



Sen. Karen McConnaughay

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1 AMENDMENT TO SENATE BILL 981

2 AMENDMENT NO. _____. Amend Senate Bill 981 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Labor Relations Act is
5 amended by changing Sections 3 and 15 and by adding Section 29
6 as follows:

7 (5 ILCS 315/3) (from Ch. 48, par. 1603)

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

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

14 (b) "Collective bargaining" means bargaining over terms
15 and conditions of employment, including hours, wages, and other
16 conditions of employment, as detailed in Section 7 and which

1 are not excluded by Section 4.

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

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 assistants under Executive Order
10 2003-8 prior to the effective date of this amendatory Act of
11 the 93rd General Assembly, and the organization shall be
12 considered to be the exclusive representative of the personal
13 assistants as defined in this Section; or (v) recognized as the
14 exclusive representative of child and day care home providers,
15 including licensed and license exempt providers, pursuant to an
16 election held under Executive Order 2005-1 prior to the
17 effective date of this amendatory Act of the 94th General
18 Assembly, and the organization shall be considered to be the
19 exclusive representative of the child and day care home
20 providers as defined in this Section.

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

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

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

24 (g) "Fair share agreement" means an agreement between the
25 employer and an employee organization under which all or any of
26 the employees in a collective bargaining unit are required to

1 pay their proportionate share of the costs of the collective
2 bargaining process, contract administration, and pursuing
3 matters affecting wages, hours, and other conditions of
4 employment, but not to exceed the amount of dues uniformly
5 required of members. The amount certified by the exclusive
6 representative shall not include any fees for contributions
7 related to the election or support of any candidate for
8 political office. Nothing in this subsection (g) shall preclude
9 an employee from making voluntary political contributions in
10 conjunction with his or her fair share payment.

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

22 (g-2) "General Assembly of the State of Illinois" means the
23 legislative branch of the government of the State of Illinois,
24 as provided for under Article IV of the Constitution of the
25 State of Illinois, and includes but is not limited to the House
26 of Representatives, the Senate, the Speaker of the House of

1 Representatives, the Minority Leader of the House of
2 Representatives, the President of the Senate, the Minority
3 Leader of the Senate, the Joint Committee on Legislative
4 Support Services and any legislative support services agency
5 listed in the Legislative Commission Reorganization Act of
6 1984.

7 (h) "Governing body" means, in the case of the State, the
8 State Panel of the Illinois Labor Relations Board, the Director
9 of the Department of Central Management Services, and the
10 Director of the Department of Labor; the county board in the
11 case of a county; the corporate authorities in the case of a
12 municipality; and the appropriate body authorized to provide
13 for expenditures of its funds in the case of any other unit of
14 government.

15 (i) "Labor organization" means any organization in which
16 public employees participate and that exists for the purpose,
17 in whole or in part, of dealing with a public employer
18 concerning wages, hours, and other terms and conditions of
19 employment, including the settlement of grievances.

20 (i-5) "Legislative liaison" means a person who is an
21 employee of a State agency, the Attorney General, the Secretary
22 of State, the Comptroller, or the Treasurer, as the case may
23 be, and whose job duties require the person to regularly
24 communicate in the course of his or her employment with any
25 official or staff of the General Assembly of the State of
26 Illinois for the purpose of influencing any legislative action.

1 (j) "Managerial employee" means an individual who is
2 engaged predominantly in executive and management functions
3 and is charged with the responsibility of directing the
4 effectuation of management policies and practices. With
5 respect only to State employees in positions under the
6 jurisdiction of the Attorney General, Secretary of State,
7 Comptroller, or Treasurer (i) that were certified in a
8 bargaining unit on or after December 2, 2008, (ii) for which a
9 petition is filed with the Illinois Public Labor Relations
10 Board on or after April 5, 2013 (the effective date of Public
11 Act 97-1172), or (iii) for which a petition is pending before
12 the Illinois Public Labor Relations Board on that date,
13 "managerial employee" means an individual who is engaged in
14 executive and management functions or who is charged with the
15 effectuation of management policies and practices or who
16 represents management interests by taking or recommending
17 discretionary actions that effectively control or implement
18 policy. Nothing in this definition prohibits an individual from
19 also meeting the definition of "supervisor" under subsection
20 (r) of this Section.

