



Rep. Barbara Flynn Currie

**Filed: 1/6/2013**

09700SB3681ham005

LRB097 20184 JDS 73123 a

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 mental  
20 health administrator in the Department of Corrections who is  
21 classified as or who holds the position of Public Service  
22 Administrator (Option 8K), any attorney in the Department of  
23 Corrections who is classified as or who holds the position of  
24 Public Service Administrator (Option 8L), any nuclear safety  
25 staff attorney in the Illinois Emergency Management Agency, any  
26 Section Chief, Deputy Lab Director, Research and Development

1 Coordinator, Quality Assurance Director, or Assistant Director  
2 of Training in the Department of State Police who is classified  
3 as or who holds the position of Senior Public Service  
4 Administrator (Option 7), any employee of the Office of the  
5 Inspector General in the Department of Human Services who is  
6 classified as or who holds the position of Public Service  
7 Administrator (Option 7), any Deputy of Intelligence in the  
8 Department of Corrections who is classified as or who holds the  
9 position of Public Service Administrator (Option 7), and any  
10 employee of the Department of State Police who handles issues  
11 concerning the State's sex offender registry and who is  
12 classified as or holds the position of Public Service  
13 Administrator (Option 7), but excluding all of the following:  
14 employees of the General Assembly of the State of Illinois;  
15 elected officials; executive heads of a department; members of  
16 boards or commissions; the Executive Inspectors General; any  
17 special Executive Inspectors General; employees of each Office  
18 of an Executive Inspector General; commissioners and employees  
19 of the Executive Ethics Commission; the Auditor General's  
20 Inspector General; employees of the Office of the Auditor  
21 General's Inspector General; the Legislative Inspector  
22 General; any special Legislative Inspectors General; employees  
23 of the Office of the Legislative Inspector General;  
24 commissioners and employees of the Legislative Ethics  
25 Commission; employees of any agency, board or commission  
26 created by this Act; employees appointed to State positions of

1 a temporary or emergency nature; all employees of school  
2 districts and higher education institutions except  
3 firefighters and peace officers employed by a state university  
4 and except peace officers employed by a school district in its  
5 own police department in existence on the effective date of  
6 this amendatory Act of the 96th General Assembly; managerial  
7 employees; short-term employees; legislative liaisons; a  
8 person who is a State employee under the jurisdiction of the  
9 Office of the Attorney General who is licensed to practice law  
10 or whose position authorizes, either directly or indirectly,  
11 meaningful input into government decision-making on issues  
12 where there is room for principled disagreement on goals or  
13 their implementation; a person who is a State employee under  
14 the jurisdiction of the Office of the Comptroller who holds the  
15 position of Public Service Administrator or whose position is  
16 otherwise exempt under the Comptroller Merit Employment Code; a  
17 person who is a State employee under the jurisdiction of the  
18 Secretary of State who holds the position classification of  
19 Executive I or higher, whose position authorizes, either  
20 directly or indirectly, meaningful input into government  
21 decision-making on issues where there is room for principled  
22 disagreement on goals or their implementation, or who is  
23 otherwise exempt under the Secretary of State Merit Employment  
24 Code; employees in the Office of the Secretary of State who are  
25 completely exempt from jurisdiction B of the Secretary of State  
26 Merit Employment Code and who are in Rutan-exempt positions on

1 or after the effective date of this amendatory Act of the 97th  
2 General Assembly; a person who is a State employee under the  
3 jurisdiction of the Treasurer who holds a position that is  
4 exempt from the State Treasurer Employment Code; any employee  
5 of a State agency who (i) holds the title or position of, or  
6 exercises substantially similar duties as a, legislative  
7 liaison, Agency General Counsel, Agency Chief of Staff, Agency  
8 Executive Director, Agency Deputy Director, Agency Chief  
9 Fiscal Officer, Agency Human Resources Director, Public  
10 Information Officer, or Chief Information Officer and (ii) was  
11 neither included in a bargaining unit nor subject to an active  
12 petition for certification in a bargaining unit; any employee  
13 of a State agency who (i) is in a position that is  
14 Rutan-exempt, as designated by the employer, and completely  
15 exempt from jurisdiction B of the Personnel Code and (ii) was  
16 neither included in a bargaining unit nor subject to an active  
17 petition for certification in a bargaining unit; any term  
18 appointed employee of a State agency pursuant to Section 8b.18  
19 or 8b.19 of the Personnel Code who was neither included in a  
20 bargaining unit nor subject to an active petition for  
21 certification in a bargaining unit; any employment position  
22 properly designated pursuant to Section 6.1 of this Act;  
23 confidential employees; independent contractors; and  
24 supervisors except as provided in this Act.

