  
6 school district; authorities including departments, divisions,  
7 bureaus, boards, commissions, or other agencies of the  
8 foregoing entities; and any person acting within the scope of  
9 his or her authority, express or implied, on behalf of those  
10 entities in dealing with its employees. As of the effective  
11 date of the amendatory Act of the 93rd General Assembly, but  
12 not before, the State of Illinois shall be considered the  
13 employer of the personal care attendants and personal  
14 assistants working under the Home Services Program under  
15 Section 3 of the Disabled Persons Rehabilitation Act, subject  
16 to the limitations set forth in this Act and in the Disabled  
17 Persons Rehabilitation Act. The State shall not be considered  
18 to be the employer of personal care attendants and personal  
19 assistants for any purposes not specifically provided for in  
20 this amendatory Act of the 93rd General Assembly, including but  
21 not limited to, purposes of vicarious liability in tort and  
22 purposes of statutory retirement or health insurance benefits.  
23 Personal care attendants and personal assistants shall not be  
24 covered by the State Employees Group Insurance Act of 1971 (5  
25 ILCS 375/). As of the effective date of this amendatory Act of  
26 the 94th General Assembly but not before, the State of Illinois

1 shall be considered the employer of the day and child care home  
2 providers participating in the child care assistance program  
3 under Section 9A-11 of the Illinois Public Aid Code, subject to  
4 the limitations set forth in this Act and in Section 9A-11 of  
5 the Illinois Public Aid Code. The State shall not be considered  
6 to be the employer of child and day care home providers for any  
7 purposes not specifically provided for in this amendatory Act  
8 of the 94th General Assembly, including but not limited to,  
9 purposes of vicarious liability in tort and purposes of  
10 statutory retirement or health insurance benefits. Child and  
11 day care home providers shall not be covered by the State  
12 Employees Group Insurance Act of 1971.

13 "Public employer" or "employer" as used in this Act,  
14 however, does not mean and shall not include the General  
15 Assembly of the State of Illinois, the Executive Ethics  
16 Commission, the Offices of the Executive Inspectors General,  
17 the Legislative Ethics Commission, the Office of the  
18 Legislative Inspector General, the Office of the Auditor  
19 General's Inspector General, the Office of the Governor, the  
20 Governor's Office of Management and Budget, the Illinois  
21 Finance Authority, the Office of the Lieutenant Governor, the  
22 State Board of Elections, and educational employers or  
23 employers as defined in the Illinois Educational Labor  
24 Relations Act, except with respect to a state university in its  
25 employment of firefighters and peace officers and except with  
26 respect to a school district in the employment of peace

1 officers in its own police department in existence on the  
2 effective date of this amendatory Act of the 96th General  
3 Assembly. County boards and county sheriffs shall be designated  
4 as joint or co-employers of county peace officers appointed  
5 under the authority of a county sheriff. Nothing in this  
6 subsection (o) shall be construed to prevent the State Panel or  
7 the Local Panel from determining that employers are joint or  
8 co-employers.

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

14 (1) For court reporters employed by the Cook County  
15 Judicial Circuit, the chief judge of the Cook County  
16 Circuit Court is the public employer and employer  
17 representative.

18 (2) For court reporters employed by the 12th, 18th,  
19 19th, and, on and after December 4, 2006, the 22nd judicial  
20 circuits, a group consisting of the chief judges of those  
21 circuits, acting jointly by majority vote, is the public  
22 employer and employer representative.

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

1           (p) "Security employee" means an employee who is  
2 responsible for the supervision and control of inmates at  
3 correctional facilities. The term also includes other  
4 non-security employees in bargaining units having the majority  
5 of employees being responsible for the supervision and control  
6 of inmates at correctional facilities.

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

12           (q-5) "State agency" means an agency directly responsible  
13 to the Governor, as defined in Section 3.1 of the Executive  
14 Reorganization Implementation Act, and the Illinois Commerce  
15 Commission, the Illinois Workers' Compensation Commission, the  
16 Civil Service Commission, the Pollution Control Board, the  
17 Illinois Racing Board, and the Department of State Police Merit  
18 Board.

