



Rep. Justin Slaughter

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LRB103 29350 DTM 59101 a

1 AMENDMENT TO HOUSE BILL 3114

2 AMENDMENT NO. _____. Amend House Bill 3114 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 Section 3 as follows:

6 (5 ILCS 315/3) (from Ch. 48, par. 1603)

7 Sec. 3. Definitions. As used in this Act, unless the
8 context otherwise requires:

9 (a) "Board" means the Illinois Labor Relations Board or,
10 with respect to a matter over which the jurisdiction of the
11 Board is assigned to the State Panel or the Local Panel under
12 Section 5, the panel having jurisdiction over the matter.

13 (b) "Collective bargaining" means bargaining over terms
14 and conditions of employment, including hours, wages, and
15 other conditions of employment, as detailed in Section 7 and
16 which are not excluded by Section 4.

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 Illinois State Police,
22 means the labor organization that has been (i) designated by
23 the Board as the representative of a majority of public
24 employees in an appropriate bargaining unit in accordance with
25 the procedures contained in this Act; (ii) historically
26 recognized by the State of Illinois or any political

1 subdivision of the State before July 1, 1984 (the effective
2 date of this Act) as the exclusive representative of the
3 employees in an appropriate bargaining unit; (iii) after July
4 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 July 16, 2003 (the effective date of Public Act
11 93-204), and the organization shall be considered to be the
12 exclusive representative of the personal assistants as defined
13 in this Section; or (v) recognized as the exclusive
14 representative of child and day care home providers, including
15 licensed and license exempt providers, pursuant to an election
16 held under Executive Order 2005-1 prior to January 1, 2006
17 (the effective date of Public Act 94-320), and the
18 organization shall be considered to be the exclusive
19 representative of the child and day care home providers as
20 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 Illinois
24 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 July 16, 2003 (the effective date of Public Act 93-204),
22 but not before, personal assistants working under the Home
23 Services Program under Section 3 of the Rehabilitation of
24 Persons with Disabilities Act, subject to the limitations set
25 forth in this Act and in the Rehabilitation of Persons with
26 Disabilities Act, (iii) as of January 1, 2006 (the effective

1 date of Public Act 94-320), but not before, child and day care
2 home providers participating in the child care assistance
3 program under Section 9A-11 of the Illinois Public Aid Code,
4 subject to the limitations set forth in this Act and in Section
5 9A-11 of the Illinois Public Aid Code, (iv) as of January 29,
6 2013 (the effective date of Public Act 97-1158), but not
7 before except as otherwise provided in this subsection (n),
8 home care and home health workers who function as personal
9 assistants and individual maintenance home health workers and
10 who also work under the Home Services Program under Section 3
11 of the Rehabilitation of Persons with Disabilities Act, no
12 matter whether the State provides those services through
13 direct fee-for-service arrangements, with the assistance of a
14 managed care organization or other intermediary, or otherwise,
15 (v) beginning on July 19, 2013 (the effective date of Public
16 Act 98-100) and notwithstanding any other provision of this
17 Act, any person employed by a public employer and who is
18 classified as or who holds the employment title of Chief
19 Stationary Engineer, Assistant Chief Stationary Engineer,
20 Sewage Plant Operator, Water Plant Operator, Stationary
21 Engineer, Plant Operating Engineer, and any other employee who
22 holds the position of: Civil Engineer V, Civil Engineer VI,
23 Civil Engineer VII, Technical Manager I, Technical Manager II,
24 Technical Manager III, Technical Manager IV, Technical Manager
25 V, Technical Manager VI, Realty Specialist III, Realty
26 Specialist IV, Realty Specialist V, Technical Advisor I,

