

1 AN ACT concerning government.

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 Sections 3 and 6 and by adding Section 6.1
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
17 are not excluded by Section 4.

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

1 or review of the employer's collective bargaining policies.

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

4 (e) "Essential services employees" means those public
5 employees performing functions so essential that the
6 interruption or termination of the function will constitute a
7 clear and present danger to the health and safety of the
8 persons in the affected community.

9 (f) "Exclusive representative", except with respect to
10 non-State fire fighters and paramedics employed by fire
11 departments and fire protection districts, non-State peace
12 officers, and peace officers in the Department of State Police,
13 means the labor organization that has been (i) designated by
14 the Board as the representative of a majority of public
15 employees in an appropriate bargaining unit in accordance with
16 the procedures contained in this Act, (ii) historically
17 recognized by the State of Illinois or any political
18 subdivision of the State before July 1, 1984 (the effective
19 date of this Act) as the exclusive representative of the
20 employees in an appropriate bargaining unit, (iii) after July
21 1, 1984 (the effective date of this Act) recognized by an
22 employer upon evidence, acceptable to the Board, that the labor
23 organization has been designated as the exclusive
24 representative by a majority of the employees in an appropriate
25 bargaining unit; (iv) recognized as the exclusive
26 representative of personal care attendants or personal

1 assistants under Executive Order 2003-8 prior to the effective
2 date of this amendatory Act of the 93rd General Assembly, and
3 the organization shall be considered to be the exclusive
4 representative of the personal care attendants or personal
5 assistants as defined in this Section; or (v) recognized as the
6 exclusive representative of child and day care home providers,
7 including licensed and license exempt providers, pursuant to an
8 election held under Executive Order 2005-1 prior to the
9 effective date of this amendatory Act of the 94th General
10 Assembly, and the organization shall be considered to be the
11 exclusive representative of the child and day care home
12 providers as defined in this Section.

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

1 by an employer upon evidence, acceptable to the Board, that the
2 labor organization has been designated as the exclusive
3 representative by a majority of the peace officers or fire
4 fighters in an appropriate bargaining unit.

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

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

1 routinely expected to perform fire fighter duties, or elected
2 officials.

3 (g-2) "General Assembly of the State of Illinois" means the
4 legislative branch of the government of the State of Illinois,
5 as provided for under Article IV of the Constitution of the
6 State of Illinois, and includes but is not limited to the House
7 of Representatives, the Senate, the Speaker of the House of
8 Representatives, the Minority Leader of the House of
9 Representatives, the President of the Senate, the Minority
10 Leader of the Senate, the Joint Committee on Legislative
11 Support Services and any legislative support services agency
12 listed in the Legislative Commission Reorganization Act of
13 1984.

14 (h) "Governing body" means, in the case of the State, the
15 State Panel of the Illinois Labor Relations Board, the Director
16 of the Department of Central Management Services, and the
17 Director of the Department of Labor; the county board in the
18 case of a county; the corporate authorities in the case of a
19 municipality; and the appropriate body authorized to provide
20 for expenditures of its funds in the case of any other unit of
21 government.

22 (i) "Labor organization" means any organization in which
23 public employees participate and that exists for the purpose,
24 in whole or in part, of dealing with a public employer
25 concerning wages, hours, and other terms and conditions of
26 employment, including the settlement of grievances.

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

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

1 of this Section.

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

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

1 Illinois.

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

20 (n) "Public employee" or "employee", for the purposes of
21 this Act, means any individual employed by a public employer,
22 including (i) interns and residents at public hospitals, (ii)
23 as of the effective date of this amendatory Act of the 93rd
24 General Assembly, but not before, personal care attendants and
25 personal assistants working under the Home Services Program
26 under Section 3 of the Disabled Persons Rehabilitation Act,

