



Sen. Omar Aquino

Filed: 4/26/2021

10200SB0525sam002

LRB102 11394 RJF 25823 a

1 AMENDMENT TO SENATE BILL 525

2 AMENDMENT NO. _____. Amend Senate Bill 525 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Labor Relations Act is
5 amended by changing Sections 3, 9, and 21.5 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.

1 (c) "Confidential employee" means an employee who, in the
2 regular course of his or her duties, assists and acts in a
3 confidential capacity to persons who formulate, determine, and
4 effectuate management policies with regard to labor relations
5 or who, in the regular course of his or her duties, has
6 authorized access to information relating to the effectuation
7 or review of the employer's collective bargaining policies.
8 Determinations of confidential employee status shall be based
9 on actual employee job duties and not solely on written job
10 descriptions.

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

13 (e) "Essential services employees" means those public
14 employees performing functions so essential that the
15 interruption or termination of the function will constitute a
16 clear and present danger to the health and safety of the
17 persons in the affected community.

18 (f) "Exclusive representative", except with respect to
19 non-State fire fighters and paramedics employed by fire
20 departments and fire protection districts, non-State peace
21 officers, and peace officers in the Department of State
22 Police, means the labor organization that has been (i)
23 designated by the Board as the representative of a majority of
24 public employees in an appropriate bargaining unit in
25 accordance with the procedures contained in this Act, (ii)
26 historically recognized by the State of Illinois or any

1 political subdivision of the State before July 1, 1984 (the
2 effective date of this Act) as the exclusive representative of
3 the employees in an appropriate bargaining unit, (iii) after
4 July 1, 1984 (the effective date of this Act) recognized by an
5 employer upon evidence, acceptable to the Board, that the
6 labor organization has been designated as the exclusive
7 representative by a majority of the employees in an
8 appropriate bargaining unit; (iv) recognized as the exclusive
9 representative of personal assistants under Executive Order
10 2003-8 prior to the effective date of this amendatory Act of
11 the 93rd General Assembly, and the organization shall be
12 considered to be the exclusive representative of the personal
13 assistants as defined in this Section; or (v) recognized as
14 the exclusive representative of child and day care home
15 providers, including licensed and license exempt providers,
16 pursuant to an election held under Executive Order 2005-1
17 prior to the effective date of this amendatory Act of the 94th
18 General Assembly, and the organization shall be considered to
19 be the exclusive representative of the child and day care home
20 providers as defined in this Section.

21 With respect to non-State fire fighters and paramedics
22 employed by fire departments and fire protection districts,
23 non-State peace officers, and peace officers in the Department
24 of State Police, "exclusive representative" means the labor
25 organization that has been (i) designated by the Board as the
26 representative of a majority of peace officers or fire

1 fighters in an appropriate bargaining unit in accordance with
2 the procedures contained in this Act, (ii) historically
3 recognized by the State of Illinois or any political
4 subdivision of the State before January 1, 1986 (the effective
5 date of this amendatory Act of 1985) as the exclusive
6 representative by a majority of the peace officers or fire
7 fighters in an appropriate bargaining unit, or (iii) after
8 January 1, 1986 (the effective date of this amendatory Act of
9 1985) recognized by an employer upon evidence, acceptable to
10 the Board, that the labor organization has been designated as
11 the exclusive representative by a majority of the peace
12 officers or fire fighters in an appropriate bargaining unit.

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

24 (g) "Fair share agreement" means an agreement between the
25 employer and an employee organization under which all or any
26 of the employees in a collective bargaining unit are required

1 to pay their proportionate share of the costs of the
2 collective bargaining process, contract administration, and
3 pursuing matters affecting wages, hours, and other conditions
4 of employment, but not to exceed the amount of dues uniformly
5 required of members. The amount certified by the exclusive
6 representative shall not include any fees for contributions
7 related to the election or support of any candidate for
8 political office. Nothing in this subsection (g) shall
9 preclude an employee from making voluntary political
10 contributions in conjunction with his or her fair share
11 payment.

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

24 (g-2) "General Assembly of the State of Illinois" means
25 the legislative branch of the government of the State of
26 Illinois, as provided for under Article IV of the Constitution

1 of the State of Illinois, and includes but is not limited to
2 the House of Representatives, the Senate, the Speaker of the
3 House of Representatives, the Minority Leader of the House of
4 Representatives, the President of the Senate, the Minority
5 Leader of the Senate, the Joint Committee on Legislative
6 Support Services and any legislative support services agency
7 listed in the Legislative Commission Reorganization Act of
8 1984.