25 Personal care attendants and personal assistants shall not  
26 be considered public employees for any purposes not

1 specifically provided for in the amendatory Act of the 93rd  
2 General Assembly, including but not limited to, purposes of  
3 vicarious liability in tort and purposes of statutory  
4 retirement or health insurance benefits. Personal care  
5 attendants and personal assistants shall not be covered by the  
6 State Employees Group Insurance Act of 1971 (5 ILCS 375/).

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

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

18 (o) Except as otherwise in subsection (o-5), "public  
19 employer" or "employer" means the State of Illinois; any  
20 political subdivision of the State, unit of local government or  
21 school district; authorities including departments, divisions,  
22 bureaus, boards, commissions, or other agencies of the  
23 foregoing entities; and any person acting within the scope of  
24 his or her authority, express or implied, on behalf of those  
25 entities in dealing with its employees. As of the effective  
26 date of the amendatory Act of the 93rd General Assembly, but

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

1 Employees Group Insurance Act of 1971.

2 "Public employer" or "employer" as used in this Act,  
3 however, does not mean and shall not include the General  
4 Assembly of the State of Illinois, the Executive Ethics  
5 Commission, the Offices of the Executive Inspectors General,  
6 the Legislative Ethics Commission, the Office of the  
7 Legislative Inspector General, the Office of the Auditor  
8 General's Inspector General, the Office of the Governor, the  
9 Governor's Office of Management and Budget, the Illinois  
10 Finance Authority, the Office of the Lieutenant Governor, the  
11 State Board of Elections, and educational employers or  
12 employers as defined in the Illinois Educational Labor  
13 Relations Act, except with respect to a state university in its  
14 employment of firefighters and peace officers and except with  
15 respect to a school district in the employment of peace  
16 officers in its own police department in existence on the  
17 effective date of this amendatory Act of the 96th General  
18 Assembly. County boards and county sheriffs shall be designated  
19 as joint or co-employers of county peace officers appointed  
20 under the authority of a county sheriff. Nothing in this  
21 subsection (o) shall be construed to prevent the State Panel or  
22 the Local Panel from determining that employers are joint or  
23 co-employers.

24 (o-5) With respect to wages, fringe benefits, hours,  
25 holidays, vacations, proficiency examinations, sick leave, and  
26 other conditions of employment, the public employer of public

1 employees who are court reporters, as defined in the Court  
2 Reporters Act, shall be determined as follows:

3 (1) For court reporters employed by the Cook County  
4 Judicial Circuit, the chief judge of the Cook County  
5 Circuit Court is the public employer and employer  
6 representative.

7 (2) For court reporters employed by the 12th, 18th,  
8 19th, and, on and after December 4, 2006, the 22nd judicial  
9 circuits, a group consisting of the chief judges of those  
10 circuits, acting jointly by majority vote, is the public  
11 employer and employer representative.

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

16 (p) "Security employee" means an employee who is  
17 responsible for the supervision and control of inmates at  
18 correctional facilities. The term also includes other  
19 non-security employees in bargaining units having the majority  
20 of employees being responsible for the supervision and control  
21 of inmates at correctional facilities.

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



1 (q-5) "State agency" means an agency directly responsible  
2 to the Governor, as defined in Section 3.1 of the Executive  
3 Reorganization Implementation Act, and the Illinois Commerce  
4 Commission, the Illinois Workers' Compensation Commission, the  
5 Civil Service Commission, the Pollution Control Board, the  
6 Illinois Racing Board, and the Department of State Police Merit  
7 Board.

8 (r) "Supervisor" is:

9 (1) An employee whose principal work is substantially  
10 different from that of his or her subordinates and who has  
11 authority, in the interest of the employer, to hire,  
12 transfer, suspend, lay off, recall, promote, discharge,  
13 direct, reward, or discipline employees, to adjust their  
14 grievances, or to effectively recommend any of those  
15 actions, if the exercise of that authority is not of a  
16 merely routine or clerical nature, but requires the  
17 consistent use of independent judgment. Except with  
18 respect to police employment, the term "supervisor"  
19 includes only those individuals who devote a preponderance  
20 of their employment time to exercising that authority,  
21 State supervisors notwithstanding. Nothing in this  
22 definition prohibits an individual from also meeting the  
23 definition of "managerial employee" under subsection (j)  
24 of this Section. In addition, in determining supervisory  
25 status in police employment, rank shall not be  
26 determinative. The Board shall consider, as evidence of

1 bargaining unit inclusion or exclusion, the common law  
2 enforcement policies and relationships between police  
3 officer ranks and certification under applicable civil  
4 service law, ordinances, personnel codes, or Division 2.1  
5 of Article 10 of the Illinois Municipal Code, but these  
6 factors shall not be the sole or predominant factors  
7 considered by the Board in determining police supervisory  
8 status.

