



Sen. Daniel Biss

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1 AMENDMENT TO SENATE BILL 2546

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2546 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Educational Labor Relations Act is  
5 amended by changing Section 2 as follows:

6 (115 ILCS 5/2) (from Ch. 48, par. 1702)

7 Sec. 2. Definitions. As used in this Act:

8 (a) "Educational employer" or "employer" means the  
9 governing body of a public school district, including the  
10 governing body of a charter school established under Article  
11 27A of the School Code or of a contract school or contract  
12 turnaround school established under paragraph 30 of Section  
13 34-18 of the School Code, combination of public school  
14 districts, including the governing body of joint agreements of  
15 any type formed by 2 or more school districts, public community  
16 college district or State college or university, a

1 subcontractor of instructional services of a school district  
2 (other than a school district organized under Article 34 of the  
3 School Code), combination of school districts, charter school  
4 established under Article 27A of the School Code, or contract  
5 school or contract turnaround school established under  
6 paragraph 30 of Section 34-18 of the School Code, an  
7 Independent Authority created under Section 2-3.25f-5 of the  
8 School Code, and any State agency whose major function is  
9 providing educational services. "Educational employer" or  
10 "employer" does not include (1) a Financial Oversight Panel  
11 created pursuant to Section 1A-8 of the School Code due to a  
12 district violating a financial plan or (2) an approved  
13 nonpublic special education facility that contracts with a  
14 school district or combination of school districts to provide  
15 special education services pursuant to Section 14-7.02 of the  
16 School Code, but does include a School Finance Authority  
17 created under Article 1E or 1F of the School Code and a  
18 Financial Oversight Panel created under Article 1B or 1H of the  
19 School Code. The change made by this amendatory Act of the 96th  
20 General Assembly to this paragraph (a) to make clear that the  
21 governing body of a charter school is an "educational employer"  
22 is declaratory of existing law.

23 (b) "Educational employee" or "employee" means any  
24 individual, excluding supervisors, managerial, confidential,  
25 short term employees, student, and part-time academic  
26 employees of community colleges employed full or part time by

1 an educational employer, but shall not include elected  
2 officials and appointees of the Governor with the advice and  
3 consent of the Senate, firefighters as defined by subsection  
4 (g-1) of Section 3 of the Illinois Public Labor Relations Act,  
5 and peace officers employed by a State university. For the  
6 purposes of this Act, part-time academic employees of community  
7 colleges shall be defined as those employees who provide less  
8 than 3 credit hours of instruction per academic semester. In  
9 this subsection (b), the term "student" does not include  
10 ~~includes~~ graduate students who are research assistants  
11 primarily performing duties that involve research, ~~or~~ graduate  
12 assistants primarily performing duties that are  
13 pre-professional, ~~but excludes~~ graduate students who are  
14 teaching assistants primarily performing duties that involve  
15 the delivery and support of instruction, or any ~~and all~~ other  
16 graduate assistants.

17 (c) "Employee organization" or "labor organization" means  
18 an organization of any kind in which membership includes  
19 educational employees, and which exists for the purpose, in  
20 whole or in part, of dealing with employers concerning  
21 grievances, employee-employer disputes, wages, rates of pay,  
22 hours of employment, or conditions of work, but shall not  
23 include any organization which practices discrimination in  
24 membership because of race, color, creed, age, gender, national  
25 origin or political affiliation.

26 (d) "Exclusive representative" means the labor

1 organization which has been designated by the Illinois  
2 Educational Labor Relations Board as the representative of the  
3 majority of educational employees in an appropriate unit, or  
4 recognized by an educational employer prior to January 1, 1984  
5 as the exclusive representative of the employees in an  
6 appropriate unit or, after January 1, 1984, recognized by an  
7 employer upon evidence that the employee organization has been  
8 designated as the exclusive representative by a majority of the  
9 employees in an appropriate unit.

10 (e) "Board" means the Illinois Educational Labor Relations  
11 Board.

12 (f) "Regional Superintendent" means the regional  
13 superintendent of schools provided for in Articles 3 and 3A of  
14 The School Code.

15 (g) "Supervisor" means any individual having authority in  
16 the interests of the employer to hire, transfer, suspend, lay  
17 off, recall, promote, discharge, reward or discipline other  
18 employees within the appropriate bargaining unit and adjust  
19 their grievances, or to effectively recommend such action if  
20 the exercise of such authority is not of a merely routine or  
21 clerical nature but requires the use of independent judgment.  
22 The term "supervisor" includes only those individuals who  
23 devote a preponderance of their employment time to such  
24 exercising authority.

25 (h) "Unfair labor practice" or "unfair practice" means any  
26 practice prohibited by Section 14 of this Act.

1           (i) "Person" includes an individual, educational employee,  
2 educational employer, legal representative, or employee  
3 organization.

4           (j) "Wages" means salaries or other forms of compensation  
5 for services rendered.

6           (k) "Professional employee" means, in the case of a public  
7 community college, State college or university, State agency  
8 whose major function is providing educational services, the  
9 Illinois School for the Deaf, and the Illinois School for the  
10 Visually Impaired, (1) any employee engaged in work (i)  
11 predominantly intellectual and varied in character as opposed  
12 to routine mental, manual, mechanical, or physical work; (ii)  
13 involving the consistent exercise of discretion and judgment in  
14 its performance; (iii) of such character that the output  
15 produced or the result accomplished cannot be standardized in  
16 relation to a given period of time; and (iv) requiring  
17 knowledge of an advanced type in a field of science or learning  
18 customarily acquired by a prolonged course of specialized  
19 intellectual instruction and study in an institution of higher  
20 learning or a hospital, as distinguished from a general  
21 academic education or from an apprenticeship or from training  
22 in the performance of routine mental, manual, or physical  
23 processes; or (2) any employee, who (i) has completed the  
24 courses of specialized intellectual instruction and study  
25 described in clause (iv) of paragraph (1) of this subsection,  
26 and (ii) is performing related work under the supervision of a

1 professional person to qualify himself or herself to become a  
2 professional as defined in paragraph (l).

3 (l) "Professional employee" means, in the case of any  
4 public school district, or combination of school districts  
5 pursuant to joint agreement, any employee who has a certificate  
6 issued under Article 21 or Section 34-83 of the School Code, as  
7 now or hereafter amended.

8 (m) "Unit" or "bargaining unit" means any group of  
9 employees for which an exclusive representative is selected.

10 (n) "Confidential employee" means an employee, who (i) in  
11 the regular course of his or her duties, assists and acts in a  
12 confidential capacity to persons who formulate, determine and  
13 effectuate management policies with regard to labor relations  
14 or who (ii) in the regular course of his or her duties has  
15 access to information relating to the effectuation or review of  
16 the employer's collective bargaining policies.

17 (o) "Managerial employee" means an individual who is  
18 engaged predominantly in executive and management functions  
19 and is charged with the responsibility of directing the  
20 effectuation of such management policies and practices.

21 (p) "Craft employee" means a skilled journeyman, craft  
22 person, and his or her apprentice or helper.

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

1 in a subsequent calendar year. Nothing in this subsection shall  
2 affect the employee status of individuals who were covered by a  
3 collective bargaining agreement on the effective date of this  
4 amendatory Act of 1991.

5 (Source: P.A. 97-429, eff. 8-16-11; 98-1155, eff. 1-9-15.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law."