1 Technical Advisor II, Technical Advisor III, Technical Advisor
2 IV, or Technical Advisor V employed by the Department of
3 Transportation who is in a position which is certified in a
4 bargaining unit on or before July 19, 2013 (the effective date
5 of Public Act 98-100), and (vi) beginning on July 19, 2013 (the
6 effective date of Public Act 98-100) and notwithstanding any
7 other provision of this Act, any mental health administrator
8 in the Department of Corrections who is classified as or who
9 holds the position of Public Service Administrator (Option
10 8K), any employee of the Office of the Inspector General in the
11 Department of Human Services who is classified as or who holds
12 the position of Public Service Administrator (Option 7), any
13 Deputy of Intelligence in the Department of Corrections who is
14 classified as or who holds the position of Public Service
15 Administrator (Option 7), and any employee of the Illinois
16 State Police who handles issues concerning the Illinois State
17 Police Sex Offender Registry and who is classified as or holds
18 the position of Public Service Administrator (Option 7), but
19 excluding all of the following: employees of the General
20 Assembly of the State of Illinois; elected officials;
21 executive heads of a department; members of boards or
22 commissions; the Executive Inspectors General; any special
23 Executive Inspectors General; employees of each Office of an
24 Executive Inspector General; commissioners and employees of
25 the Executive Ethics Commission; the Auditor General's
26 Inspector General; employees of the Office of the Auditor

1 General's Inspector General; the Legislative Inspector
2 General; any special Legislative Inspectors General; employees
3 of the Office of the Legislative Inspector General;
4 commissioners and employees of the Legislative Ethics
5 Commission; employees of any agency, board or commission
6 created by this Act; employees appointed to State positions of
7 a temporary or emergency nature; all employees of school
8 districts and higher education institutions except
9 firefighters and peace officers employed by a state university
10 and except peace officers employed by a school district in its
11 own police department in existence on July 23, 2010 (the
12 effective date of Public Act 96-1257); managerial employees;
13 short-term employees; legislative liaisons; a person who is a
14 State employee under the jurisdiction of the Office of the
15 Attorney General who is licensed to practice law or whose
16 position authorizes, either directly or indirectly, meaningful
17 input into government decision-making on issues where there is
18 room for principled disagreement on goals or their
19 implementation; a person who is a State employee under the
20 jurisdiction of the Office of the Comptroller who holds the
21 position of Public Service Administrator or whose position is
22 otherwise exempt under the Comptroller Merit Employment Code;
23 a person who is a State employee under the jurisdiction of the
24 Secretary of State who holds the position classification of
25 Executive I or higher, whose position authorizes, either
26 directly or indirectly, meaningful input into government

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

1 certification in a bargaining unit; any employment position
2 properly designated pursuant to Section 6.1 of this Act;
3 confidential employees; independent contractors; and
4 supervisors except as provided in this Act.

5 Home care and home health workers who function as personal
6 assistants and individual maintenance home health workers and
7 who also work under the Home Services Program under Section 3
8 of the Rehabilitation of Persons with Disabilities Act shall
9 not be considered public employees for any purposes not
10 specifically provided for in Public Act 93-204 or Public Act
11 97-1158, including, but not limited to, purposes of vicarious
12 liability in tort and purposes of statutory retirement or
13 health insurance benefits. Home care and home health workers
14 who function as personal assistants and individual maintenance
15 home health workers and who also work under the Home Services
16 Program under Section 3 of the Rehabilitation of Persons with
17 Disabilities Act shall not be covered by the State Employees
18 Group Insurance Act of 1971.

19 Child and day care home providers shall not be considered
20 public employees for any purposes not specifically provided
21 for in Public Act 94-320, including, but not limited to,
22 purposes of vicarious liability in tort and purposes of
23 statutory retirement or health insurance benefits. Child and
24 day care home providers shall not be covered by the State
25 Employees Group Insurance Act of 1971.

26 Notwithstanding Section 9, subsection (c), or any other

1 provisions of this Act, all peace officers above the rank of
2 captain in municipalities with more than 1,000,000 inhabitants
3 shall be excluded from this Act.

