



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4502

Introduced 2/4/2020, by Rep. Lawrence Walsh, Jr.

SYNOPSIS AS INTRODUCED:

5 ILCS 315/3

from Ch. 48, par. 1603

Amends the Illinois Public Labor Relations Act. Modifies the definition of "supervisor" under the Act. Provides that in fire fighter units (rather than new fire fighter units), employees shall consist of fire fighters of the highest rank of company officer and below (currently, highest rank not specified). Provides that a company officer may be responsible for multiple companies or apparatus on a shift, multiple stations, or an entire shift. Provides that there may be more than one company officer per shift. Provides that all other ranks above that of the highest company officer shall be supervisors (currently, highest rank not specified).

LRB101 18665 RJF 68120 b

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 other
15 conditions of employment, as detailed in Section 7 and which
16 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 (d) "Craft employees" means skilled journeymen, crafts
2 persons, and their apprentices and helpers.

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

8 (f) "Exclusive representative", except with respect to
9 non-State fire fighters and paramedics employed by fire
10 departments and fire protection districts, non-State peace
11 officers, and peace officers in the Department of State Police,
12 means the labor organization that has been (i) designated by
13 the Board as the representative of a majority of public
14 employees in an appropriate bargaining unit in accordance with
15 the procedures contained in this Act, (ii) historically
16 recognized by the State of Illinois or any political
17 subdivision of the State before July 1, 1984 (the effective
18 date of this Act) as the exclusive representative of the
19 employees in an appropriate bargaining unit, (iii) after July
20 1, 1984 (the effective date of this Act) recognized by an
21 employer upon evidence, acceptable to the Board, that the labor
22 organization has been designated as the exclusive
23 representative by a majority of the employees in an appropriate
24 bargaining unit; (iv) recognized as the exclusive
25 representative of personal assistants under Executive Order
26 2003-8 prior to the effective date of this amendatory Act of

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

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

1 representative by a majority of the peace officers or fire
2 fighters in an appropriate bargaining unit.

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

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

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

13 (g-2) "General Assembly of the State of Illinois" means the
14 legislative branch of the government of the State of Illinois,
15 as provided for under Article IV of the Constitution of the
16 State of Illinois, and includes but is not limited to the House
17 of Representatives, the Senate, the Speaker of the House of
18 Representatives, the Minority Leader of the House of
19 Representatives, the President of the Senate, the Minority
20 Leader of the Senate, the Joint Committee on Legislative
21 Support Services and any legislative support services agency
22 listed in the Legislative Commission Reorganization Act of
23 1984.

24 (h) "Governing body" means, in the case of the State, the
25 State Panel of the Illinois Labor Relations Board, the Director
26 of the Department of Central Management Services, and the

1 Director of the Department of Labor; the county board in the
2 case of a county; the corporate authorities in the case of a
3 municipality; and the appropriate body authorized to provide
4 for expenditures of its funds in the case of any other unit of
5 government.

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

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

18 (j) "Managerial employee" means an individual who is
19 engaged predominantly in executive and management functions
20 and is charged with the responsibility of directing the
21 effectuation of management policies and practices. With
22 respect only to State employees in positions under the
23 jurisdiction of the Attorney General, Secretary of State,
24 Comptroller, or Treasurer (i) that were certified in a
25 bargaining unit on or after December 2, 2008, (ii) for which a
26 petition is filed with the Illinois Public Labor Relations

1 Board on or after April 5, 2013 (the effective date of Public
2 Act 97-1172), or (iii) for which a petition is pending before
3 the Illinois Public Labor Relations Board on that date,
4 "managerial employee" means an individual who is engaged in
5 executive and management functions or who is charged with the
6 effectuation of management policies and practices or who
7 represents management interests by taking or recommending
8 discretionary actions that effectively control or implement
9 policy. Nothing in this definition prohibits an individual from
10 also meeting the definition of "supervisor" under subsection
11 (r) of this Section.

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

1 lot attendants, clerks and dispatchers or other civilian
2 employees of a police department who are not routinely expected
3 to effect arrests, or elected officials.