9 (h) "Governing body" means, in the case of the State, the
10 State Panel of the Illinois Labor Relations Board, the
11 Director of the Department of Central Management Services, and
12 the Director of the Department of Labor; the county board in
13 the case of a county; the corporate authorities in the case of
14 a municipality; and the appropriate body authorized to provide
15 for expenditures of its funds in the case of any other unit of
16 government.

17 (i) "Labor organization" means any organization in which
18 public employees participate and that exists for the purpose,
19 in whole or in part, of dealing with a public employer
20 concerning wages, hours, and other terms and conditions of
21 employment, including the settlement of grievances.

22 (i-5) "Legislative liaison" means a person who is an
23 employee of a State agency, the Attorney General, the
24 Secretary of State, the Comptroller, or the Treasurer, as the
25 case may be, and whose job duties require the person to
26 regularly communicate in the course of his or her employment

1 with any official or staff of the General Assembly of the State
2 of Illinois for the purpose of influencing any legislative
3 action.

4 (j) "Managerial employee" means an individual who is
5 engaged predominantly in executive and management functions
6 and is charged with the responsibility of directing the
7 effectuation of management policies and practices.
8 Determination of managerial employee status shall be based on
9 actual employee job duties and not solely on written job
10 descriptions. With respect only to State employees in
11 positions under the jurisdiction of the Attorney General,
12 Secretary of State, Comptroller, or Treasurer (i) that were
13 certified in a bargaining unit on or after December 2, 2008,
14 (ii) for which a petition is filed with the Illinois Public
15 Labor Relations Board on or after April 5, 2013 (the effective
16 date of Public Act 97-1172), or (iii) for which a petition is
17 pending before the Illinois Public Labor Relations Board on
18 that date, "managerial employee" means an individual who is
19 engaged in executive and management functions or who is
20 charged with the effectuation of management policies and
21 practices or who represents management interests by taking or
22 recommending discretionary actions that effectively control or
23 implement policy. Nothing in this definition prohibits an
24 individual from also meeting the definition of "supervisor"
25 under subsection (r) of this Section.

26 (k) "Peace officer" means, for the purposes of this Act

1 only, any persons who have been or are hereafter appointed to a
2 police force, department, or agency and sworn or commissioned
3 to perform police duties, except that the following persons
4 are not included: part-time police officers, special police
5 officers, auxiliary police as defined by Section 3.1-30-20 of
6 the Illinois Municipal Code, night watchmen, "merchant
7 police", court security officers as defined by Section
8 3-6012.1 of the Counties Code, temporary employees, traffic
9 guards or wardens, civilian parking meter and parking
10 facilities personnel or other individuals specially appointed
11 to aid or direct traffic at or near schools or public functions
12 or to aid in civil defense or disaster, parking enforcement
13 employees who are not commissioned as peace officers and who
14 are not armed and who are not routinely expected to effect
15 arrests, parking lot attendants, clerks and dispatchers or
16 other civilian employees of a police department who are not
17 routinely expected to effect arrests, or elected officials.

18 (l) "Person" includes one or more individuals, labor
19 organizations, public employees, associations, corporations,
20 legal representatives, trustees, trustees in bankruptcy,
21 receivers, or the State of Illinois or any political
22 subdivision of the State or governing body, but does not
23 include the General Assembly of the State of Illinois or any
24 individual employed by the General Assembly of the State of
25 Illinois.

26 (m) "Professional employee" means any employee engaged in

1 work predominantly intellectual and varied in character rather
2 than routine mental, manual, mechanical or physical work;
3 involving the consistent exercise of discretion and adjustment
4 in its performance; of such a character that the output
5 produced or the result accomplished cannot be standardized in
6 relation to a given period of time; and requiring advanced
7 knowledge in a field of science or learning customarily
8 acquired by a prolonged course of specialized intellectual
9 instruction and study in an institution of higher learning or
10 a hospital, as distinguished from a general academic education
11 or from apprenticeship or from training in the performance of
12 routine mental, manual, or physical processes; or any employee
13 who has completed the courses of specialized intellectual
14 instruction and study prescribed in this subsection (m) and is
15 performing related work under the supervision of a
16 professional person to qualify to become a professional
17 employee as defined in this subsection (m).