21 (k) "Peace officer" means, for the purposes of this Act
22 only, any persons who have been or are hereafter appointed to a
23 police force, department, or agency and sworn or commissioned
24 to perform police duties, except that the following persons are
25 not included: part-time police officers, special police
26 officers, auxiliary police as defined by Section 3.1-30-20 of

1 the Illinois Municipal Code, night watchmen, "merchant
2 police", court security officers as defined by Section 3-6012.1
3 of the Counties Code, temporary employees, traffic guards or
4 wardens, civilian parking meter and parking facilities
5 personnel or other individuals specially appointed to aid or
6 direct traffic at or near schools or public functions or to aid
7 in civil defense or disaster, parking enforcement employees who
8 are not commissioned as peace officers and who are not armed
9 and who are not routinely expected to effect arrests, parking
10 lot attendants, clerks and dispatchers or other civilian
11 employees of a police department who are not routinely expected
12 to effect arrests, or elected officials.

13 (l) "Person" includes one or more individuals, labor
14 organizations, public employees, associations, corporations,
15 legal representatives, trustees, trustees in bankruptcy,
16 receivers, or the State of Illinois or any political
17 subdivision of the State or governing body, but does not
18 include the General Assembly of the State of Illinois or any
19 individual employed by the General Assembly of the State of
20 Illinois.

21 (m) "Professional employee" means any employee engaged in
22 work predominantly intellectual and varied in character rather
23 than routine mental, manual, mechanical or physical work;
24 involving the consistent exercise of discretion and adjustment
25 in its performance; of such a character that the output
26 produced or the result accomplished cannot be standardized in

1 relation to a given period of time; and requiring advanced
2 knowledge in a field of science or learning customarily
3 acquired by a prolonged course of specialized intellectual
4 instruction and study in an institution of higher learning or a
5 hospital, as distinguished from a general academic education or
6 from apprenticeship or from training in the performance of
7 routine mental, manual, or physical processes; or any employee
8 who has completed the courses of specialized intellectual
9 instruction and study prescribed in this subsection (m) and is
10 performing related work under the supervision of a professional
11 person to qualify to become a professional employee as defined
12 in this subsection (m).

13 (n) "Public employee" or "employee", for the purposes of
14 this Act, means any individual employed by a public employer,
15 including (i) interns and residents at public hospitals, (ii)
16 as of the effective date of this amendatory Act of the 93rd
17 General Assembly, but not before, personal assistants working
18 under the Home Services Program under Section 3 of the Disabled
19 Persons Rehabilitation Act, subject to the limitations set
20 forth in this Act and in the Disabled Persons Rehabilitation
21 Act, (iii) as of the effective date of this amendatory Act of
22 the 94th General Assembly, but not before, child and day care
23 home providers participating in the child care assistance
24 program under Section 9A-11 of the Illinois Public Aid Code,
25 subject to the limitations set forth in this Act and in Section
26 9A-11 of the Illinois Public Aid Code, (iv) as of January 29,

1 2013 (the effective date of Public Act 97-1158), but not before
2 except as otherwise provided in this subsection (n), home care
3 and home health workers who function as personal assistants and
4 individual maintenance home health workers and who also work
5 under the Home Services Program under Section 3 of the Disabled
6 Persons Rehabilitation Act, no matter whether the State
7 provides those services through direct fee-for-service
8 arrangements, with the assistance of a managed care
9 organization or other intermediary, or otherwise, (v)
10 beginning on the effective date of this amendatory Act of the
11 98th General Assembly and notwithstanding any other provision
12 of this Act, any person employed by a public employer and who
13 is classified as or who holds the employment title of Chief
14 Stationary Engineer, Assistant Chief Stationary Engineer,
15 Sewage Plant Operator, Water Plant Operator, Stationary
16 Engineer, Plant Operating Engineer, and any other employee who
17 holds the position of: Civil Engineer V, Civil Engineer VI,
18 Civil Engineer VII, Technical Manager I, Technical Manager II,
19 Technical Manager III, Technical Manager IV, Technical Manager
20 V, Technical Manager VI, Realty Specialist III, Realty
21 Specialist IV, Realty Specialist V, Technical Advisor I,
22 Technical Advisor II, Technical Advisor III, Technical Advisor
23 IV, or Technical Advisor V employed by the Department of
24 Transportation who is in a position which is certified in a
25 bargaining unit on or before the effective date of this
26 amendatory Act of the 98th General Assembly, and (vi) beginning

