

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

1 Determinations of confidential employee status shall be based
2 on actual employee job duties and not solely on written job
3 descriptions.

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

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

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

1 appropriate bargaining unit; (iv) recognized as the exclusive
2 representative of personal assistants under Executive Order
3 2003-8 prior to July 16, 2003 (the effective date of Public Act
4 93-204), and the organization shall be considered to be the
5 exclusive representative of the personal assistants as defined
6 in this Section; or (v) recognized as the exclusive
7 representative of child and day care home providers, including
8 licensed and license exempt providers, pursuant to an election
9 held under Executive Order 2005-1 prior to January 1, 2006
10 (the effective date of Public Act 94-320), and the
11 organization shall be considered to be the exclusive
12 representative of the child and day care home providers as
13 defined in this Section.

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

1 January 1, 1986 (the effective date of this amendatory Act of
2 1985) recognized by an employer upon evidence, acceptable to
3 the Board, that the labor organization has been designated as
4 the exclusive representative by a majority of the peace
5 officers or fire fighters in an appropriate bargaining unit.

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

17 (g) "Fair share agreement" means an agreement between the
18 employer and an employee organization under which all or any
19 of the employees in a collective bargaining unit are required
20 to pay their proportionate share of the costs of the
21 collective bargaining process, contract administration, and
22 pursuing matters affecting wages, hours, and other conditions
23 of employment, but not to exceed the amount of dues uniformly
24 required of members. The amount certified by the exclusive
25 representative shall not include any fees for contributions
26 related to the election or support of any candidate for

1 political office. Nothing in this subsection (g) shall
2 preclude an employee from making voluntary political
3 contributions in conjunction with his or her fair share
4 payment.

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

17 (g-2) "General Assembly of the State of Illinois" means
18 the legislative branch of the government of the State of
19 Illinois, as provided for under Article IV of the Constitution
20 of the State of Illinois, and includes, but is not limited to,
21 the House of Representatives, the Senate, the Speaker of the
22 House of Representatives, the Minority Leader of the House of
23 Representatives, the President of the Senate, the Minority
24 Leader of the Senate, the Joint Committee on Legislative
25 Support Services, and any legislative support services agency
26 listed in the Legislative Commission Reorganization Act of

1 1984.

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

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

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

23 (j) "Managerial employee" means an individual who is
24 engaged predominantly in executive and management functions
25 and is charged with the responsibility of directing the
26 effectuation of management policies and practices.

1 Determination of managerial employee status shall be based on
2 actual employee job duties and not solely on written job
3 descriptions. With respect only to State employees in
4 positions under the jurisdiction of the Attorney General,
5 Secretary of State, Comptroller, or Treasurer (i) that were
6 certified in a bargaining unit on or after December 2, 2008,
7 (ii) for which a petition is filed with the Illinois Public
8 Labor Relations Board on or after April 5, 2013 (the effective
9 date of Public Act 97-1172), or (iii) for which a petition is
10 pending before the Illinois Public Labor Relations Board on
11 that date, "managerial employee" means an individual who is
12 engaged in executive and management functions or who is
13 charged with the effectuation of management policies and
14 practices or who represents management interests by taking or
15 recommending discretionary actions that effectively control or
16 implement policy. On and after the effective date of this
17 amendatory Act of the 104th General Assembly, "managerial
18 employee" includes the individual designated or appointed by a
19 sheriff as the undersheriff or chief deputy to fill a vacancy
20 under Section 3-3010 of the Counties Code and the individual
21 serving as the superintendent of the jail under Section 3 of
22 the County Jail Act, unless the sheriff and the relevant union
23 have mutually agreed otherwise or the individual is already
24 otherwise recognized under subsection (c) of Section 9 or any
25 other provision of this Act. Nothing in this definition
26 prohibits an individual from also meeting the definition of