1 subject to the limitations set forth in this Act and in the
2 Disabled Persons Rehabilitation Act, and (iii) as of the
3 effective date of this amendatory Act of the 94th General
4 Assembly, but not before, child and day care home providers
5 participating in the child care assistance program under
6 Section 9A-11 of the Illinois Public Aid Code, subject to the
7 limitations set forth in this Act and in Section 9A-11 of the
8 Illinois Public Aid Code, but excluding all of the following:
9 employees of the General Assembly of the State of Illinois;
10 elected officials; executive heads of a department; members of
11 boards or commissions; the Executive Inspectors General; any
12 special Executive Inspectors General; employees of each Office
13 of an Executive Inspector General; commissioners and employees
14 of the Executive Ethics Commission; the Auditor General's
15 Inspector General; employees of the Office of the Auditor
16 General's Inspector General; the Legislative Inspector
17 General; any special Legislative Inspectors General; employees
18 of the Office of the Legislative Inspector General;
19 commissioners and employees of the Legislative Ethics
20 Commission; employees of any agency, board or commission
21 created by this Act; employees appointed to State positions of
22 a temporary or emergency nature; all employees of school
23 districts and higher education institutions except
24 firefighters and peace officers employed by a state university
25 and except peace officers employed by a school district in its
26 own police department in existence on the effective date of

1 this amendatory Act of the 96th General Assembly; managerial
2 employees; short-term employees; legislative liaisons; a
3 person who is a State employee under the jurisdiction of the
4 Office of the Attorney General who is licensed to practice law
5 or whose position authorizes, either directly or indirectly,
6 meaningful input into government decision-making on issues
7 where there is room for principled disagreement on goals or
8 their implementation; a person who is a State employee under
9 the jurisdiction of the Office of the Comptroller who holds the
10 position of Public Service Administrator or whose position is
11 otherwise exempt under the Comptroller Merit Employment Code; a
12 person who is a State employee under the jurisdiction of the
13 Secretary of State who holds the position classification of
14 Executive I or higher, whose position authorizes, either
15 directly or indirectly, meaningful input into government
16 decision-making on issues where there is room for principled
17 disagreement on goals or their implementation, or who is
18 otherwise exempt under the Secretary of State Merit Employment
19 Code; employees in the Office of the Secretary of State who are
20 completely exempt from jurisdiction B of the Secretary of State
21 Merit Employment Code and who are in Rutan-exempt positions on
22 or after the effective date of this amendatory Act of the 97th
23 General Assembly; a person who is a State employee under the
24 jurisdiction of the Treasurer who holds a position that is
25 exempt from the State Treasurer Employment Code; any employee
26 of a State agency who (i) holds the title or position of, or

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

20 Personal care attendants and personal assistants shall not
21 be considered public employees for any purposes not
22 specifically provided for in the amendatory Act of the 93rd
23 General Assembly, including but not limited to, purposes of
24 vicarious liability in tort and purposes of statutory
25 retirement or health insurance benefits. Personal care
26 attendants and personal assistants shall not be covered by the

1 State Employees Group Insurance Act of 1971 (5 ILCS 375/).

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

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

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

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

23 "Public employer" or "employer" as used in this Act,
24 however, does not mean and shall not include the General
25 Assembly of the State of Illinois, the Executive Ethics
26 Commission, the Offices of the Executive Inspectors General,

1 the Legislative Ethics Commission, the Office of the
2 Legislative Inspector General, the Office of the Auditor
3 General's Inspector General, the Office of the Governor, the
4 Governor's Office of Management and Budget, the Illinois
5 Finance Authority, the Office of the Lieutenant Governor, the
6 State Board of Elections, and educational employers or
7 employers as defined in the Illinois Educational Labor
8 Relations Act, except with respect to a state university in its
9 employment of firefighters and peace officers and except with
10 respect to a school district in the employment of peace
11 officers in its own police department in existence on the
12 effective date of this amendatory Act of the 96th General
13 Assembly. County boards and county sheriffs shall be designated
14 as joint or co-employers of county peace officers appointed
15 under the authority of a county sheriff. Nothing in this
16 subsection (o) shall be construed to prevent the State Panel or
17 the Local Panel from determining that employers are joint or
18 co-employers.

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

24 (1) For court reporters employed by the Cook County
25 Judicial Circuit, the chief judge of the Cook County
26 Circuit Court is the public employer and employer

1 representative.

2 (2) For court reporters employed by the 12th, 18th,
3 19th, and, on and after December 4, 2006, the 22nd judicial
4 circuits, a group consisting of the chief judges of those
5 circuits, acting jointly by majority vote, is the public
6 employer and employer representative.

7 (3) For court reporters employed by all other judicial
8 circuits, a group consisting of the chief judges of those
9 circuits, acting jointly by majority vote, is the public
10 employer and employer representative.

