



Rep. William Davis

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10200HB3496ham001

LRB102 16016 CMG 23299 a

1 AMENDMENT TO HOUSE BILL 3496

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3496 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Educational Labor Relations Act  
5 is 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  
16 community 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  
3 the School Code), combination of school districts, charter  
4 school established under Article 27A of the School Code, or  
5 contract school or contract turnaround school established  
6 under 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  
19 the School Code. The change made by this amendatory Act of the  
20 96th General Assembly to this paragraph (a) to make clear that  
21 the governing body of a charter school is an "educational  
22 employer" 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. However,  
6 with respect to an educational employer of a school district  
7 organized under Article 34 of the School Code, a supervisor  
8 shall be considered an educational employee under this  
9 definition unless the supervisor is also a managerial  
10 employee. For the purposes of this Act, part-time academic  
11 employees of community colleges shall be defined as those  
12 employees who provide less than 3 credit hours of instruction  
13 per academic semester. In this subsection (b), the term  
14 "student" does not include graduate students who are research  
15 assistants primarily performing duties that involve research,  
16 graduate assistants primarily performing duties that are  
17 pre-professional, graduate students who are teaching  
18 assistants primarily performing duties that involve the  
19 delivery and support of instruction, or any other graduate  
20 assistants.

21 (c) "Employee organization" or "labor organization" means  
22 an organization of any kind in which membership includes  
23 educational employees, and which exists for the purpose, in  
24 whole or in part, of dealing with employers concerning  
25 grievances, employee-employer disputes, wages, rates of pay,  
26 hours of employment, or conditions of work, but shall not

1 include any organization which practices discrimination in  
2 membership because of race, color, creed, age, gender,  
3 national origin or political affiliation.

4 (d) "Exclusive representative" means the labor  
5 organization which has been designated by the Illinois  
6 Educational Labor Relations Board as the representative of the  
7 majority of educational employees in an appropriate unit, or  
8 recognized by an educational employer prior to January 1, 1984  
9 as the exclusive representative of the employees in an  
10 appropriate unit or, after January 1, 1984, recognized by an  
11 employer upon evidence that the employee organization has been  
12 designated as the exclusive representative by a majority of  
13 the employees in an appropriate unit.

14 (e) "Board" means the Illinois Educational Labor Relations  
15 Board.

16 (f) "Regional Superintendent" means the regional  
17 superintendent of schools provided for in Articles 3 and 3A of  
18 The School Code.

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

1 devote a preponderance of their employment time to such  
2 exercising authority.

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

5 (i) "Person" includes an individual, educational employee,  
6 educational employer, legal representative, or employee  
7 organization.

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

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

1 processes; or (2) any employee, who (i) has completed the  
2 courses of specialized intellectual instruction and study  
3 described in clause (iv) of paragraph (1) of this subsection,  
4 and (ii) is performing related work under the supervision of a  
5 professional person to qualify himself or herself to become a  
6 professional as defined in paragraph (1).

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

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

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

21 (o) "Managerial employee" means, with respect to an  
22 educational employer other than an educational employer of a  
23 school district organized under Article 34 of the School Code,  
24 an individual who is engaged predominantly in executive and  
25 management functions and is charged with the responsibility of  
26 directing the effectuation of such management policies and

1 practices or, with respect to an educational employer of a  
2 school district organized under Article 34 of the School Code,  
3 an individual who has a significant role in the negotiation of  
4 collective bargaining agreements or who formulates and  
5 determines employer-wide management policies and practices.  
6 "Managerial employee" includes a general superintendent of  
7 schools provided for under Section 34-6 of the School Code.

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

10 (q) "Short-term employee" is an employee who is employed  
11 for less than 2 consecutive calendar quarters during a  
12 calendar year and who does not have a reasonable expectation  
13 that he or she will be rehired by the same employer for the  
14 same service in a subsequent calendar year. Nothing in this  
15 subsection shall affect the employee status of individuals who  
16 were covered by a collective bargaining agreement on the  
17 effective date of this amendatory Act of 1991.

18 The changes made to this Section by this amendatory Act of  
19 the 102nd General Assembly may not be construed to void or  
20 change the powers and duties given to local school councils  
21 under Section 34-2.3 of the School Code.

22 (Source: P.A. 101-380, eff. 1-1-20.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law."