1 "supervisor" under subsection (r) 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
6 are 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
10 3-6012.1 of the Counties Code, temporary employees, traffic
11 guards or wardens, civilian parking meter and parking
12 facilities personnel or other individuals specially appointed
13 to aid or direct traffic at or near schools or public functions
14 or to aid in civil defense or disaster, parking enforcement
15 employees who are not commissioned as peace officers and who
16 are not armed and who are not routinely expected to effect
17 arrests, parking lot attendants, clerks and dispatchers or
18 other civilian employees of a police department who are not
19 routinely expected 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
12 a hospital, as distinguished from a general academic education
13 or 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
18 professional person to qualify to become a professional
19 employee as defined 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 July 16, 2003 (the effective date of Public Act 93-204),
24 but not before, personal assistants working under the Home
25 Services Program under Section 3 of the Rehabilitation of
26 Persons with Disabilities Act, subject to the limitations set

1 forth in this Act and in the Rehabilitation of Persons with
2 Disabilities Act, (iii) as of January 1, 2006 (the effective
3 date of Public Act 94-320), but not before, child and day care
4 home providers participating in the child care assistance
5 program under Section 9A-11 of the Illinois Public Aid Code,
6 subject to the limitations set forth in this Act and in Section
7 9A-11 of the Illinois Public Aid Code, (iv) as of January 29,
8 2013 (the effective date of Public Act 97-1158), but not
9 before except as otherwise provided in this subsection (n),
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 Rehabilitation of Persons with Disabilities Act, no
14 matter whether the State provides those services through
15 direct fee-for-service arrangements, with the assistance of a
16 managed care organization or other intermediary, or otherwise,
17 (v) beginning on July 19, 2013 (the effective date of Public
18 Act 98-100) and notwithstanding any other provision of this
19 Act, any person employed by a public employer and who is
20 classified as or who holds the employment title of Chief
21 Stationary Engineer, Assistant Chief Stationary Engineer,
22 Sewage Plant Operator, Water Plant Operator, Stationary
23 Engineer, Plant Operating Engineer, and any other employee who
24 holds the position of: Civil Engineer V, Civil Engineer VI,
25 Civil Engineer VII, Technical Manager I, Technical Manager II,
26 Technical Manager III, Technical Manager IV, Technical Manager

1 V, Technical Manager VI, Realty Specialist III, Realty
2 Specialist IV, Realty Specialist V, Technical Advisor I,
3 Technical Advisor II, Technical Advisor III, Technical Advisor
4 IV, or Technical Advisor V employed by the Department of
5 Transportation who is in a position which is certified in a
6 bargaining unit on or before July 19, 2013 (the effective date
7 of Public Act 98-100), and (vi) beginning on July 19, 2013 (the
8 effective date of Public Act 98-100) and notwithstanding any
9 other provision of this Act, any mental health administrator
10 in the Department of Corrections who is classified as or who
11 holds the position of Public Service Administrator (Option
12 8K), any employee of the Office of the Inspector General in the
13 Department of Human Services who is classified as or who holds
14 the position of Public Service Administrator (Option 7), any
15 Deputy of Intelligence in the Department of Corrections who is
16 classified as or who holds the position of Public Service
17 Administrator (Option 7), and any employee of the Illinois
18 State Police who handles issues concerning the Illinois State
19 Police Sex Offender Registry and who is classified as or holds
20 the position of Public Service Administrator (Option 7), but
21 excluding all of the following: employees of the General
22 Assembly of the State of Illinois; elected officials;
23 executive heads of a department; members of boards or
24 commissions; the Executive Inspectors General; any special
25 Executive Inspectors General; employees of each Office of an
26 Executive Inspector General; commissioners and employees of