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

24 (2) With respect only to State employees in positions  
25 under the jurisdiction of the Attorney General, Secretary  
26 of State, Comptroller, or Treasurer (i) that were certified

1 in a bargaining unit on or after December 2, 2008, (ii) for  
2 which a petition is filed with the Illinois Public Labor  
3 Relations Board on or after the effective date of this  
4 amendatory Act of the 97th General Assembly, or (iii) for  
5 which a petition is pending before the Illinois Public  
6 Labor Relations Board on that date, an employee who  
7 qualifies as a supervisor under (A) Section 152 of the  
8 National Labor Relations Act and (B) orders of the National  
9 Labor Relations Board interpreting that provision or  
10 decisions of courts reviewing decisions of the National  
11 Labor Relations Board.

12 (s) (1) "Unit" means a class of jobs or positions that are  
13 held by employees whose collective interests may suitably  
14 be represented by a labor organization for collective  
15 bargaining. Except with respect to non-State fire fighters  
16 and paramedics employed by fire departments and fire  
17 protection districts, non-State peace officers, and peace  
18 officers in the Department of State Police, a bargaining  
19 unit determined by the Board shall not include both  
20 employees and supervisors, or supervisors only, except as  
21 provided in paragraph (2) of this subsection (s) and except  
22 for bargaining units in existence on July 1, 1984 (the  
23 effective date of this Act). With respect to non-State fire  
24 fighters and paramedics employed by fire departments and  
25 fire protection districts, non-State peace officers, and  
26 peace officers in the Department of State Police, a

1 bargaining unit determined by the Board shall not include  
2 both supervisors and nonsupervisors, or supervisors only,  
3 except as provided in paragraph (2) of this subsection (s)  
4 and except for bargaining units in existence on January 1,  
5 1986 (the effective date of this amendatory Act of 1985). A  
6 bargaining unit determined by the Board to contain peace  
7 officers shall contain no employees other than peace  
8 officers unless otherwise agreed to by the employer and the  
9 labor organization or labor organizations involved.  
10 Notwithstanding any other provision of this Act, a  
11 bargaining unit, including a historical bargaining unit,  
12 containing sworn peace officers of the Department of  
13 Natural Resources (formerly designated the Department of  
14 Conservation) shall contain no employees other than such  
15 sworn peace officers upon the effective date of this  
16 amendatory Act of 1990 or upon the expiration date of any  
17 collective bargaining agreement in effect upon the  
18 effective date of this amendatory Act of 1990 covering both  
19 such sworn peace officers and other employees.

20 (2) Notwithstanding the exclusion of supervisors from  
21 bargaining units as provided in paragraph (1) of this  
22 subsection (s), a public employer may agree to permit its  
23 supervisory employees to form bargaining units and may  
24 bargain with those units. This Act shall apply if the  
25 public employer chooses to bargain under this subsection.

26 (3) Public employees who are court reporters, as

1 defined in the Court Reporters Act, shall be divided into 3  
2 units for collective bargaining purposes. One unit shall be  
3 court reporters employed by the Cook County Judicial  
4 Circuit; one unit shall be court reporters employed by the  
5 12th, 18th, 19th, and, on and after December 4, 2006, the  
6 22nd judicial circuits; and one unit shall be court  
7 reporters employed by all other judicial circuits.

8 (t) "Active petition for certification in a bargaining  
9 unit" means a petition for certification filed with the Board  
10 under one of the following case numbers: S-RC-11-110;  
11 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;  
12 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;  
13 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;  
14 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;  
15 S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220;  
16 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;  
17 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;  
18 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;  
19 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;  
20 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;  
21 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;  
22 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;  
23 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or  
24 S-RC-07-100.

