92_HB1720 LRB9201532NTsb

- 1 AN ACT concerning educational labor relations.
- 2 Be it enacted by the People of the State of Illinois,
- 3 represented in the General Assembly:
- 4 Section 5. The Illinois Educational Labor Relations Act
- 5 is amended by changing Section 2 as follows:
- 6 (115 ILCS 5/2) (from Ch. 48, par. 1702)
- 7 Sec. 2. Definitions. As used in this Act:
- 8 (a) "Educational employer" or "employer" means the 9 governing body of a public school district, combination of 10 public school districts, including the governing body of
- joint agreements of any type formed by 2 or more school
- districts, public community college district or State college
- or university, and any State agency whose major function is
- 14 providing educational services. "Educational employer" or
- 15 "employer" does not include a Financial Oversight Panel
- 16 created pursuant to Section 1A-8 of the School Code due to a
- 17 district violating a financial plan.
- 18 (b) "Educational employee" or "employee" means any
- 19 individual, excluding supervisors, managerial, confidential,
- 20 short term employees, student, and part-time academic
- 21 employees of community colleges employed full or part time by
- 22 an educational employer, but shall not include elected
- officials and appointees of the Governor with the advice and
- 24 consent of the Senate, firefighters as defined by subsection
- 25 (g-1) of Section 3 of the Illinois Public Labor Relations
- 26 Act, and peace officers employed by a State university. For
- 27 the purposes of this Act, part-time academic employees of
- 28 community colleges shall be defined as those employees who
- 29 provide less than 6 credit hours of instruction per academic
- 30 semester.
- 31 (c) "Employee organization" or "labor organization"

- 1 means an organization of any kind in which membership
- 2 includes educational employees, and which exists for the
- 3 purpose, in whole or in part, of dealing with employers
- 4 concerning grievances, employee-employer disputes, wages,
- 5 rates of pay, hours of employment, or conditions of work, but
- 6 shall not include any organization which practices
- 7 discrimination in membership because of race, color, creed,
- 8 age, gender, national origin or political affiliation.
- 9 (d) "Exclusive representative" means the labor
- 10 organization which has been designated by the Illinois
- 11 Educational Labor Relations Board as the representative of
- 12 the majority of educational employees in an appropriate unit,
- or recognized by an educational employer prior to January 1,
- 14 1984 as the exclusive representative of the employees in an
- appropriate unit or, after January 1, 1984, recognized by an
- 16 employer upon evidence that the employee organization has
- 17 been designated as the exclusive representative by a majority
- of the employees in an appropriate unit.
- 19 (e) "Board" means the Illinois Educational Labor
- 20 Relations Board.
- 21 (f) "Regional Superintendent" means the regional
- 22 superintendent of schools provided for in Articles 3 and 3A
- of The School Code.
- 24 (g) "Supervisor" means any individual having authority
- in the interests of the employer to hire, transfer, suspend,
- lay off, recall, promote, discharge, reward or discipline
- other employees within the appropriate bargaining unit and
- 28 adjust their grievances, or to effectively recommend such
- 29 action if the exercise of such authority is not of a merely
- 30 routine or clerical nature but requires the use of
- 31 independent judgment. The term "supervisor" includes only
- 32 those individuals who devote a preponderance of their
- 33 employment time to such exercising authority.
- 34 (h) "Unfair labor practice" or "unfair practice" means

- 1 any practice prohibited by Section 14 of this Act.
- 2 (i) "Person" includes an individual, educational
- 3 employee, educational employer, legal representative, or
- 4 employee organization.
- 5 (j) "Wages" means salaries or other forms of
- 6 compensation for services rendered.
- 7 (k) "Professional employee" means, in the case of a
- 8 public community college, State college or university, State
- 9 agency whose major function is providing educational
- 10 services, the Illinois School for the Deaf, and the Illinois
- 11 School for the Visually Impaired, (1) any employee engaged in
- 12 work (i) predominantly intellectual and varied in character
- as opposed to routine mental, manual, mechanical, or physical
- 14 work; (ii) involving the consistent exercise of discretion
- and judgment in its performance; (iii) of such character that
- 16 the output produced or the result accomplished cannot be
- 17 standardized in relation to a given period of time; and (iv)
- 18 requiring knowledge of an advanced type in a field of science
- or learning customarily acquired by a prolonged course of
- 20 specialized intellectual instruction and study in an
- 21 institution of higher learning or a hospital, as
- 22 distinguished from a general academic education or from an
- 23 apprenticeship or from training in the performance of routine

mental, manual, or physical processes; or (2) any employee,

who (i) has completed the courses of specialized intellectual

- 26 instruction and study described in clause (iv) of paragraph
- 27 (1) of this subsection, and (ii) is performing related work
- 28 under the supervision of a professional person to qualify
- 29 himself or herself to become a professional as defined in
- 30 paragraph (1).

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- 31 (1) "Professional employee" means, in the case of any
- 32 public school district, or combination of school districts
- 33 pursuant to joint agreement, any employee who has a
- 34 certificate issued under Article 21 or Section 34-83 of the

- 1 School Code, as now or hereafter amended.
- 2 (m) "Unit" or "bargaining unit" means any group of
- 3 employees for which an exclusive representative is selected.
- 4 (n) "Confidential employee" means an employee, who (i)
- 5 in the regular course of his or her duties, assists and acts
- 6 in a confidential capacity to persons who formulate,
- 7 determine and effectuate management policies with regard to
- 8 labor relations or who (ii) in the regular course of his or
- 9 her duties has access to information relating to the
- 10 effectuation or review of the employer's collective
- 11 bargaining policies.
- 12 (o) "Managerial employee" means an individual who is
- 13 engaged predominantly in executive and management functions
- 14 and is charged with the responsibility of directing the
- 15 effectuation of such management policies and practices.
- 16 (p) "Craft employee" means a skilled journeyman, craft
- person, and his or her apprentice or helper.
- 18 (q) "Short-term employee" is an employee who is employed
- 19 for less than 2 consecutive calendar quarters during a
- 20 calendar year and who does not have a reasonable <u>expectation</u>
- 21 assurance that he or she will be rehired by the same employer
- 22 for the same service in a subsequent calendar year. Nothing
- 23 in this subsection shall affect the employee status of
- 24 individuals who were covered by a collective bargaining
- 25 agreement on the effective date of this amendatory Act of
- 26 1991.
- 27 (Source: P.A. 89-409, eff. 11-15-95; 89-572, eff. 7-30-96.)