1 the Executive Ethics Commission; the Auditor General's
2 Inspector General; employees of the Office of the Auditor
3 General's Inspector General; the Legislative Inspector
4 General; any special Legislative Inspectors General; employees
5 of the Office of the Legislative Inspector General;
6 commissioners and employees of the Legislative Ethics
7 Commission; employees of any agency, board or commission
8 created by this Act; employees appointed to State positions of
9 a temporary or emergency nature; all employees of school
10 districts and higher education institutions except
11 firefighters and peace officers employed by a state university
12 and except peace officers employed by a school district in its
13 own police department in existence on July 23, 2010 (the
14 effective date of Public Act 96-1257); managerial employees;
15 short-term employees; legislative liaisons; a person who is a
16 State employee under the jurisdiction of the Office of the
17 Attorney General who is licensed to practice law or whose
18 position authorizes, either directly or indirectly, meaningful
19 input into government decision-making on issues where there is
20 room for principled disagreement on goals or their
21 implementation; a person who is a State employee under the
22 jurisdiction of the Office of the Comptroller who holds the
23 position of Public Service Administrator or whose position is
24 otherwise exempt under the Comptroller Merit Employment Code;
25 a person who is a State employee under the jurisdiction of the
26 Secretary of State who holds the position classification of

1 Executive I or higher, whose position authorizes, either
2 directly or indirectly, meaningful input into government
3 decision-making on issues where there is room for principled
4 disagreement on goals or their implementation, or who is
5 otherwise exempt under the Secretary of State Merit Employment
6 Code; employees in the Office of the Secretary of State who are
7 completely exempt from jurisdiction B of the Secretary of
8 State Merit Employment Code and who are in Rutan-exempt
9 positions on or after April 5, 2013 (the effective date of
10 Public Act 97-1172); a person who is a State employee under the
11 jurisdiction of the Treasurer who holds a position that is
12 exempt from the State Treasurer Employment Code; any employee
13 of a State agency who (i) holds the title or position of, or
14 exercises substantially similar duties as a legislative
15 liaison, Agency General Counsel, Agency Chief of Staff, Agency
16 Executive Director, Agency Deputy Director, Agency Chief
17 Fiscal Officer, Agency Human Resources Director, Public
18 Information Officer, or Chief Information Officer and (ii) was
19 neither included in a bargaining unit nor subject to an active
20 petition for certification in a bargaining unit; any employee
21 of a State agency who (i) is in a position that is
22 Rutan-exempt, as designated by the employer, and completely
23 exempt from jurisdiction B of the Personnel Code and (ii) was
24 neither included in a bargaining unit nor subject to an active
25 petition for certification in a bargaining unit; any term
26 appointed employee of a State agency pursuant to Section 8b.18

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

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

21 Child and day care home providers shall not be considered
22 public employees for any purposes not specifically provided
23 for in Public Act 94-320, including, but not limited to,
24 purposes of vicarious liability in tort and purposes of
25 statutory retirement or health insurance benefits. Child and
26 day care home providers shall not be covered by the State

1 Employees Group Insurance Act of 1971.

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

6 (o) Except as otherwise in subsection (o-5), "public
7 employer" or "employer" means the State of Illinois; any
8 political subdivision of the State, unit of local government
9 or school district; authorities including departments,
10 divisions, bureaus, boards, commissions, or other agencies of
11 the foregoing entities; and any person acting within the scope
12 of his or her authority, express or implied, on behalf of those
13 entities in dealing with its employees. As of July 16, 2003
14 (the effective date of Public Act 93-204), but not before, the
15 State of Illinois shall be considered the employer of the
16 personal assistants working under the Home Services Program
17 under Section 3 of the Rehabilitation of Persons with
18 Disabilities Act, subject to the limitations set forth in this
19 Act and in the Rehabilitation of Persons with Disabilities
20 Act. As of January 29, 2013 (the effective date of Public Act
21 97-1158), but not before except as otherwise provided in this
22 subsection (o), the State shall be considered the employer of
23 home care and home health workers who function as personal
24 assistants and individual maintenance home health workers and
25 who also work under the Home Services Program under Section 3
26 of the Rehabilitation of Persons with Disabilities Act, no