1 on the effective date of this amendatory Act of the 98th
2 General Assembly and notwithstanding any other provision of
3 this Act, any mental health administrator in the Department of
4 Corrections who is classified as or who holds the position of
5 Public Service Administrator (Option 8K), any employee of the
6 Office of the Inspector General in the Department of Human
7 Services who is classified as or who holds the position of
8 Public Service Administrator (Option 7), any Deputy of
9 Intelligence in the Department of Corrections who is classified
10 as or who holds the position of Public Service Administrator
11 (Option 7), and any employee of the Department of State Police
12 who handles issues concerning the Illinois State Police Sex
13 Offender Registry and who is classified as or holds the
14 position of Public Service Administrator (Option 7), but
15 excluding all of the following: employees of the General
16 Assembly of the State of Illinois; elected officials; executive
17 heads of a department; members of boards or commissions; the
18 Executive Inspectors General; any special Executive Inspectors
19 General; employees of each Office of an Executive Inspector
20 General; commissioners and employees of the Executive Ethics
21 Commission; the Auditor General's Inspector General; employees
22 of the Office of the Auditor General's Inspector General; the
23 Legislative Inspector General; any special Legislative
24 Inspectors General; employees of the Office of the Legislative
25 Inspector General; commissioners and employees of the
26 Legislative Ethics Commission; employees of any agency, board

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

1 jurisdiction B of the Secretary of State Merit Employment Code
2 and who are in Rutan-exempt positions on or after April 5, 2013
3 (the effective date of Public Act 97-1172); a person who is a
4 State employee under the jurisdiction of the Treasurer who
5 holds a position that is exempt from the State Treasurer
6 Employment Code; any employee of a State agency who (i) holds
7 the title or position of, or exercises substantially similar
8 duties as a legislative liaison, Agency General Counsel, Agency
9 Chief of Staff, Agency Executive Director, Agency Deputy
10 Director, Agency Chief Fiscal Officer, Agency Human Resources
11 Director, Public Information Officer, or Chief Information
12 Officer and (ii) was neither included in a bargaining unit nor
13 subject to an active petition for certification in a bargaining
14 unit; any employee of a State agency who ~~(i)~~ is in a position
15 that is Rutan-exempt, as designated by the employer; any
16 employee of a State agency who is engaged in whole or in part,
17 other than in only a clerical capacity, in labor relations
18 functions (including, but not limited to, employee discipline,
19 grievance resolution, or creation or implementation of labor or
20 employment policy) or in determination of whether a position is
21 Rutan-exempt or Rutan-covered; any employee of a State agency
22 who has the authority to hire State employees; any employee of
23 a State agency who is an internal auditor under the Fiscal
24 Control and Internal Auditing Act or is in the Office of
25 Inspector General of the State agency, ~~and completely exempt~~
26 ~~from jurisdiction B of the Personnel Code and (ii) was neither~~

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

10 Home care and home health workers who function as personal
11 assistants and individual maintenance home health workers and
12 who also work under the Home Services Program under Section 3
13 of the Disabled Persons Rehabilitation Act shall not be
14 considered public employees for any purposes not specifically
15 provided for in Public Act 93-204 or Public Act 97-1158,
16 including but not limited to, purposes of vicarious liability
17 in tort and purposes of statutory retirement or health
18 insurance benefits. Home care and home health workers who
19 function as personal assistants and individual maintenance
20 home health workers and who also work under the Home Services
21 Program under Section 3 of the Disabled Persons Rehabilitation
22 Act shall not be covered by the State Employees Group Insurance
23 Act of 1971 (5 ILCS 375/).

24 Child and day care home providers shall not be considered
25 public employees for any purposes not specifically provided for
26 in this amendatory Act of the 94th General Assembly, including

1 but not limited to, purposes of vicarious liability in tort and
2 purposes of statutory retirement or health insurance benefits.
3 Child and day care home providers shall not be covered by the
4 State Employees Group Insurance Act of 1971.