18 (n) "Public employee" or "employee", for the purposes of
19 this Act, means any individual employed by a public employer,
20 including (i) interns and residents at public hospitals, (ii)
21 as of the effective date of this amendatory Act of the 93rd
22 General Assembly, but not before, personal assistants working
23 under the Home Services Program under Section 3 of the
24 Rehabilitation of Persons with Disabilities Act, subject to
25 the limitations set forth in this Act and in the
26 Rehabilitation of Persons with Disabilities Act, (iii) as of

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

1 Specialist IV, Realty Specialist V, Technical Advisor I,
2 Technical Advisor II, Technical Advisor III, Technical Advisor
3 IV, or Technical Advisor V employed by the Department of
4 Transportation who is in a position which is certified in a
5 bargaining unit on or before the effective date of this
6 amendatory Act of the 98th General Assembly, and (vi)
7 beginning on the effective date of this amendatory Act of the
8 98th General Assembly and notwithstanding any other provision
9 of this Act, any mental health administrator in the Department
10 of Corrections who is classified as or who holds the position
11 of Public Service Administrator (Option 8K), any employee of
12 the Office of the Inspector General in the Department of Human
13 Services who is classified as or who holds the position of
14 Public Service Administrator (Option 7), any Deputy of
15 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 Department
18 of State Police who handles issues concerning the Illinois
19 State Police Sex Offender Registry and who is classified as or
20 holds the position of Public Service Administrator (Option 7),
21 but 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 the effective date of
14 this amendatory Act of the 96th General Assembly; managerial
15 employees; short-term employees; legislative liaisons; a
16 person who is a State employee under the jurisdiction of the
17 Office of the Attorney General who is licensed to practice law
18 or whose position authorizes, either directly or indirectly,
19 meaningful input into government decision-making on issues
20 where there is room for principled disagreement on goals or
21 their implementation; a person who is a State employee under
22 the jurisdiction of the Office of the Comptroller who holds
23 the position of Public Service Administrator or whose position
24 is otherwise exempt under the Comptroller Merit Employment
25 Code; a person who is a State employee under the jurisdiction
26 of the Secretary of State who holds the position

1 classification of Executive I or higher, whose position
2 authorizes, either directly or indirectly, meaningful input
3 into government decision-making on issues where there is room
4 for principled disagreement on goals or their implementation,
5 or who is otherwise exempt under the Secretary of State Merit
6 Employment Code; employees in the Office of the Secretary of
7 State who are completely exempt from jurisdiction B of the
8 Secretary of State Merit Employment Code and who are in
9 Rutan-exempt positions on or after April 5, 2013 (the
10 effective date of Public Act 97-1172); a person who is a State
11 employee under the jurisdiction of the Treasurer who holds a
12 position that is exempt from the State Treasurer Employment
13 Code; any employee of a State agency who (i) holds the title or
14 position of, or exercises substantially similar duties as a
15 legislative liaison, Agency General Counsel, Agency Chief of
16 Staff, Agency Executive Director, Agency Deputy Director,
17 Agency Chief Fiscal Officer, Agency Human Resources Director,
18 Public Information Officer, or Chief Information Officer and
19 (ii) was neither included in a bargaining unit nor subject to
20 an active petition for certification in a bargaining unit; any
21 employee 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 (5 ILCS 375/).

21 Child and day care home providers shall not be considered
22 public employees for any purposes not specifically provided
23 for in this amendatory Act of the 94th General Assembly,
24 including but not limited to, purposes of vicarious liability
25 in tort and purposes of statutory retirement or health
26 insurance benefits. Child and day care home providers shall

1 not be covered by the State Employees Group Insurance Act of
2 1971.

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

7 (o) Except as otherwise in subsection (o-5), "public
8 employer" or "employer" means the State of Illinois; any
9 political subdivision of the State, unit of local government
10 or school district; authorities including departments,
11 divisions, bureaus, boards, commissions, or other agencies of
12 the foregoing entities; and any person acting within the scope
13 of his or her authority, express or implied, on behalf of those
14 entities in dealing with its employees. As of the effective
15 date of the amendatory Act of the 93rd General Assembly, but
16 not before, the State of Illinois shall be considered the
17 employer of the personal assistants working under the Home
18 Services Program under Section 3 of the Rehabilitation of
19 Persons with Disabilities Act, subject to the limitations set
20 forth in this Act and in the Rehabilitation of Persons with
21 Disabilities Act. As of January 29, 2013 (the effective date
22 of Public Act 97-1158), but not before except as otherwise
23 provided in this subsection (o), the State shall be considered
24 the employer of home care and home health workers who function
25 as personal assistants and individual maintenance home health
26 workers and who also work under the Home Services Program