1 matter whether the State provides those services through
2 direct fee-for-service arrangements, with the assistance of a
3 managed care organization or other intermediary, or otherwise,
4 but subject to the limitations set forth in this Act and the
5 Rehabilitation of Persons with Disabilities Act. The State
6 shall not be considered to be the employer of home care and
7 home health workers who function as personal assistants and
8 individual maintenance home health workers and who also work
9 under the Home Services Program under Section 3 of the
10 Rehabilitation of Persons with Disabilities Act, for any
11 purposes not specifically provided for in Public Act 93-204 or
12 Public Act 97-1158, including but not limited to, purposes of
13 vicarious liability in tort and purposes of statutory
14 retirement or health insurance benefits. Home care and home
15 health workers who function as personal assistants and
16 individual maintenance home health workers and who also work
17 under the Home Services Program under Section 3 of the
18 Rehabilitation of Persons with Disabilities Act shall not be
19 covered by the State Employees Group Insurance Act of 1971. As
20 of January 1, 2006 (the effective date of Public Act 94-320),
21 but not before, the State of Illinois shall be considered the
22 employer of the day and child care home providers
23 participating in the child care assistance program under
24 Section 9A-11 of the Illinois Public Aid Code, subject to the
25 limitations set forth in this Act and in Section 9A-11 of the
26 Illinois Public Aid Code. The State shall not be considered to

1 be the employer of child and day care home providers for any
2 purposes not specifically provided for in Public Act 94-320,
3 including, but not limited to, purposes of vicarious liability
4 in tort and purposes of statutory retirement or health
5 insurance benefits. Child and day care home providers shall
6 not be covered by the State Employees Group Insurance Act of
7 1971.

8 "Public employer" or "employer" as used in this Act,
9 however, does not mean and shall not include the General
10 Assembly of the State of Illinois, the Executive Ethics
11 Commission, the Offices of the Executive Inspectors General,
12 the Legislative Ethics Commission, the Office of the
13 Legislative Inspector General, the Office of the Auditor
14 General's Inspector General, the Office of the Governor, the
15 Governor's Office of Management and Budget, the Illinois
16 Finance Authority, the Office of the Lieutenant Governor, the
17 State Board of Elections, and educational employers or
18 employers as defined in the Illinois Educational Labor
19 Relations Act, except with respect to a state university in
20 its employment of firefighters and peace officers and except
21 with respect to a school district in the employment of peace
22 officers in its own police department in existence on July 23,
23 2010 (the effective date of Public Act 96-1257). County boards
24 and county sheriffs shall be designated as joint or
25 co-employers of county peace officers appointed under the
26 authority of a county sheriff. Nothing in this subsection (o)

1 shall be construed to prevent the State Panel or the Local
2 Panel from determining that employers are joint or
3 co-employers.

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

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

13 (2) For court reporters employed by the 12th, 18th,
14 19th, and, on and after December 4, 2006, the 22nd
15 judicial circuits, a group consisting of the chief judges
16 of those circuits, acting jointly by majority vote, is the
17 public employer and employer representative.

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

22 (p) "Security employee" means an employee who is
23 responsible for the supervision and control of inmates at
24 correctional facilities. The term also includes other
25 non-security employees in bargaining units having the majority
26 of employees being responsible for the supervision and control

1 of inmates at correctional facilities.

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

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

14 (r) "Supervisor" is:

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

1 State supervisors notwithstanding. Determinations of
2 supervisor status shall be based on actual employee job
3 duties and not solely on written job descriptions. Nothing
4 in this definition prohibits an individual from also
5 meeting the definition of "managerial employee" under
6 subsection (j) of this Section. In addition, in
7 determining supervisory status in police employment, rank
8 shall not be determinative. The Board shall consider, as
9 evidence of bargaining unit inclusion or exclusion, the
10 common law enforcement policies and relationships between
11 police officer ranks and certification under applicable
12 civil service law, ordinances, personnel codes, or
13 Division 2.1 of Article 10 of the Illinois Municipal Code,
14 but these factors shall not be the sole or predominant
15 factors considered by the Board in determining police
16 supervisory 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 fire fighter units,
22 employees shall consist of fire fighters of the highest
23 rank of company officer and below. A company officer may
24 be responsible for multiple companies or apparatus on a
25 shift, multiple stations, or an entire shift. There may be
26 more than one company officer per shift. If a company

1 officer otherwise qualifies as a supervisor under the
2 preceding paragraph, however, he or she shall not be
3 included in the fire fighter unit. If there is no rank
4 between that of chief and the highest company officer, the
5 employer may designate a position on each shift as a Shift
6 Commander, and the persons occupying those positions shall
7 be supervisors. All other ranks above that of the highest
8 company officer shall be supervisors.