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

9 (o) Except as otherwise in subsection (o-5), "public
10 employer" or "employer" means the State of Illinois; any
11 political subdivision of the State, unit of local government or
12 school district; authorities including departments, divisions,
13 bureaus, boards, commissions, or other agencies of the
14 foregoing entities; and any person acting within the scope of
15 his or her authority, express or implied, on behalf of those
16 entities in dealing with its employees. As of the effective
17 date of the amendatory Act of the 93rd General Assembly, but
18 not before, the State of Illinois shall be considered the
19 employer of the personal assistants working under the Home
20 Services Program under Section 3 of the Disabled Persons
21 Rehabilitation Act, subject to the limitations set forth in
22 this Act and in the Disabled Persons Rehabilitation Act. As of
23 January 29, 2013 (the effective date of Public Act 97-1158),
24 but not before except as otherwise provided in this subsection
25 (o), the State shall be considered the employer of home care
26 and home health workers who function as personal assistants and

1 individual maintenance home health workers and who also work
2 under the Home Services Program under Section 3 of the Disabled
3 Persons Rehabilitation Act, no matter whether the State
4 provides those services through direct fee-for-service
5 arrangements, with the assistance of a managed care
6 organization or other intermediary, or otherwise, but subject
7 to the limitations set forth in this Act and the Disabled
8 Persons Rehabilitation Act. The State shall not be considered
9 to be the employer of home care and home health workers who
10 function as personal assistants and individual maintenance
11 home health workers and who also work under the Home Services
12 Program under Section 3 of the Disabled Persons Rehabilitation
13 Act, for any purposes not specifically provided for in Public
14 Act 93-204 or Public Act 97-1158, including but not limited to,
15 purposes of vicarious liability in tort and purposes of
16 statutory retirement or health insurance benefits. Home care
17 and home health workers who function as personal assistants and
18 individual maintenance home health workers and who also work
19 under the Home Services Program under Section 3 of the Disabled
20 Persons Rehabilitation Act shall not be covered by the State
21 Employees Group Insurance Act of 1971 (5 ILCS 375/). As of the
22 effective date of this amendatory Act of the 94th General
23 Assembly but not before, the State of Illinois shall be
24 considered the employer of the day and child care home
25 providers participating in the child care assistance program
26 under Section 9A-11 of the Illinois Public Aid Code, subject to

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

10 "Public employer" or "employer" as used in this Act,
11 however, does not mean and shall not include the General
12 Assembly of the State of Illinois, the Executive Ethics
13 Commission, the Offices of the Executive Inspectors General,
14 the Legislative Ethics Commission, the Office of the
15 Legislative Inspector General, the Office of the Auditor
16 General's Inspector General, the Office of the Governor, the
17 Governor's Office of Management and Budget, the Illinois
18 Finance Authority, the Office of the Lieutenant Governor, the
19 State Board of Elections, and educational employers or
20 employers as defined in the Illinois Educational Labor
21 Relations Act, except with respect to a state university in its
22 employment of firefighters and peace officers and except with
23 respect to a school district in the employment of peace
24 officers in its own police department in existence on the
25 effective date of this amendatory Act of the 96th General
26 Assembly. County boards and county sheriffs shall be designated

1 as joint or co-employers of county peace officers appointed
2 under the authority of a county sheriff. Nothing in this
3 subsection (o) shall be construed to prevent the State Panel or
4 the Local Panel from determining that employers are joint or
5 co-employers.

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

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

15 (2) For court reporters employed by the 12th, 18th,
16 19th, and, on and after December 4, 2006, the 22nd judicial
17 circuits, a group consisting of the chief judges of those
18 circuits, acting jointly by majority vote, is the public
19 employer and employer representative.

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

24 (p) "Security employee" means an employee who is
25 responsible for the supervision and control of inmates at
26 correctional facilities. The term also includes other

1 non-security employees in bargaining units having the majority
2 of employees being responsible for the supervision and control
3 of inmates at correctional facilities.

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

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

16 (r) "Supervisor" is:

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

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

17 Notwithstanding the provisions of the preceding
18 paragraph, in determining supervisory status in fire
19 fighter employment, no fire fighter shall be excluded as a
20 supervisor who has established representation rights under
21 Section 9 of this Act. Further, in new fire fighter units,
22 employees shall consist of fire fighters of the rank of
23 company officer and below. If a company officer otherwise
24 qualifies as a supervisor under the preceding paragraph,
25 however, he or she shall not be included in the fire
26 fighter unit. If there is no rank between that of chief and

1 the highest company officer, the employer may designate a
2 position on each shift as a Shift Commander, and the
3 persons occupying those positions shall be supervisors.
4 All other ranks above that of company officer shall be
5 supervisors.