4 (l) "Person" includes one or more individuals, labor
5 organizations, public employees, associations, corporations,
6 legal representatives, trustees, trustees in bankruptcy,
7 receivers, or the State of Illinois or any political
8 subdivision of the State or governing body, but does not
9 include the General Assembly of the State of Illinois or any
10 individual employed by the General Assembly of the State of
11 Illinois.

12 (m) "Professional employee" means any employee engaged in
13 work predominantly intellectual and varied in character rather
14 than routine mental, manual, mechanical or physical work;
15 involving the consistent exercise of discretion and adjustment
16 in its performance; of such a character that the output
17 produced or the result accomplished cannot be standardized in
18 relation to a given period of time; and requiring advanced
19 knowledge in a field of science or learning customarily
20 acquired by a prolonged course of specialized intellectual
21 instruction and study in an institution of higher learning or a
22 hospital, as distinguished from a general academic education or
23 from apprenticeship or from training in the performance of
24 routine mental, manual, or physical processes; or any employee
25 who has completed the courses of specialized intellectual
26 instruction and study prescribed in this subsection (m) and is

1 performing related work under the supervision of a professional
2 person to qualify to become a professional employee as defined
3 in this subsection (m).

4 (n) "Public employee" or "employee", for the purposes of
5 this Act, means any individual employed by a public employer,
6 including (i) interns and residents at public hospitals, (ii)
7 as of the effective date of this amendatory Act of the 93rd
8 General Assembly, but not before, personal assistants working
9 under the Home Services Program under Section 3 of the
10 Rehabilitation of Persons with Disabilities Act, subject to the
11 limitations set forth in this Act and in the Rehabilitation of
12 Persons with Disabilities Act, (iii) as of the effective date
13 of this amendatory Act of the 94th General Assembly, but not
14 before, child and day care home providers participating in the
15 child care assistance program under Section 9A-11 of the
16 Illinois Public Aid Code, subject to the limitations set forth
17 in this Act and in Section 9A-11 of the Illinois Public Aid
18 Code, (iv) as of January 29, 2013 (the effective date of Public
19 Act 97-1158), but not before except as otherwise provided in
20 this subsection (n), home care and home health workers who
21 function as personal assistants and individual maintenance
22 home health workers and who also work under the Home Services
23 Program under Section 3 of the Rehabilitation of Persons with
24 Disabilities Act, no matter whether the State provides those
25 services through direct fee-for-service arrangements, with the
26 assistance of a managed care organization or other

1 intermediary, or otherwise, (v) beginning on the effective date
2 of this amendatory Act of the 98th General Assembly and
3 notwithstanding any other provision of this Act, any person
4 employed by a public employer and who is classified as or who
5 holds the employment title of Chief Stationary Engineer,
6 Assistant Chief Stationary Engineer, Sewage Plant Operator,
7 Water Plant Operator, Stationary Engineer, Plant Operating
8 Engineer, and any other employee who holds the position of:
9 Civil Engineer V, Civil Engineer VI, Civil Engineer VII,
10 Technical Manager I, Technical Manager II, Technical Manager
11 III, Technical Manager IV, Technical Manager V, Technical
12 Manager VI, Realty Specialist III, Realty Specialist IV, Realty
13 Specialist V, Technical Advisor I, Technical Advisor II,
14 Technical Advisor III, Technical Advisor IV, or Technical
15 Advisor V employed by the Department of Transportation who is
16 in a position which is certified in a bargaining unit on or
17 before the effective date of this amendatory Act of the 98th
18 General Assembly, and (vi) beginning on the effective date of
19 this amendatory Act of the 98th General Assembly and
20 notwithstanding any other provision of this Act, any mental
21 health administrator in the Department of Corrections who is
22 classified as or who holds the position of Public Service
23 Administrator (Option 8K), any employee of the Office of the
24 Inspector General in the Department of Human Services who is
25 classified as or who holds the position of Public Service
26 Administrator (Option 7), any Deputy of Intelligence in the