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

1 (5 ILCS 315/6.1)

2 Sec. 6.1. Gubernatorial designation of certain public  
3 employment positions as excluded from collective bargaining.

4 (a) Notwithstanding any provision of this Act to the  
5 contrary, except subsection (e) of this Section, the Governor  
6 is authorized to designate up to 3,580 State employment  
7 positions collectively within State agencies directly  
8 responsible to the Governor, and, upon designation, those  
9 positions and employees in those positions, if any, are hereby  
10 excluded from the self-organization and collective bargaining  
11 provisions of Section 6 of this Act. Only those employment  
12 positions that have been certified in a bargaining unit on or  
13 after December 2, 2008, that have a pending petition for  
14 certification in a bargaining unit on the effective date of  
15 this amendatory Act of the 97th General Assembly, or that  
16 neither have been certified in a bargaining unit on or after  
17 December 2, 2008 nor have a pending petition for certification  
18 in a bargaining unit on the effective date of this amendatory  
19 Act of the 97th General Assembly are eligible to be designated  
20 by the Governor under this Section. The Governor may not  
21 designate under this Section, however, more than 1,900  
22 employment positions that have been certified in a bargaining  
23 unit on or after December 2, 2008.

24 (b) In order to properly designate a State employment  
25 position under this Section, the Governor shall provide in  
26 writing to the Board: the job title and job duties of the

1 employment position; the name of the State employee currently  
2 in the employment position, if any; the name of the State  
3 agency employing the public employee; and the category under  
4 which the position qualifies for designation under this  
5 Section.

6 To qualify for designation under this Section, the  
7 employment position must meet one or more of the following  
8 requirements:

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

11 (2) it must have a title of, or authorize a person who  
12 holds that position to exercise substantially similar  
13 duties as an, Agency General Counsel, Agency Chief of  
14 Staff, Agency Executive Director, Agency Deputy Director,  
15 Agency Chief Fiscal Officer, Agency Human Resources  
16 Director, Senior Public Service Administrator, Public  
17 Information Officer, or Chief Information Officer;

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

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

23 (5) it must authorize an employee in that position to  
24 have significant and independent discretionary authority  
25 as an employee.

26 Within 60 days after the Governor makes a designation under

1 this Section, the Board shall determine, in a manner that is  
2 consistent with the requirements of due process, whether the  
3 designation comports with the requirements of this Section.

4 (c) For the purposes of this Section, a person has  
5 significant and independent discretionary authority as an  
6 employee if he or she (i) is engaged in executive and  
7 management functions of a State agency and charged with the  
8 effectuation of management policies and practices of a State  
9 agency or represents management interests by taking or  
10 recommending discretionary actions that effectively control or  
11 implement the policy of a State agency or (ii) qualifies as a  
12 supervisor of a State agency as that term is defined under  
13 Section 152 of the National Labor Relations Act or any orders  
14 of the National Labor Relations Board interpreting that  
15 provision or decisions of courts reviewing decisions of the  
16 National Labor Relations Board.

17 (d) The Governor must exercise the authority afforded under  
18 this Section within 365 calendar days after the effective date  
19 of this amendatory Act of the 97th General Assembly. Any  
20 designation made by the Governor under this Section shall be  
21 presumed to have been properly made.

22 If the Governor chooses not to designate a position under  
23 this Section, then that decision does not preclude a State  
24 agency from otherwise challenging the certification of that  
25 position under this Act.

26 The qualifying categories set forth in paragraphs (1)



1 through (5) of subsection (b) of this Section are operative and  
2 function solely within this Section and do not expand or  
3 restrict the scope of any other provision contained in this  
4 Act.

5 (e) The provisions of this Section do not apply to any  
6 mental health administrator in the Department of Corrections  
7 who is classified as or who holds the position of Public  
8 Service Administrator (Option 8K), any attorney in the  
9 Department of Corrections who is classified as or who holds the  
10 position of Public Service Administrator (Option 8L), any  
11 nuclear safety staff attorney in the Illinois Emergency  
12 Management Agency, any Section Chief, Deputy Lab Director,  
13 Research and Development Coordinator, Quality Assurance  
14 Director, or Assistant Director of Training in the Department  
15 of State Police who is classified as or who holds the position  
16 of Senior Public Service Administrator (Option 7), any employee  
17 of the Office of the Inspector General in the Department of  
18 Human Services who is classified as or who holds the position  
19 of Public Service Administrator (Option 7), any Deputy of  
20 Intelligence in the Department of Corrections who is classified  
21 as or who holds the position of Public Service Administrator  
22 (Option 7), or any employee of the Department of State Police  
23 who handles issues concerning the State's sex offender registry  
24 and who is classified as or holds the position of Public  
25 Service Administrator (Option 7).

26 (Source: 09700SB1556ham002.)

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