6 (2) With respect only to State employees in positions
7 under the jurisdiction of the Attorney General, Secretary
8 of State, Comptroller, or Treasurer (i) that were certified
9 in a bargaining unit on or after December 2, 2008, (ii) for
10 which a petition is filed with the Illinois Public Labor
11 Relations Board on or after April 5, 2013 (the effective
12 date of Public Act 97-1172), or (iii) for which a petition
13 is pending before the Illinois Public Labor Relations Board
14 on that date, an employee who qualifies as a supervisor
15 under (A) Section 152 of the National Labor Relations Act
16 and (B) orders of the National Labor Relations Board
17 interpreting that provision or decisions of courts
18 reviewing decisions of the National Labor Relations Board.

19 (s)(1) "Unit" means a class of jobs or positions that are
20 held by employees whose collective interests may suitably be
21 represented by a labor organization for collective bargaining.
22 Except 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, a bargaining unit determined by the Board
26 shall not include both employees and supervisors, or

1 supervisors only, except as provided in paragraph (2) of this
2 subsection (s) and except for bargaining units in existence on
3 July 1, 1984 (the effective date of this Act). With respect to
4 non-State fire fighters and paramedics employed by fire
5 departments and fire protection districts, non-State peace
6 officers, and peace officers in the Department of State Police,
7 a bargaining unit determined by the Board shall not include
8 both supervisors and nonsupervisors, or supervisors only,
9 except as provided in paragraph (2) of this subsection (s) and
10 except for bargaining units in existence on January 1, 1986
11 (the effective date of this amendatory Act of 1985). A
12 bargaining unit determined by the Board to contain peace
13 officers shall contain no employees other than peace officers
14 unless otherwise agreed to by the employer and the labor
15 organization or labor organizations involved. Notwithstanding
16 any other provision of this Act, a bargaining unit, including a
17 historical bargaining unit, containing sworn peace officers of
18 the Department of Natural Resources (formerly designated the
19 Department of Conservation) shall contain no employees other
20 than such sworn peace officers upon the effective date of this
21 amendatory Act of 1990 or upon the expiration date of any
22 collective bargaining agreement in effect upon the effective
23 date of this amendatory Act of 1990 covering both such sworn
24 peace officers and other employees.

25 (2) Notwithstanding the exclusion of supervisors from
26 bargaining units as provided in paragraph (1) of this

1 subsection (s), a public employer may agree to permit its
2 supervisory employees, other than managerial employees, to
3 form bargaining units and may bargain with those units. This
4 Act shall apply if the public employer chooses to bargain under
5 this subsection.

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

14 (t) "Active petition for certification in a bargaining
15 unit" means a petition for certification filed with the Board
16 under one of the following case numbers: S-RC-11-110;
17 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;
18 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;
19 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;
20 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;
21 S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220;
22 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;
23 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;
24 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;
25 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;
26 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;

1 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;
2 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;
3 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or
4 S-RC-07-100.

5 (Source: P.A. 97-586, eff. 8-26-11; 97-1158, eff. 1-29-13;
6 97-1172, eff. 4-5-13; 98-100, eff. 7-19-13; 98-1004, eff.
7 8-18-14.)

8 (5 ILCS 315/15) (from Ch. 48, par. 1615)

9 (Text of Section WITHOUT the changes made by P.A. 98-599,
10 which has been held unconstitutional)

11 Sec. 15. Act Takes Precedence.

12 (a) In case of any conflict between the provisions of this
13 Act and any other law (other than (i) Section 5 of the State
14 Employees Group Insurance Act of 1971, (ii) ~~and other than~~ the
15 changes made to the Illinois Pension Code by Public Act 96-889
16 ~~this amendatory Act of the 96th General Assembly,~~ and (iii) the
17 Personnel Code), executive order or administrative regulation
18 relating to wages, hours and conditions of employment and
19 employment relations, the provisions of this Act or any
20 collective bargaining agreement negotiated thereunder shall
21 prevail and control. Nothing in this Act shall be construed to
22 replace or diminish the rights of employees established by
23 Sections 28 and 28a of the Metropolitan Transit Authority Act,
24 Sections 2.15 through 2.19 of the Regional Transportation
25 Authority Act. The provisions of this Act are subject to

1 Section 5 of the State Employees Group Insurance Act of 1971.
2 Nothing in this Act shall be construed to replace the necessity
3 of complaints against a sworn peace officer, as defined in
4 Section 2(a) of the Uniform Peace Officer Disciplinary Act,
5 from having a complaint supported by a sworn affidavit.