1 under Section 3 of the Rehabilitation of Persons with
2 Disabilities Act, no matter whether the State provides those
3 services through direct fee-for-service arrangements, with the
4 assistance of a managed care organization or other
5 intermediary, or otherwise, but subject to the limitations set
6 forth in this Act and the Rehabilitation of Persons with
7 Disabilities Act. The State shall not be considered to be the
8 employer of home care and home health workers who function as
9 personal assistants and individual maintenance home health
10 workers and who also work under the Home Services Program
11 under Section 3 of the Rehabilitation of Persons with
12 Disabilities Act, for any purposes not specifically provided
13 for in Public Act 93-204 or Public Act 97-1158, including but
14 not limited to, purposes of vicarious liability in tort and
15 purposes of statutory retirement or health insurance benefits.
16 Home care and home health workers who function as personal
17 assistants and individual maintenance home health workers and
18 who also work under the Home Services Program under Section 3
19 of the Rehabilitation of Persons with Disabilities Act shall
20 not be covered by the State Employees Group Insurance Act of
21 1971 (5 ILCS 375/). As of the effective date of this amendatory
22 Act of the 94th General Assembly but not before, the State of
23 Illinois shall be considered the employer of the day and child
24 care home providers participating in the child care assistance
25 program under Section 9A-11 of the Illinois Public Aid Code,
26 subject to the limitations set forth in this Act and in Section

1 9A-11 of the Illinois Public Aid Code. The State shall not be
2 considered to be the employer of child and day care home
3 providers for any purposes not specifically provided for in
4 this amendatory Act of the 94th General Assembly, including
5 but not limited to, purposes of vicarious liability in tort
6 and purposes of statutory retirement or health insurance
7 benefits. Child and day care home providers shall not be
8 covered by the State Employees Group Insurance Act of 1971.

9 "Public employer" or "employer" as used in this Act,
10 however, does not mean and shall not include the General
11 Assembly of the State of Illinois, the Executive Ethics
12 Commission, the Offices of the Executive Inspectors General,
13 the Legislative Ethics Commission, the Office of the
14 Legislative Inspector General, the Office of the Auditor
15 General's Inspector General, the Office of the Governor, the
16 Governor's Office of Management and Budget, the Illinois
17 Finance Authority, the Office of the Lieutenant Governor, the
18 State Board of Elections, and educational employers or
19 employers as defined in the Illinois Educational Labor
20 Relations Act, except with respect to a state university in
21 its employment of firefighters and peace officers and except
22 with respect to a school district in the employment of peace
23 officers in its own police department in existence on the
24 effective date of this amendatory Act of the 96th General
25 Assembly. County boards and county sheriffs shall be
26 designated as joint or co-employers of county peace officers

1 appointed under the authority of a county sheriff. Nothing in
2 this subsection (o) shall be construed to prevent the State
3 Panel or the Local Panel from determining that employers are
4 joint or co-employers.

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

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

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

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

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

1 of employees being responsible for the supervision and control
2 of inmates at correctional facilities.

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

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

15 (r) "Supervisor" is:

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

1 of their employment time to exercising that authority,
2 State supervisors notwithstanding. Determinations of
3 supervisor status shall be based on actual employee job
4 duties and not solely on written job descriptions. Nothing
5 in this definition prohibits an individual from also
6 meeting the definition of "managerial employee" under
7 subsection (j) of this Section. In addition, in
8 determining supervisory status in police employment, rank
9 shall not be determinative. The Board shall consider, as
10 evidence of bargaining unit inclusion or exclusion, the
11 common law enforcement policies and relationships between
12 police officer ranks and certification under applicable
13 civil service law, ordinances, personnel codes, or
14 Division 2.1 of Article 10 of the Illinois Municipal Code,
15 but these factors shall not be the sole or predominant
16 factors considered by the Board in determining police
17 supervisory status.