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

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

22 (q-5) "State agency" means an agency directly responsible
23 to the Governor, as defined in Section 3.1 of the Executive
24 Reorganization Implementation Act, and the Illinois Commerce
25 Commission, the Illinois Workers' Compensation Commission, the
26 Civil Service Commission, the Pollution Control Board, the

1 Illinois Racing Board, and the Department of State Police Merit
2 Board.

3 (r) "Supervisor" is:

4 (1) An ~~an~~ employee whose principal work is
5 substantially different from that of his or her
6 subordinates and who has authority, in the interest of the
7 employer, to hire, transfer, suspend, lay off, recall,
8 promote, discharge, direct, reward, or discipline
9 employees, to adjust their grievances, or to effectively
10 recommend any of those actions, if the exercise of that
11 authority is not of a merely routine or clerical nature,
12 but requires the consistent use of independent judgment.
13 Except with respect to police employment, the term
14 "supervisor" includes only those individuals who devote a
15 preponderance of their employment time to exercising that
16 authority, State supervisors notwithstanding. Nothing in
17 this definition prohibits an individual from also meeting
18 the definition of "managerial employee" under subsection
19 (j) of this Section. In addition, in determining
20 supervisory status in police employment, rank shall not be
21 determinative. The Board shall consider, as evidence of
22 bargaining unit inclusion or exclusion, the common law
23 enforcement policies and relationships between police
24 officer ranks and certification under applicable civil
25 service law, ordinances, personnel codes, or Division 2.1
26 of Article 10 of the Illinois Municipal Code, but these

1 factors shall not be the sole or predominant factors
2 considered by the Board in determining police supervisory
3 status.

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

19 (2) With respect only to State employees in positions
20 under the jurisdiction of the Attorney General, Secretary
21 of State, Comptroller, or Treasurer (i) that were certified
22 in a bargaining unit on or after December 2, 2008, (ii) for
23 which a petition is filed with the Illinois Public Labor
24 Relations Board on or after the effective date of this
25 amendatory Act of the 97th General Assembly, or (iii) for
26 which a petition is pending before the Illinois Public

1 Labor Relations Board on that date, an employee who
2 qualifies as a supervisor under (A) Section 152 of the
3 National Labor Relations Act and (B) orders of the National
4 Labor Relations Board interpreting that provision or
5 decisions of courts reviewing decisions of the National
6 Labor Relations Board.

7 (s) (1) "Unit" means a class of jobs or positions that are
8 held by employees whose collective interests may suitably
9 be represented by a labor organization for collective
10 bargaining. Except with respect to non-State fire fighters
11 and paramedics employed by fire departments and fire
12 protection districts, non-State peace officers, and peace
13 officers in the Department of State Police, a bargaining
14 unit determined by the Board shall not include both
15 employees and supervisors, or supervisors only, except as
16 provided in paragraph (2) of this subsection (s) and except
17 for bargaining units in existence on July 1, 1984 (the
18 effective date of this Act). With respect to non-State fire
19 fighters and paramedics employed by fire departments and
20 fire protection districts, non-State peace officers, and
21 peace officers in the Department of State Police, a
22 bargaining unit determined by the Board shall not include
23 both supervisors and nonsupervisors, or supervisors only,
24 except as provided in paragraph (2) of this subsection (s)
25 and except for bargaining units in existence on January 1,
26 1986 (the effective date of this amendatory Act of 1985). A

1 bargaining unit determined by the Board to contain peace
2 officers shall contain no employees other than peace
3 officers unless otherwise agreed to by the employer and the
4 labor organization or labor organizations involved.
5 Notwithstanding any other provision of this Act, a
6 bargaining unit, including a historical bargaining unit,
7 containing sworn peace officers of the Department of
8 Natural Resources (formerly designated the Department of
9 Conservation) shall contain no employees other than such
10 sworn peace officers upon the effective date of this
11 amendatory Act of 1990 or upon the expiration date of any
12 collective bargaining agreement in effect upon the
13 effective date of this amendatory Act of 1990 covering both
14 such sworn peace officers and other employees.