6 (b) Except as provided in subsection (a) above, any
7 collective bargaining contract between a public employer and a
8 labor organization executed pursuant to this Act shall
9 supersede any contrary statutes, charters, ordinances, rules
10 or regulations relating to wages, hours and conditions of
11 employment and employment relations adopted by the public
12 employer or its agents. Any collective bargaining agreement
13 entered into prior to the effective date of this Act shall
14 remain in full force during its duration.

15 (c) It is the public policy of this State, pursuant to
16 paragraphs (h) and (i) of Section 6 of Article VII of the
17 Illinois Constitution, that the provisions of this Act are the
18 exclusive exercise by the State of powers and functions which
19 might otherwise be exercised by home rule units. Such powers
20 and functions may not be exercised concurrently, either
21 directly or indirectly, by any unit of local government,
22 including any home rule unit, except as otherwise authorized by
23 this Act.

24 (Source: P.A. 95-331, eff. 8-21-07; 96-889, eff. 1-1-11.)

1 Sec. 29. Construction with the Personnel Code. Actions
2 taken pursuant to Section 26 of the Personnel Code are not
3 subject to this Act or any collective bargaining agreement
4 entered into, extended, or renewed after the effective date of
5 this amendatory Act of the 99th General Assembly.

6 Section 10. The Personnel Code is amended by adding Section
7 26 as follows:

8 (20 ILCS 415/26 new)

9 Sec. 26. Rutan-exempt hiring reform implementation.

10 (a) The Department of Transportation, in consultation with
11 the Department of Central Management Services, shall review all
12 employee position descriptions. If the Department of
13 Transportation determines that a position description does not
14 accurately reflect the duties performed by an employee in that
15 position, the Department of Transportation shall work with the
16 Department of Central Management Services to (i) revise the
17 position description to accurately reflect the duties
18 performed by an employee in that position, or (ii) abolish the
19 position and either create a new a position having an accurate
20 position description or hold open for the affected employee a
21 vacant position for which the position description accurately
22 reflects the employee's duties.

23 (b) The Department of Central Management Services shall
24 review position descriptions to determine whether a position is

1 Rutan-exempt or Rutan-covered.

2 (c) If (i) a position was determined to be Rutan-exempt
3 prior to the effective date of this amendatory Act of the 99th
4 General Assembly, (ii) the position description is revised or
5 the position is abolished pursuant to subsection (b) of this
6 Section, and (iii) the position as revised or abolished is
7 determined to be Rutan-covered, then all of the following shall
8 occur:

9 (1) An employee in the Rutan-exempt position as of the
10 effective date of this amendatory Act of the 99th General
11 Assembly shall be transferred temporarily into the
12 Rutan-covered position.

13 (2) The Department of Transportation shall determine
14 whether the employee meets the qualifications for the
15 Rutan-covered position and whether the employee was hired
16 because of unlawful consideration of political affiliation
17 or support.

18 (3) If the Department of Transportation determines
19 that the employee meets the qualifications for the
20 Rutan-covered position and was not hired because of
21 unlawful consideration of political affiliation or
22 support, the employee shall be placed into the position on
23 a non-temporary basis and thereafter be subject to any
24 applicable provisions of this Code. The procedures for
25 filling the position otherwise required but for this
26 Section shall not apply to that placement.

1 (4) If the Department of Transportation determines
2 that the employee does not meet the qualifications for the
3 Rutan-covered position or was hired because of unlawful
4 consideration of political affiliation or support, the
5 Department of Transportation shall terminate the employee
6 and fill the position through the applicable procedures of
7 this Code or other applicable law or policy.

8 (d) The Governor shall file a written report with the
9 General Assembly summarizing the actions taken pursuant to this
10 Section no later than July 31, 2017.

11 (e) The Department of Transportation and the Department of
12 Central Management Services may not exercise the authority
13 granted under this Section after June 30, 2017.

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