1 Department of Corrections who is classified as or who holds the
2 position of Public Service Administrator (Option 7), and any
3 employee of the Department of State Police who handles issues
4 concerning the Illinois State Police Sex Offender Registry and
5 who is classified as or holds the position of Public Service
6 Administrator (Option 7), but excluding all of the following:
7 employees of the General Assembly of the State of Illinois;
8 elected officials; executive heads of a department; members of
9 boards or commissions; the Executive Inspectors General; any
10 special Executive Inspectors General; employees of each Office
11 of an Executive Inspector General; commissioners and employees
12 of the Executive Ethics Commission; the Auditor General's
13 Inspector General; employees of the Office of the Auditor
14 General's Inspector General; the Legislative Inspector
15 General; any special Legislative Inspectors General; employees
16 of the Office of the Legislative Inspector General;
17 commissioners and employees of the Legislative Ethics
18 Commission; employees of any agency, board or commission
19 created by this Act; employees appointed to State positions of
20 a temporary or emergency nature; all employees of school
21 districts and higher education institutions except
22 firefighters and peace officers employed by a state university
23 and except peace officers employed by a school district in its
24 own police department in existence on the effective date of
25 this amendatory Act of the 96th General Assembly; managerial
26 employees; short-term employees; legislative liaisons; a

1 person who is a State employee under the jurisdiction of the
2 Office of the Attorney General who is licensed to practice law
3 or whose position authorizes, either directly or indirectly,
4 meaningful input into government decision-making on issues
5 where there is room for principled disagreement on goals or
6 their implementation; a person who is a State employee under
7 the jurisdiction of the Office of the Comptroller who holds the
8 position of Public Service Administrator or whose position is
9 otherwise exempt under the Comptroller Merit Employment Code; a
10 person who is a State employee under the jurisdiction of the
11 Secretary of State who holds the position classification of
12 Executive I or higher, whose position authorizes, either
13 directly or indirectly, meaningful input into government
14 decision-making on issues where there is room for principled
15 disagreement on goals or their implementation, or who is
16 otherwise exempt under the Secretary of State Merit Employment
17 Code; employees in the Office of the Secretary of State who are
18 completely exempt from jurisdiction B of the Secretary of State
19 Merit Employment Code and who are in Rutan-exempt positions on
20 or after April 5, 2013 (the effective date of Public Act
21 97-1172); a person who is a State employee under the
22 jurisdiction of the Treasurer who holds a position that is
23 exempt from the State Treasurer Employment Code; any employee
24 of a State agency who (i) holds the title or position of, or
25 exercises substantially similar duties as a legislative
26 liaison, Agency General Counsel, Agency Chief of Staff, Agency

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

18 Home care and home health workers who function as personal
19 assistants and individual maintenance home health workers and
20 who also work under the Home Services Program under Section 3
21 of the Rehabilitation of Persons with Disabilities Act shall
22 not be considered public employees for any purposes not
23 specifically provided for in Public Act 93-204 or Public Act
24 97-1158, including but not limited to, purposes of vicarious
25 liability in tort and purposes of statutory retirement or
26 health insurance benefits. Home care and home health workers

1 who function as personal assistants and individual maintenance
2 home health workers and who also work under the Home Services
3 Program under Section 3 of the Rehabilitation of Persons with
4 Disabilities Act shall not be covered by the State Employees
5 Group Insurance Act of 1971 (5 ILCS 375/).

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

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

17 (o) Except as otherwise in subsection (o-5), "public
18 employer" or "employer" means the State of Illinois; any
19 political subdivision of the State, unit of local government or
20 school district; authorities including departments, divisions,
21 bureaus, boards, commissions, or other agencies of the
22 foregoing entities; and any person acting within the scope of
23 his or her authority, express or implied, on behalf of those
24 entities in dealing with its employees. As of the effective
25 date of the amendatory Act of the 93rd General Assembly, but
26 not before, the State of Illinois shall be considered the