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

23 (3) With respect to a police officer, other than a
24 police officer employed by the Illinois State Police, any
25 officer in a permanent rank for which the police officer
26 is appointed. For municipal police officers, "in a

1 permanent rank" shall mean those not subject to
2 promotional testing pursuant to Division 1 or Division 2.1
3 of the Illinois Municipal Code. The position or rank
4 immediately below that of Chief, whether occupied by a
5 person or persons in appointed positions or a tested rank
6 shall also be considered supervisors unless that rank is
7 that of patrol officer. An appointment of duties in which
8 the tested permanent rank does not change shall not be
9 considered the appointment of a supervisor under this
10 definition.

11 (4) With respect to a police officer for the State
12 Police, any rank of Major or above.

13 Notwithstanding the provisions of paragraph (1) of
14 subsection (r), "supervisor" does not include (1) a police
15 officer excluded from the definition of "supervisor" by a
16 collective bargaining agreement, (2) a police officer who is
17 in a rank for which the police officer must complete a written
18 test pursuant to Division 1 or Division 2.1 of the Illinois
19 Municipal Code in order to be employed in that rank, (3) a
20 police officer who is in a position or rank that has been
21 voluntarily recognized as covered by a collective bargaining
22 agreement by the employer, or (4) a police officer who is in a
23 position or rank that has been historically covered by a
24 collective bargaining agreement. However, these exclusions
25 from the definition of "supervisor" only apply in this Act for
26 the purposes of supervisory collective bargaining purposes

1 only. Employees occupying supervisory bargaining ranks shall
2 still be required to perform supervisory functions as outlined
3 in paragraph (1) of subsection (r) and be held accountable for
4 failure to perform supervisory functions.

5 (s)(1) "Unit" means a class of jobs or positions that are
6 held by employees whose collective interests may suitably be
7 represented by a labor organization for collective bargaining.
8 Except with respect to non-State fire fighters and paramedics
9 employed by fire departments and fire protection districts,
10 non-State peace officers, and peace officers in the Illinois
11 State Police, a bargaining unit determined by the Board shall
12 not include both employees and supervisors, or supervisors
13 only, except as provided in paragraph (2) of this subsection
14 (s) and except for bargaining units in existence on July 1,
15 1984 (the effective date of this Act). With respect to
16 non-State fire fighters and paramedics employed by fire
17 departments and fire protection districts, non-State peace
18 officers, and peace officers in the Illinois State Police, a
19 bargaining unit determined by the Board shall not include both
20 supervisors and nonsupervisors, or supervisors only, except as
21 provided in paragraph (2) of this subsection (s) and except
22 for bargaining units in existence on January 1, 1986 (the
23 effective date of this amendatory Act of 1985). A bargaining
24 unit determined by the Board to contain peace officers shall
25 contain no employees other than peace officers unless
26 otherwise agreed to by the employer and the labor organization

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

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

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

25 (t) "Active petition for certification in a bargaining
26 unit" means a petition for certification filed with the Board

1 under one of the following case numbers: S-RC-11-110;
2 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;
3 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;
4 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;
5 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;
6 S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220;
7 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;
8 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;
9 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;
10 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;
11 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;
12 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;
13 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;
14 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or
15 S-RC-07-100.

16 (Source: P.A. 102-151, eff. 7-23-21; 102-538, eff. 8-20-21;
17 102-686, eff. 6-1-22; 102-813, eff. 5-13-22; 103-154, eff.
18 6-30-23.)

19 Section 99. Effective date. This Act takes effect July 1,
20 2026.