4 (o) Except as otherwise in subsection (o-5), "public
5 employer" or "employer" means the State of Illinois; any
6 political subdivision of the State, unit of local government
7 or school district; authorities including departments,
8 divisions, bureaus, boards, commissions, or other agencies of
9 the foregoing entities; and any person acting within the scope
10 of his or her authority, express or implied, on behalf of those
11 entities in dealing with its employees. As of July 16, 2003
12 (the effective date of Public Act 93-204), but not before, the
13 State of Illinois shall be considered the employer of the
14 personal assistants working under the Home Services Program
15 under Section 3 of the Rehabilitation of Persons with
16 Disabilities Act, subject to the limitations set forth in this
17 Act and in the Rehabilitation of Persons with Disabilities
18 Act. As of January 29, 2013 (the effective date of Public Act
19 97-1158), but not before except as otherwise provided in this
20 subsection (o), the State shall be considered the employer of
21 home care and home health workers who function as personal
22 assistants and individual maintenance home health workers and
23 who also work under the Home Services Program under Section 3
24 of the Rehabilitation of Persons with Disabilities Act, no
25 matter whether the State provides those services through
26 direct fee-for-service arrangements, with the assistance of a

1 managed care organization or other intermediary, or otherwise,
2 but subject to the limitations set forth in this Act and the
3 Rehabilitation of Persons with Disabilities Act. The State
4 shall not be considered to be the employer of home care and
5 home health workers who function as personal assistants and
6 individual maintenance home health workers and who also work
7 under the Home Services Program under Section 3 of the
8 Rehabilitation of Persons with Disabilities Act, for any
9 purposes not specifically provided for in Public Act 93-204 or
10 Public Act 97-1158, including but not limited to, purposes of
11 vicarious liability in tort and purposes of statutory
12 retirement or health insurance benefits. Home care and home
13 health workers who function as personal assistants and
14 individual maintenance home health workers and who also work
15 under the Home Services Program under Section 3 of the
16 Rehabilitation of Persons with Disabilities Act shall not be
17 covered by the State Employees Group Insurance Act of 1971. As
18 of January 1, 2006 (the effective date of Public Act 94-320),
19 but not before, the State of Illinois shall be considered the
20 employer of the day and child care home providers
21 participating in the child care assistance program under
22 Section 9A-11 of the Illinois Public Aid Code, subject to the
23 limitations set forth in this Act and in Section 9A-11 of the
24 Illinois Public Aid Code. The State shall not be considered to
25 be the employer of child and day care home providers for any
26 purposes not specifically provided for in Public Act 94-320,

1 including, but not limited to, purposes of vicarious liability
2 in tort and purposes of statutory retirement or health
3 insurance benefits. Child and day care home providers shall
4 not be covered by the State Employees Group Insurance Act of
5 1971.

6 "Public employer" or "employer" as used in this Act,
7 however, does not mean and shall not include the General
8 Assembly of the State of Illinois, the Executive Ethics
9 Commission, the Offices of the Executive Inspectors General,
10 the Legislative Ethics Commission, the Office of the
11 Legislative Inspector General, the Office of the Auditor
12 General's Inspector General, the Office of the Governor, the
13 Governor's Office of Management and Budget, the Illinois
14 Finance Authority, the Office of the Lieutenant Governor, the
15 State Board of Elections, and educational employers or
16 employers as defined in the Illinois Educational Labor
17 Relations Act, except with respect to a state university in
18 its employment of firefighters and peace officers and except
19 with respect to a school district in the employment of peace
20 officers in its own police department in existence on July 23,
21 2010 (the effective date of Public Act 96-1257). County boards
22 and county sheriffs shall be designated as joint or
23 co-employers of county peace officers appointed under the
24 authority of a county sheriff. Nothing in this subsection (o)
25 shall be construed to prevent the State Panel or the Local
26 Panel from determining that employers are joint or

1 co-employers.

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

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

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

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

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

26 (q) "Short-term employee" means an employee who is

1 employed for less than 2 consecutive calendar quarters during
2 a calendar year and who does not have a reasonable assurance
3 that he or she will be rehired by the same employer for the
4 same service in a subsequent calendar year.

