

1 AN ACT to amend the Illinois Public Labor Relations Act.

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

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

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

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

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

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

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

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

27 (e) "Essential services employees" means those public
28 employees performing functions so essential that the
29 interruption or termination of the function will constitute a
30 clear and present danger to the health and safety of the
31 persons in the affected community.

1 (f) "Exclusive representative", except with respect to
2 non-State fire fighters and paramedics employed by fire
3 departments and fire protection districts, non-State peace
4 officers, and peace officers in the Department of State
5 Police, means the labor organization that has been (i)
6 designated by the Board as the representative of a majority
7 of public employees in an appropriate bargaining unit in
8 accordance with the procedures contained in this Act, (ii)
9 historically recognized by the State of Illinois or any
10 political subdivision of the State before July 1, 1984 (the
11 effective date of this Act) as the exclusive representative
12 of the employees in an appropriate bargaining unit, or (iii)
13 after July 1, 1984 (the effective date of this Act)
14 recognized by an employer upon evidence, acceptable to the
15 Board, that the labor organization has been designated as the
16 exclusive representative by a majority of the employees in an
17 appropriate bargaining unit.

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

1 the peace officers or fire fighters in an appropriate
2 bargaining unit.

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

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

28 (g-2) "General Assembly of the State of Illinois" means
29 the legislative branch of the government of the State of
30 Illinois, as provided for under Article IV of the
31 Constitution of the State of Illinois, and includes but is
32 not limited to the House of Representatives, the Senate, the
33 Speaker of the House of Representatives, the Minority Leader
34 of the House of Representatives, the President of the Senate,

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

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

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

18 (j) "Managerial employee" means an individual who is
19 engaged predominantly in executive and management functions
20 and is charged with the responsibility of directing the
21 effectuation of management policies and practices. No
22 employee may be considered a "managerial employee" because he
23 or she belongs to a classification of employees to whom
24 executive and management functions may be delegated without
25 proof that the employee has actually been delegated executive
26 and management functions on a regular basis. No employee may
27 be considered a "managerial employee" because he or she
28 performs professional duties. In determining an employee's
29 status as a "managerial employee", the Board shall consider
30 the employee's actual job duties and responsibilities and the
31 extent to which the employee has actual authority concerning
32 the overall operations and governance of the employee's
33 office or workplace.

34 (k) "Peace officer" means, for the purposes of this Act

1 only, any persons who have been or are hereafter appointed to
2 a police force, department, or agency and sworn or
3 commissioned to perform police duties, except that the
4 following persons are not included: part-time police
5 officers, special police officers, auxiliary police as
6 defined by Section 3.1-30-20 of the Illinois Municipal Code,
7 night watchmen, "merchant police", court security officers as
8 defined by Section 3-6012.1 of the Counties Code, temporary
9 employees, traffic guards or wardens, civilian parking meter
10 and parking facilities personnel or other individuals
11 specially appointed to aid or direct traffic at or near
12 schools or public functions or to aid in civil defense or
13 disaster, parking enforcement employees who are not
14 commissioned as peace officers and who are not armed and who
15 are not routinely expected to effect arrests, parking lot
16 attendants, clerks and dispatchers or other civilian
17 employees of a police department who are not routinely
18 expected to effect arrests, or elected officials.

19 (l) "Person" includes one or more individuals, labor
20 organizations, public employees, associations, corporations,
21 legal representatives, trustees, trustees in bankruptcy,
22 receivers, or the State of Illinois or any political
23 subdivision of the State or governing body, but does not
24 include the General Assembly of the State of Illinois or any
25 individual employed by the General Assembly of the State of
26 Illinois.

27 (m) "Professional employee" means any employee engaged
28 in work predominantly intellectual and varied in character
29 rather than routine mental, manual, mechanical or physical
30 work; involving the consistent exercise of discretion and
31 adjustment in its performance; of such a character that the
32 output produced or the result accomplished cannot be
33 standardized in relation to a given period of time; and
34 requiring advanced knowledge in a field of science or

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

12 (n) "Public employee" or "employee", for the purposes of
13 this Act, means any individual employed by a public employer,
14 including interns and residents at public hospitals, but
15 excluding all of the following: employees of the General
16 Assembly of the State of Illinois; elected officials;
17 executive heads of a department; members of boards or
18 commissions; employees of any agency, board or commission
19 created by this Act; employees appointed to State positions
20 of a temporary or emergency nature; all employees of school
21 districts and higher education institutions except
22 firefighters and peace officers employed by a state
23 university; managerial employees; short-term employees;
24 confidential employees; independent contractors; and
25 supervisors except as provided in this Act.

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

30 (o) "Public employer" or "employer" means the State of
31 Illinois; any political subdivision of the State, unit of
32 local government or school district; authorities including
33 departments, divisions, bureaus, boards, commissions, or
34 other agencies of the foregoing entities; and any person

1 acting within the scope of his or her authority, express or
2 implied, on behalf of those entities in dealing with its
3 employees. "Public employer" or "employer" as used in this
4 Act, however, does not mean and shall not include the General
5 Assembly of the State of Illinois and educational employers
6 or employers as defined in the Illinois Educational Labor
7 Relations Act, except with respect to a state university in
8 its employment of firefighters and peace officers. County
9 boards and county sheriffs shall be designated as joint or
10 co-employers of county peace officers appointed under the
11 authority of a county sheriff. Nothing in this subsection
12 (o) shall be construed to prevent the State Panel or the
13 Local Panel from determining that employers are joint or
14 co-employers.

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

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

26 (r) "Supervisor" is an employee whose principal work is
27 substantially different from that of his or her subordinates
28 and who has authority, in the interest of the employer, to
29 hire, transfer, suspend, lay off, recall, promote, discharge,
30 direct, reward, or discipline employees, to adjust their
31 grievances, or to effectively recommend any of those actions,
32 if the exercise of that authority is not of a merely routine
33 or clerical nature, but requires the consistent use of
34 independent judgment. Except with respect to police

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

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

28 (s) (1) "Unit" means a class of jobs or positions that
29 are held by employees whose collective interests may
30 suitably be represented by a labor organization for
31 collective bargaining. Except with respect to non-State
32 fire fighters and paramedics employed by fire departments
33 and fire protection districts, non-State peace officers,
34 and peace officers in the Department of State Police, a

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

29 (2) Notwithstanding the exclusion of supervisors
30 from bargaining units as provided in paragraph (1) of
31 this subsection (s), a public employer may agree to
32 permit its supervisory employees to form bargaining units
33 and may bargain with those units. This Act shall apply
34 if the public employer chooses to bargain under this

1 subsection.

2 (Source: P.A. 90-14, eff. 7-1-97; 90-655, eff. 7-30-98;
3 91-798, eff. 7-9-00.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.