19           (r) "Supervisor" is:

20           (1) An employee whose principal work is substantially  
21 different from that of his or her subordinates and who has  
22 authority, in the interest of the employer, to hire,  
23 transfer, suspend, lay off, recall, promote, discharge,  
24 direct, reward, or discipline employees, to adjust their  
25 grievances, or to effectively recommend any of those  
26 actions, if the exercise of that authority is not of a



1 merely routine or clerical nature, but requires the  
2 consistent use of independent judgment. Except with  
3 respect to police employment, the term "supervisor"  
4 includes only those individuals who devote a preponderance  
5 of their employment time to exercising that authority,  
6 State supervisors notwithstanding. Nothing in this  
7 definition prohibits an individual from also meeting the  
8 definition of "managerial employee" under subsection (j)  
9 of this Section. In addition, in determining supervisory  
10 status in police employment, rank shall not be  
11 determinative. The Board shall consider, as evidence of  
12 bargaining unit inclusion or exclusion, the common law  
13 enforcement policies and relationships between police  
14 officer ranks and certification under applicable civil  
15 service law, ordinances, personnel codes, or Division 2.1  
16 of Article 10 of the Illinois Municipal Code, but these  
17 factors shall not be the sole or predominant factors  
18 considered by the Board in determining police supervisory  
19 status.

20 Notwithstanding the provisions of the preceding  
21 paragraph, in determining supervisory status in fire  
22 fighter employment, no fire fighter shall be excluded as a  
23 supervisor who has established representation rights under  
24 Section 9 of this Act. Further, in new fire fighter units,  
25 employees shall consist of fire fighters of the rank of  
26 company officer and below. If a company officer otherwise

1       qualifies as a supervisor under the preceding paragraph,  
2       however, he or she shall not be included in the fire  
3       fighter unit. If there is no rank between that of chief and  
4       the highest company officer, the employer may designate a  
5       position on each shift as a Shift Commander, and the  
6       persons occupying those positions shall be supervisors.  
7       All other ranks above that of company officer shall be  
8       supervisors.

9       (2) With respect only to State employees in positions  
10      under the jurisdiction of the Attorney General, Secretary  
11      of State, Comptroller, or Treasurer (i) that were certified  
12      in a bargaining unit on or after December 2, 2008, (ii) for  
13      which a petition is filed with the Illinois Public Labor  
14      Relations Board on or after the effective date of this  
15      amendatory Act of the 97th General Assembly, or (iii) for  
16      which a petition is pending before the Illinois Public  
17      Labor Relations Board on that date, an employee who  
18      qualifies as a supervisor under (A) Section 152 of the  
19      National Labor Relations Act and (B) orders of the National  
20      Labor Relations Board interpreting that provision or  
21      decisions of courts reviewing decisions of the National  
22      Labor Relations Board.

23      (s) (1) "Unit" means a class of jobs or positions that are  
24      held by employees whose collective interests may suitably  
25      be represented by a labor organization for collective  
26      bargaining. Except with respect to non-State fire fighters

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

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

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

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

19          (t) "Active petition for certification in a bargaining  
20          unit" means a petition for certification filed with the Board  
21          under one of the following case numbers: S-RC-11-110;  
22          S-RC-11-098;        S-UC-11-080;        S-RC-11-086;        S-RC-11-074;  
23          S-RC-11-076;        S-RC-11-078;        S-UC-11-052;        S-UC-11-054;  
24          S-RC-11-062;        S-RC-11-060;        S-RC-11-042;        S-RC-11-014;  
25          S-RC-11-016;        S-RC-11-020;        S-RC-11-030;        S-RC-11-004;  
26          S-RC-10-244;        S-RC-10-228;        S-RC-10-222;        S-RC-10-220;

1 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;  
2 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;  
3 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;  
4 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;  
5 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;  
6 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;  
7 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;  
8 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or  
9 S-RC-07-100.

10 (Source: P.A. 96-1257, eff. 7-23-10; 09700SB1556ham002.)

11 (5 ILCS 315/6.1)

12 Sec. 6.1. Gubernatorial designation of certain public  
13 employment positions as excluded from collective bargaining.