18 Notwithstanding the provisions of the preceding
19 paragraph, in determining supervisory status in fire
20 fighter employment, no fire fighter shall be excluded as a
21 supervisor who has established representation rights under
22 Section 9 of this Act. Further, in new fire fighter units,
23 employees shall consist of fire fighters of the rank of
24 company officer and below. If a company officer otherwise
25 qualifies as a supervisor under the preceding paragraph,
26 however, he or she shall not be included in the fire

1 fighter unit. If there is no rank between that of chief and
2 the highest company officer, the employer may designate a
3 position on each shift as a Shift Commander, and the
4 persons occupying those positions shall be supervisors.
5 All other ranks above that of company officer shall be
6 supervisors.

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

21 (s) (1) "Unit" means a class of jobs or positions that are
22 held by employees whose collective interests may suitably be
23 represented by a labor organization for collective bargaining.
24 Except with respect to non-State fire fighters and paramedics
25 employed by fire departments and fire protection districts,
26 non-State peace officers, and peace officers in the Department

1 of State Police, a bargaining unit determined by the Board
2 shall not include both employees and supervisors, or
3 supervisors only, except as provided in paragraph (2) of this
4 subsection (s) and except for bargaining units in existence on
5 July 1, 1984 (the effective date of this Act). With respect to
6 non-State fire fighters and paramedics employed by fire
7 departments and fire protection districts, non-State peace
8 officers, and peace officers in the Department of State
9 Police, a bargaining unit determined by the Board shall not
10 include both supervisors and nonsupervisors, or supervisors
11 only, except as provided in paragraph (2) of this subsection
12 (s) and except for bargaining units in existence on January 1,
13 1986 (the effective date of this amendatory Act of 1985). A
14 bargaining unit determined by the Board to contain peace
15 officers shall contain no employees other than peace officers
16 unless otherwise agreed to by the employer and the labor
17 organization or labor organizations involved. Notwithstanding
18 any other provision of this Act, a bargaining unit, including
19 a historical bargaining unit, containing sworn peace officers
20 of the Department of Natural Resources (formerly designated
21 the Department of Conservation) shall contain no employees
22 other than such sworn peace officers upon the effective date
23 of this amendatory Act of 1990 or upon the expiration date of
24 any collective bargaining agreement in effect upon the
25 effective date of this amendatory Act of 1990 covering both
26 such sworn peace officers and other employees.

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

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

15 (t) "Active petition for certification in a bargaining
16 unit" means a petition for certification filed with the Board
17 under one of the following case numbers: S-RC-11-110;
18 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;
19 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;
20 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;
21 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;
22 S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220;
23 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;
24 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;
25 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;
26 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;

1 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;
2 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;
3 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;
4 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or
5 S-RC-07-100.

6 (Source: P.A. 99-143, eff. 7-27-15; 100-1131, eff. 11-28-18.)

7 (5 ILCS 315/9) (from Ch. 48, par. 1609)

8 Sec. 9. Elections; recognition.

9 (a) Whenever in accordance with such regulations as may be
10 prescribed by the Board a petition has been filed:

11 (1) by a public employee or group of public employees
12 or any labor organization acting in their behalf
13 demonstrating that 30% of the public employees in an
14 appropriate unit (A) wish to be represented for the
15 purposes of collective bargaining by a labor organization
16 as exclusive representative, or (B) asserting that the
17 labor organization which has been certified or is
18 currently recognized by the public employer as bargaining
19 representative is no longer the representative of the
20 majority of public employees in the unit; or

21 (2) by a public employer alleging that one or more
22 labor organizations have presented to it a claim that they
23 be recognized as the representative of a majority of the
24 public employees in an appropriate unit,

25 the Board shall investigate such petition, and if it has

1 reasonable cause to believe that a question of representation
2 exists, shall provide for an appropriate hearing upon due
3 notice. Such hearing shall be held at the offices of the Board
4 or such other location as the Board deems appropriate. If it
5 finds upon the record of the hearing that a question of
6 representation exists, it shall direct an election in
7 accordance with subsection (d) of this Section, which election
8 shall be held not later than 120 days after the date the
9 petition was filed regardless of whether that petition was
10 filed before or after the effective date of this amendatory
11 Act of 1987; provided, however, the Board may extend the time
12 for holding an election by an additional 60 days if, upon
13 motion by a person who has filed a petition under this Section
14 or is the subject of a petition filed under this Section and is
15 a party to such hearing, or upon the Board's own motion, the
16 Board finds that good cause has been shown for extending the
17 election date; provided further, that nothing in this Section
18 shall prohibit the Board, in its discretion, from extending
19 the time for holding an election for so long as may be
20 necessary under the circumstances, where the purpose for such
21 extension is to permit resolution by the Board of an unfair
22 labor practice charge filed by one of the parties to a
23 representational proceeding against the other based upon
24 conduct which may either affect the existence of a question
25 concerning representation or have a tendency to interfere with
26 a fair and free election, where the party filing the charge has