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

21 (3) Public employees who are court reporters, as
22 defined in the Court Reporters Act, shall be divided into 3
23 units for collective bargaining purposes. One unit shall be
24 court reporters employed by the Cook County Judicial
25 Circuit; one unit shall be court reporters employed by the
26 12th, 18th, 19th, and, on and after December 4, 2006, the

1 22nd judicial circuits; and one unit shall be court
2 reporters employed by all other judicial circuits.

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

20 (Source: P.A. 95-331, eff. 8-21-07; 96-1257, eff. 7-23-10.)

21 (5 ILCS 315/6) (from Ch. 48, par. 1606)

22 Sec. 6. Right to organize and bargain collectively;
23 exclusive representation; and fair share arrangements.

24 (a) Employees of the State and any political subdivision of
25 the State, excluding employees of the General Assembly of the

1 State of Illinois and employees excluded from the definition of
2 "public employee" under subsection (n) of Section 3 of this
3 Act, have, and are protected in the exercise of, the right of
4 self-organization, and may form, join or assist any labor
5 organization, to bargain collectively through representatives
6 of their own choosing on questions of wages, hours and other
7 conditions of employment, not excluded by Section 4 of this
8 Act, and to engage in other concerted activities not otherwise
9 prohibited by law for the purposes of collective bargaining or
10 other mutual aid or protection, free from interference,
11 restraint or coercion. Employees also have, and are protected
12 in the exercise of, the right to refrain from participating in
13 any such concerted activities. Employees may be required,
14 pursuant to the terms of a lawful fair share agreement, to pay
15 a fee which shall be their proportionate share of the costs of
16 the collective bargaining process, contract administration and
17 pursuing matters affecting wages, hours and other conditions of
18 employment as defined in Section 3(g).

19 (b) Nothing in this Act prevents an employee from
20 presenting a grievance to the employer and having the grievance
21 heard and settled without the intervention of an employee
22 organization; provided that the exclusive bargaining
23 representative is afforded the opportunity to be present at
24 such conference and that any settlement made shall not be
25 inconsistent with the terms of any agreement in effect between
26 the employer and the exclusive bargaining representative.

1 (c) A labor organization designated by the Board as the
2 representative of the majority of public employees in an
3 appropriate unit in accordance with the procedures herein or
4 recognized by a public employer as the representative of the
5 majority of public employees in an appropriate unit is the
6 exclusive representative for the employees of such unit for the
7 purpose of collective bargaining with respect to rates of pay,
8 wages, hours and other conditions of employment not excluded by
9 Section 4 of this Act. A public employer is required upon
10 request to furnish the exclusive bargaining representative
11 with a complete list of the names and addresses of the public
12 employees in the bargaining unit, provided that a public
13 employer shall not be required to furnish such a list more than
14 once per payroll period. The exclusive bargaining
15 representative shall use the list exclusively for bargaining
16 representation purposes and shall not disclose any information
17 contained in the list for any other purpose. Nothing in this
18 Section, however, shall prohibit a bargaining representative
19 from disseminating a list of its union members.

20 (d) Labor organizations recognized by a public employer as
21 the exclusive representative or so designated in accordance
22 with the provisions of this Act are responsible for
23 representing the interests of all public employees in the unit.
24 Nothing herein shall be construed to limit an exclusive
25 representative's right to exercise its discretion to refuse to
26 process grievances of employees that are unmeritorious.

1 (e) When a collective bargaining agreement is entered into
2 with an exclusive representative, it may include in the
3 agreement a provision requiring employees covered by the
4 agreement who are not members of the organization to pay their
5 proportionate share of the costs of the collective bargaining
6 process, contract administration and pursuing matters
7 affecting wages, hours and conditions of employment, as defined
8 in Section 3 (g), but not to exceed the amount of dues
9 uniformly required of members. The organization shall certify
10 to the employer the amount constituting each nonmember
11 employee's proportionate share which shall not exceed dues
12 uniformly required of members. In such case, the proportionate
13 share payment in this Section shall be deducted by the employer
14 from the earnings of the nonmember employees and paid to the
15 employee organization.

16 (f) Only the exclusive representative may negotiate
17 provisions in a collective bargaining agreement providing for
18 the payroll deduction of labor organization dues, fair share
19 payment, initiation fees and assessments. Except as provided in
20 subsection (e) of this Section, any such deductions shall only
21 be made upon an employee's written authorization, and continued
22 until revoked in writing in the same manner or until the
23 termination date of an applicable collective bargaining
24 agreement. Such payments shall be paid to the exclusive
25 representative.