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

12 (r) "Supervisor" is:

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

1 duties and not solely on written job descriptions.
2 Further, in police units, employees shall consist of sworn
3 officers serving as shift commander and below. A shift
4 commander, regardless of sworn rank, may be responsible
5 for several police officers, one or more units or teams,
6 or an entire shift. If there is no sworn rank between that
7 of chief or sheriff and the highest ranked sworn shift
8 commander, the employer may designate a single exempt
9 shift commander position on each shift who is a
10 "supervisor". Each sworn or exempt rank above that of a
11 designated exempt shift commander is a "supervisor".

12 Nothing in this definition prohibits an individual from
13 also meeting the definition of "managerial employee" under
14 subsection (j) of this Section. In addition, in
15 determining supervisory status in police employment, rank
16 shall not be determinative. The Board shall consider, as
17 evidence of bargaining unit inclusion or exclusion, the
18 common law enforcement policies and relationships between
19 police officer ranks and certification under applicable
20 civil service law, ordinances, personnel codes, or
21 Division 2.1 of Article 10 of the Illinois Municipal Code,
22 but these factors shall not be the sole or predominant
23 factors considered by the Board in determining police
24 supervisory status.

25 Notwithstanding the provisions of the preceding
26 paragraph, in determining supervisory status in fire

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

17 (2) With respect only to State employees in positions
18 under the jurisdiction of the Attorney General, Secretary
19 of State, Comptroller, or Treasurer (i) that were
20 certified in a bargaining unit on or after December 2,
21 2008, (ii) for which a petition is filed with the Illinois
22 Public Labor Relations Board on or after April 5, 2013
23 (the effective date of Public Act 97-1172), or (iii) for
24 which a petition is pending before the Illinois Public
25 Labor Relations Board on that date, an employee who
26 qualifies as a supervisor under (A) Section 152 of the

1 National Labor Relations Act and (B) orders of the
2 National Labor Relations Board interpreting that provision
3 or decisions of courts reviewing decisions of the National
4 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 Illinois
11 State Police, a bargaining unit determined by the Board shall
12 not include both employees and supervisors, or supervisors
13 only, except as provided in paragraph (2) of this subsection
14 (s) and except for bargaining units in existence on July 1,
15 1984 (the effective date of this Act). With respect to
16 non-State fire fighters and paramedics employed by fire
17 departments and fire protection districts, non-State peace
18 officers, and peace officers in the Illinois State Police, a
19 bargaining unit determined by the Board shall not include both
20 supervisors and nonsupervisors, or supervisors only, except as
21 provided in paragraph (2) of this subsection (s) and except
22 for bargaining units in existence on January 1, 1986 (the
23 effective date of this amendatory Act of 1985). A bargaining
24 unit determined by the Board to contain peace officers shall
25 contain no employees other than peace officers unless
26 otherwise agreed to by the employer and the labor organization

1 or labor organizations involved. Notwithstanding any other
2 provision of this Act, a bargaining unit, including a
3 historical bargaining unit, containing sworn peace officers of
4 the Department of Natural Resources (formerly designated the
5 Department of Conservation) shall contain no employees other
6 than such sworn peace officers upon the effective date of this
7 amendatory Act of 1990 or upon the expiration date of any
8 collective bargaining agreement in effect upon the effective
9 date of this amendatory Act of 1990 covering both such sworn
10 peace officers and other employees.

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

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

25 (t) "Active petition for certification in a bargaining
26 unit" means a petition for certification filed with the Board

1 under one of the following case numbers: S-RC-11-110;
2 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;
3 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;
4 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;
5 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;
6 S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220;
7 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;
8 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;
9 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;
10 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;
11 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;
12 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;
13 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;
14 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or
15 S-RC-07-100.

16 (Source: P.A. 102-151, eff. 7-23-21; 102-538, eff. 8-20-21;
17 102-686, eff. 6-1-22; 102-813, eff. 5-13-22; revised
18 6-13-22.)".