1 not filed a request to proceed with the election; and provided
2 further that prior to the expiration of the total time
3 allotted for holding an election, a person who has filed a
4 petition under this Section or is the subject of a petition
5 filed under this Section and is a party to such hearing or the
6 Board, may move for and obtain the entry of an order in the
7 circuit court of the county in which the majority of the public
8 employees sought to be represented by such person reside, such
9 order extending the date upon which the election shall be
10 held. Such order shall be issued by the circuit court only upon
11 a judicial finding that there has been a sufficient showing
12 that there is good cause to extend the election date beyond
13 such period and shall require the Board to hold the election as
14 soon as is feasible given the totality of the circumstances.
15 Such 120 day period may be extended one or more times by the
16 agreement of all parties to the hearing to a date certain
17 without the necessity of obtaining a court order. Nothing in
18 this Section prohibits the waiving of hearings by stipulation
19 for the purpose of a consent election in conformity with the
20 rules and regulations of the Board or an election in a unit
21 agreed upon by the parties. Other interested employee
22 organizations may intervene in the proceedings in the manner
23 and within the time period specified by rules and regulations
24 of the Board. Interested parties who are necessary to the
25 proceedings may also intervene in the proceedings in the
26 manner and within the time period specified by the rules and

1 regulations of the Board.

2 (a-5) The Board shall designate an exclusive
3 representative for purposes of collective bargaining when the
4 representative demonstrates a showing of majority interest by
5 employees in the unit. If the parties to a dispute are without
6 agreement on the means to ascertain the choice, if any, of
7 employee organization as their representative, the Board shall
8 ascertain the employees' choice of employee organization, on
9 the basis of dues deduction authorization or other evidence,
10 or, if necessary, by conducting an election. All evidence
11 submitted by an employee organization to the Board to
12 ascertain an employee's choice of an employee organization is
13 confidential and shall not be submitted to the employer for
14 review. The Board shall ascertain the employee's choice of
15 employee organization within 120 days after the filing of the
16 majority interest petition; however, the Board may extend time
17 by an additional 60 days, upon its own motion or upon the
18 motion of a party to the proceeding. If either party provides
19 to the Board, before the designation of a representative,
20 clear and convincing evidence that the dues deduction
21 authorizations, and other evidence upon which the Board would
22 otherwise rely to ascertain the employees' choice of
23 representative, are fraudulent or were obtained through
24 coercion, the Board shall promptly thereafter conduct an
25 election. The Board shall also investigate and consider a
26 party's allegations that the dues deduction authorizations and

1 other evidence submitted in support of a designation of
2 representative without an election were subsequently changed,
3 altered, withdrawn, or withheld as a result of employer fraud,
4 coercion, or any other unfair labor practice by the employer.
5 If the Board determines that a labor organization would have
6 had a majority interest but for an employer's fraud, coercion,
7 or unfair labor practice, it shall designate the labor
8 organization as an exclusive representative without conducting
9 an election. If a hearing is necessary to resolve any issues of
10 representation under this Section, the Board shall conclude
11 its hearing process and issue a certification of the entire
12 appropriate unit not later than 120 days after the date the
13 petition was filed. The 120-day period may be extended one or
14 more times by the agreement of all parties to a hearing to a
15 date certain.

16 (a-6) A labor organization or an employer may file a unit
17 clarification petition seeking to clarify an existing
18 bargaining unit. Unit clarification petitions may be filed if:
19 (1) substantial changes occur in the duties and functions of
20 an existing job title, raising an issue as to the title's unit
21 placement; (2) an existing job title that is logically
22 encompassed within the existing unit was inadvertently
23 excluded by the parties at the time the unit was established;
24 (3) a newly created job title is logically encompassed within
25 an existing unit; (4) a significant change takes place in
26 statutory or case law that affects the bargaining rights of

1 employees; (5) a determination needs to be made as to the unit
2 placement of positions in dispute following a majority
3 interest certification of representative issued under
4 subsection (a-5); (6) a determination needs to be made as to
5 the unit placement of positions in dispute following a
6 certification of representative issued following a direction
7 of election under subsection (d); (7) the parties have agreed
8 to eliminate a position or title because the employer no
9 longer uses it; (8) the parties have agreed to exclude some of
10 the positions in a title or classification from a bargaining
11 unit and include others; or (9) as prescribed in rules set by
12 the Board. The Board shall conclude its investigation,
13 including any hearing process deemed necessary, and issue a
14 certification of clarified unit or dismiss the petition not
15 later than 120 days after the date the petition was filed. The
16 120-day period may be extended one or more times by the
17 agreement of all parties to a hearing to a date certain.