14 (a) Notwithstanding any provision of this Act to the  
15 contrary, except subsection (e) of this Section, the Governor  
16 is authorized to designate up to 3,580 State employment  
17 positions collectively within State agencies directly  
18 responsible to the Governor, and, upon designation, those  
19 positions and employees in those positions, if any, are hereby  
20 excluded from the self-organization and collective bargaining  
21 provisions of Section 6 of this Act. Only those employment  
22 positions that have been certified in a bargaining unit on or  
23 after December 2, 2008, that have a pending petition for  
24 certification in a bargaining unit on the effective date of  
25 this amendatory Act of the 97th General Assembly, or that

1 neither have been certified in a bargaining unit on or after  
2 December 2, 2008 nor have a pending petition for certification  
3 in a bargaining unit on the effective date of this amendatory  
4 Act of the 97th General Assembly are eligible to be designated  
5 by the Governor under this Section. The Governor may not  
6 designate under this Section, however, more than 1,900  
7 employment positions that have been certified in a bargaining  
8 unit on or after December 2, 2008.

9 (b) In order to properly designate a State employment  
10 position under this Section, the Governor shall provide in  
11 writing to the Board: the job title and job duties of the  
12 employment position; the name of the State employee currently  
13 in the employment position, if any; the name of the State  
14 agency employing the public employee; and the category under  
15 which the position qualifies for designation under this  
16 Section.

17 To qualify for designation under this Section, the  
18 employment position must meet one or more of the following  
19 requirements:

20 (1) it must authorize an employee in that position to  
21 act as a legislative liaison;

22 (2) it must have a title of, or authorize a person who  
23 holds that position to exercise substantially similar  
24 duties as an, Agency General Counsel, Agency Chief of  
25 Staff, Agency Executive Director, Agency Deputy Director,  
26 Agency Chief Fiscal Officer, Agency Human Resources

1 Director, Senior Public Service Administrator, Public  
2 Information Officer, or Chief Information Officer;

3 (3) it must be a Rutan-exempt, as designated by the  
4 employer, position and completely exempt from jurisdiction  
5 B of the Personnel Code;

6 (4) it must be a term appointed position pursuant to  
7 Section 8b.18 or 8b.19 of the Personnel Code; or

8 (5) it must authorize an employee in that position to  
9 have significant and independent discretionary authority  
10 as an employee.

11 Within 60 days after the Governor makes a designation under  
12 this Section, the Board shall determine, in a manner that is  
13 consistent with the requirements of due process, whether the  
14 designation comports with the requirements of this Section.

15 (c) For the purposes of this Section, a person has  
16 significant and independent discretionary authority as an  
17 employee if he or she (i) is engaged in executive and  
18 management functions of a State agency and charged with the  
19 effectuation of management policies and practices of a State  
20 agency or represents management interests by taking or  
21 recommending discretionary actions that effectively control or  
22 implement the policy of a State agency or (ii) qualifies as a  
23 supervisor of a State agency as that term is defined under  
24 Section 152 of the National Labor Relations Act or any orders  
25 of the National Labor Relations Board interpreting that  
26 provision or decisions of courts reviewing decisions of the

1 National Labor Relations Board.

2 (d) The Governor must exercise the authority afforded under  
3 this Section within 365 calendar days after the effective date  
4 of this amendatory Act of the 97th General Assembly. Any  
5 designation made by the Governor under this Section shall be  
6 presumed to have been properly made.

7 If the Governor chooses not to designate a position under  
8 this Section, then that decision does not preclude a State  
9 agency from otherwise challenging the certification of that  
10 position under this Act.

11 The qualifying categories set forth in paragraphs (1)  
12 through (5) of subsection (b) of this Section are operative and  
13 function solely within this Section and do not expand or  
14 restrict the scope of any other provision contained in this  
15 Act.

16 (e) The provisions of this Section do not apply to any  
17 employee who is employed by a public employer and who is  
18 classified as, or holds the employment title of, Chief  
19 Stationary Engineer, Assistant Chief Stationary Engineer,  
20 Sewage Plant Operator, Water Plant Operator, Stationary  
21 Engineer, or Plant Operating Engineer.

22 (Source: 09700SB1556ham002.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law or on the effective date of Senate Bill 1556 of  
25 the 97th General Assembly, whichever is later."