26 Where a collective bargaining agreement is terminated, or

1 continues in effect beyond its scheduled expiration date
2 pending the negotiation of a successor agreement or the
3 resolution of an impasse under Section 14, the employer shall
4 continue to honor and abide by any dues deduction or fair share
5 clause contained therein until a new agreement is reached
6 including dues deduction or a fair share clause. For the
7 benefit of any successor exclusive representative certified
8 under this Act, this provision shall be applicable, provided
9 the successor exclusive representative:

10 (i) certifies to the employer the amount constituting
11 each non-member's proportionate share under subsection
12 (e); or

13 (ii) presents the employer with employee written
14 authorizations for the deduction of dues, assessments, and
15 fees under this subsection.

16 Failure to so honor and abide by dues deduction or fair
17 share clauses for the benefit of any exclusive representative,
18 including a successor, shall be a violation of the duty to
19 bargain and an unfair labor practice.

20 (g) Agreements containing a fair share agreement must
21 safeguard the right of nonassociation of employees based upon
22 bona fide religious tenets or teachings of a church or
23 religious body of which such employees are members. Such
24 employees may be required to pay an amount equal to their fair
25 share, determined under a lawful fair share agreement, to a
26 nonreligious charitable organization mutually agreed upon by

1 the employees affected and the exclusive bargaining
2 representative to which such employees would otherwise pay such
3 service fee. If the affected employees and the bargaining
4 representative are unable to reach an agreement on the matter,
5 the Board may establish an approved list of charitable
6 organizations to which such payments may be made.

7 (Source: P.A. 93-854, eff. 1-1-05; 94-472, eff. 1-1-06.)

8 (5 ILCS 315/6.1 new)

9 Sec. 6.1. Gubernatorial designation of certain public
10 employment positions as excluded from collective bargaining.

11 (a) Notwithstanding any provision of this Act to the
12 contrary, the Governor is authorized to designate up to 3,580
13 State employment positions collectively within State agencies
14 directly responsible to the Governor, and, upon designation,
15 those positions and employees in those positions, if any, are
16 hereby excluded from the self-organization and collective
17 bargaining provisions of Section 6 of this Act. Only those
18 employment positions that have been certified in a bargaining
19 unit on or after December 2, 2008, that have a pending petition
20 for certification in a bargaining unit on the effective date of
21 this amendatory Act of the 97th General Assembly, or that
22 neither have been certified in a bargaining unit on or after
23 December 2, 2008 nor have a pending petition for certification
24 in a bargaining unit on the effective date of this amendatory
25 Act of the 97th General Assembly are eligible to be designated

1 by the Governor under this Section. The Governor may not
2 designate under this Section, however, more than 1,900
3 employment positions that have been certified in a bargaining
4 unit on or after December 2, 2008.

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

13 To qualify for designation under this Section, the
14 employment position must meet one or more of the following
15 requirements:

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

18 (2) it must have a title of, or authorize a person who
19 holds that position to exercise substantially similar
20 duties as an, Agency General Counsel, Agency Chief of
21 Staff, Agency Executive Director, Agency Deputy Director,
22 Agency Chief Fiscal Officer, Agency Human Resources
23 Director, Senior Public Service Administrator, Public
24 Information Officer, or Chief Information Officer;

25 (3) it must be a Rutan-exempt, as designated by the
26 employer, position and completely exempt from jurisdiction

1 B of the Personnel Code;

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

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

7 Within 60 days after the Governor makes a designation under
8 this Section, the Board shall determine, in a manner that is
9 consistent with the requirements of due process, whether the
10 designation comports with the requirements of this Section.

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

24 (d) The Governor must exercise the authority afforded under
25 this Section within 365 calendar days after the effective date
26 of this amendatory Act of the 97th General Assembly. Any

1 designation made by the Governor under this Section shall be
2 presumed to have been properly made.

3 If the Governor chooses not to designate a position under
4 this Section, then that decision does not preclude a State
5 agency from otherwise challenging the certification of that
6 position under this Act.

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

12 Section 95. Severability. The provisions of this Act are
13 severable under Section 1.31 of the Statute on Statutes.

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