18 (b) The Board shall decide in each case, in order to assure
19 public employees the fullest freedom in exercising the rights
20 guaranteed by this Act, a unit appropriate for the purpose of
21 collective bargaining, based upon but not limited to such
22 factors as: historical pattern of recognition; community of
23 interest including employee skills and functions; degree of
24 functional integration; interchangeability and contact among
25 employees; fragmentation of employee groups; common
26 supervision, wages, hours and other working conditions of the

1 employees involved; and the desires of the employees. For
2 purposes of this subsection, fragmentation shall not be the
3 sole or predominant factor used by the Board in determining an
4 appropriate bargaining unit. Except with respect to non-State
5 fire fighters and paramedics employed by fire departments and
6 fire protection districts, non-State peace officers and peace
7 officers in the State Department of State Police, a single
8 bargaining unit determined by the Board may not include both
9 supervisors and nonsupervisors, except for bargaining units in
10 existence on the effective date of this Act. With respect to
11 non-State fire fighters and paramedics employed by fire
12 departments and fire protection districts, non-State peace
13 officers and peace officers in the State Department of State
14 Police, a single bargaining unit determined by the Board may
15 not include both supervisors and nonsupervisors, except for
16 bargaining units in existence on the effective date of this
17 amendatory Act of 1985.

18 In cases involving an historical pattern of recognition,
19 and in cases where the employer has recognized the union as the
20 sole and exclusive bargaining agent for a specified existing
21 unit, the Board shall find the employees in the unit then
22 represented by the union pursuant to the recognition to be the
23 appropriate unit.

24 Notwithstanding the above factors, where the majority of
25 public employees of a craft so decide, the Board shall
26 designate such craft as a unit appropriate for the purposes of

1 collective bargaining.

2 The Board shall not decide that any unit is appropriate if
3 such unit includes both professional and nonprofessional
4 employees, unless a majority of each group votes for inclusion
5 in such unit.

6 (c) Nothing in this Act shall interfere with or negate the
7 current representation rights or patterns and practices of
8 labor organizations which have historically represented public
9 employees for the purpose of collective bargaining, including
10 but not limited to the negotiations of wages, hours and
11 working conditions, discussions of employees' grievances,
12 resolution of jurisdictional disputes, or the establishment
13 and maintenance of prevailing wage rates, unless a majority of
14 employees so represented express a contrary desire pursuant to
15 the procedures set forth in this Act.

16 (d) In instances where the employer does not voluntarily
17 recognize a labor organization as the exclusive bargaining
18 representative for a unit of employees, the Board shall
19 determine the majority representative of the public employees
20 in an appropriate collective bargaining unit by conducting a
21 secret ballot election, except as otherwise provided in
22 subsection (a-5). Within 7 days after the Board issues its
23 bargaining unit determination and direction of election or the
24 execution of a stipulation for the purpose of a consent
25 election, the public employer shall submit to the labor
26 organization the complete names and addresses of those

1 employees who are determined by the Board to be eligible to
2 participate in the election. When the Board has determined
3 that a labor organization has been fairly and freely chosen by
4 a majority of employees in an appropriate unit, it shall
5 certify such organization as the exclusive representative. If
6 the Board determines that a majority of employees in an
7 appropriate unit has fairly and freely chosen not to be
8 represented by a labor organization, it shall so certify. The
9 Board may also revoke the certification of the public employee
10 organizations as exclusive bargaining representatives which
11 have been found by a secret ballot election to be no longer the
12 majority representative.

13 (e) The Board shall not conduct an election in any
14 bargaining unit or any subdivision thereof within which a
15 valid election has been held in the preceding 12-month period.
16 The Board shall determine who is eligible to vote in an
17 election and shall establish rules governing the conduct of
18 the election or conduct affecting the results of the election.
19 The Board shall include on a ballot in a representation
20 election a choice of "no representation". A labor organization
21 currently representing the bargaining unit of employees shall
22 be placed on the ballot in any representation election. In any
23 election where none of the choices on the ballot receives a
24 majority, a runoff election shall be conducted between the 2
25 choices receiving the largest number of valid votes cast in
26 the election. A labor organization which receives a majority

1 of the votes cast in an election shall be certified by the
2 Board as exclusive representative of all public employees in
3 the unit.