1 employer of the personal assistants working under the Home
2 Services Program under Section 3 of the Rehabilitation of
3 Persons with Disabilities Act, subject to the limitations set
4 forth in this Act and in the Rehabilitation of Persons with
5 Disabilities Act. As of January 29, 2013 (the effective date of
6 Public Act 97-1158), but not before except as otherwise
7 provided in this subsection (o), the State shall be considered
8 the employer of home care and home health workers who function
9 as personal assistants and individual maintenance home health
10 workers and who also work under the Home Services Program under
11 Section 3 of the Rehabilitation of Persons with Disabilities
12 Act, no matter whether the State provides those services
13 through direct fee-for-service arrangements, with the
14 assistance of a managed care organization or other
15 intermediary, or otherwise, but subject to the limitations set
16 forth in this Act and the Rehabilitation of Persons with
17 Disabilities Act. The State shall not be considered to be the
18 employer of home care and home health workers who function as
19 personal assistants and individual maintenance home health
20 workers and who also work under the Home Services Program under
21 Section 3 of the Rehabilitation of Persons with Disabilities
22 Act, for any purposes not specifically provided for in Public
23 Act 93-204 or Public Act 97-1158, including but not limited to,
24 purposes of vicarious liability in tort and purposes of
25 statutory retirement or health insurance benefits. Home care
26 and home health workers who function as personal assistants and

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

19 "Public employer" or "employer" as used in this Act,
20 however, does not mean and shall not include the General
21 Assembly of the State of Illinois, the Executive Ethics
22 Commission, the Offices of the Executive Inspectors General,
23 the Legislative Ethics Commission, the Office of the
24 Legislative Inspector General, the Office of the Auditor
25 General's Inspector General, the Office of the Governor, the
26 Governor's Office of Management and Budget, the Illinois

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

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

20 (1) For court reporters employed by the Cook County
21 Judicial Circuit, the chief judge of the Cook County
22 Circuit Court is the public employer and employer
23 representative.

24 (2) For court reporters employed by the 12th, 18th,
25 19th, and, on and after December 4, 2006, the 22nd judicial
26 circuits, a group consisting of the chief judges of those

1 circuits, acting jointly by majority vote, is the public
2 employer and employer representative.

3 (3) For court reporters employed by all other 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 (p) "Security employee" means an employee who is
8 responsible for the supervision and control of inmates at
9 correctional facilities. The term also includes other
10 non-security employees in bargaining units having the majority
11 of employees being responsible for the supervision and control
12 of inmates at correctional facilities.

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

18 (q-5) "State agency" means an agency directly responsible
19 to the Governor, as defined in Section 3.1 of the Executive
20 Reorganization Implementation Act, and the Illinois Commerce
21 Commission, the Illinois Workers' Compensation Commission, the
22 Civil Service Commission, the Pollution Control Board, the
23 Illinois Racing Board, and the Department of State Police Merit
24 Board.

25 (r) "Supervisor" is:

26 (1) An employee whose principal work is substantially

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

26 Notwithstanding the provisions of the preceding

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

18 (2) With respect only to State employees in positions
19 under the jurisdiction of the Attorney General, Secretary
20 of State, Comptroller, or Treasurer (i) that were certified
21 in a bargaining unit on or after December 2, 2008, (ii) for
22 which a petition is filed with the Illinois Public Labor
23 Relations Board on or after April 5, 2013 (the effective
24 date of Public Act 97-1172), or (iii) for which a petition
25 is pending before the Illinois Public Labor Relations Board
26 on that date, an employee who qualifies as a supervisor

1 under (A) Section 152 of the National Labor Relations Act
2 and (B) orders of the National Labor Relations Board
3 interpreting that provision or decisions of courts
4 reviewing decisions of the National Labor Relations Board.

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 Department
11 of State Police, a bargaining unit determined by the Board
12 shall not include both employees and supervisors, or
13 supervisors only, except as provided in paragraph (2) of this
14 subsection (s) and except for bargaining units in existence on
15 July 1, 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 Department of State Police,
19 a bargaining unit determined by the Board shall not include
20 both supervisors and nonsupervisors, or supervisors only,
21 except as provided in paragraph (2) of this subsection (s) and
22 except for bargaining units in existence on January 1, 1986
23 (the effective date of this amendatory Act of 1985). A
24 bargaining unit determined by the Board to contain peace
25 officers shall contain no employees other than peace officers
26 unless otherwise agreed to by the employer and the labor

1 organization or labor organizations involved. Notwithstanding
2 any other 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 in
18 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, 19th,
22 and, on and after December 4, 2006, the 22nd judicial circuits;
23 and one unit shall be court reporters employed by all other
24 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. 99-143, eff. 7-27-15; 100-1131, eff. 11-28-18.)