

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.