4 (f) A labor organization shall be designated as the
5 exclusive representative by a public employer, provided that
6 the labor organization represents a majority of the public
7 employees in an appropriate unit. Any employee organization
8 which is designated or selected by the majority of public
9 employees, in a unit of the public employer having no other
10 recognized or certified representative, as their
11 representative for purposes of collective bargaining may
12 request recognition by the public employer in writing. The
13 public employer shall post such request for a period of at
14 least 20 days following its receipt thereof on bulletin boards
15 or other places used or reserved for employee notices.

16 (g) Within the 20-day period any other interested employee
17 organization may petition the Board in the manner specified by
18 rules and regulations of the Board, provided that such
19 interested employee organization has been designated by at
20 least 10% of the employees in an appropriate bargaining unit
21 which includes all or some of the employees in the unit
22 recognized by the employer. In such event, the Board shall
23 proceed with the petition in the same manner as provided by
24 paragraph (1) of subsection (a) of this Section.

25 (h) No election shall be directed by the Board in any
26 bargaining unit where there is in force a valid collective

1 bargaining agreement. The Board, however, may process an
2 election petition filed between 90 and 60 days prior to the
3 expiration of the date of an agreement, and may further
4 refine, by rule or decision, the implementation of this
5 provision. Where more than 4 years have elapsed since the
6 effective date of the agreement, the agreement shall continue
7 to bar an election, except that the Board may process an
8 election petition filed between 90 and 60 days prior to the end
9 of the fifth year of such an agreement, and between 90 and 60
10 days prior to the end of each successive year of such
11 agreement.

12 (i) An order of the Board dismissing a representation
13 petition, determining and certifying that a labor organization
14 has been fairly and freely chosen by a majority of employees in
15 an appropriate bargaining unit, determining and certifying
16 that a labor organization has not been fairly and freely
17 chosen by a majority of employees in the bargaining unit or
18 certifying a labor organization as the exclusive
19 representative of employees in an appropriate bargaining unit
20 because of a determination by the Board that the labor
21 organization is the historical bargaining representative of
22 employees in the bargaining unit, is a final order. Any person
23 aggrieved by any such order issued on or after the effective
24 date of this amendatory Act of 1987 may apply for and obtain
25 judicial review in accordance with provisions of the
26 Administrative Review Law, as now or hereafter amended, except

1 that such review shall be afforded directly in the Appellate
2 Court for the district in which the aggrieved party resides or
3 transacts business. Any direct appeal to the Appellate Court
4 shall be filed within 35 days from the date that a copy of the
5 decision sought to be reviewed was served upon the party
6 affected by the decision.

7 (Source: P.A. 95-331, eff. 8-21-07; 96-813, eff. 10-30-09.)

8 (5 ILCS 315/21.5)

9 Sec. 21.5. Termination of certain agreements after
10 constitutional officers take office.

11 (a) No collective bargaining agreement entered into, on or
12 after the effective date of this amendatory Act of the 96th
13 General Assembly between an executive branch constitutional
14 officer or any agency or department of an executive branch
15 constitutional officer and a labor organization may extend
16 more than 12 months after the date on ~~beyond June 30th of the~~
17 ~~year in~~ which the terms of office of executive branch
18 constitutional officers begin.

19 (b) No collective bargaining agreement entered into, on or
20 after the effective date of this amendatory Act of the 96th
21 General Assembly between an executive branch constitutional
22 officer or any agency or department of an executive branch
23 constitutional officer and a labor organization may provide
24 for an increase in salary, wages, or benefits starting on or
25 after the first day of the terms of office of executive branch

1 constitutional officers and ending June 30th of that same
2 year. The provisions of this subsection (b) shall not apply to
3 salary, pay schedules, or benefits that would continue because
4 of the duty to maintain the status quo and to bargain in good
5 faith.

6 (c) Any collective bargaining agreement in violation of
7 this Section is terminated and rendered null and void by
8 operation of law.

9 (d) For purposes of this Section, "executive branch
10 constitutional officer" has the same meaning as that term is
11 defined in the State Officials and Employees Ethics Act.

12 (Source: P.A. 96-1529, eff. 2-16-11.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law."