



Rep. Gregg Johnson

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1 AMENDMENT TO HOUSE BILL 5089

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5089 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.

11 With respect only to State employees in positions under  
12 the jurisdiction of the Attorney General, Secretary of State,  
13 Comptroller, or Treasurer (i) that were certified in a  
14 bargaining unit on or after December 2, 2008, (ii) for which a  
15 petition is filed with the Illinois Public Labor Relations  
16 Board on or after April 5, 2013 (the effective date of Public  
17 Act 97-1172), or (iii) for which a petition is pending before  
18 the Illinois Public Labor Relations Board on that date,  
19 "managerial employee" means an individual who is engaged in  
20 executive and management functions or who is charged with the  
21 effectuation of management policies and practices or who  
22 represents management interests by taking or recommending  
23 discretionary actions that effectively control or implement  
24 policy.

25 Beginning on the effective date of this amendatory Act of  
26 the 103rd General Assembly, "managerial employee" includes an

1 individual designated or appointed by a sheriff as the  
2 undersheriff or chief deputy to fill a vacancy under Section  
3 3-3010 of the Counties Code or an individual serving as the  
4 superintendent of the jail under Section 3 of the County Jail  
5 Act unless the sheriff and the relevant union have mutually  
6 agreed otherwise or the individual is otherwise recognized  
7 under Section 9.

8       Nothing in this definition prohibits an individual from  
9 also meeting the definition of "supervisor" under subsection  
10 (r) of this Section.

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



1 other civilian employees of a police department who are not  
2 routinely expected to effect arrests, or elected officials.

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

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

1 professional person to qualify to become a professional  
2 employee as defined in this subsection (m).

3 (n) "Public employee" or "employee", for the purposes of  
4 this Act, means any individual employed by a public employer,  
5 including (i) interns and residents at public hospitals, (ii)  
6 as of July 16, 2003 (the effective date of Public Act 93-204),  
7 but not before, personal assistants working under the Home  
8 Services Program under Section 3 of the Rehabilitation of  
9 Persons with Disabilities Act, subject to the limitations set  
10 forth in this Act and in the Rehabilitation of Persons with  
11 Disabilities Act, (iii) as of January 1, 2006 (the effective  
12 date of Public Act 94-320), but not before, child and day care  
13 home providers participating in the child care assistance  
14 program under Section 9A-11 of the Illinois Public Aid Code,  
15 subject to the limitations set forth in this Act and in Section  
16 9A-11 of the Illinois Public Aid Code, (iv) as of January 29,  
17 2013 (the effective date of Public Act 97-1158), but not  
18 before except as otherwise provided in this subsection (n),  
19 home care and home health workers who function as personal  
20 assistants and individual maintenance home health workers and  
21 who also work under the Home Services Program under Section 3  
22 of the Rehabilitation of Persons with Disabilities Act, no  
23 matter whether the State provides those services through  
24 direct fee-for-service arrangements, with the assistance of a  
25 managed care organization or other intermediary, or otherwise,  
26 (v) beginning on July 19, 2013 (the effective date of Public

1 Act 98-100) and notwithstanding any other provision of this  
2 Act, any person employed by a public employer and who is  
3 classified as or who holds the employment title of Chief  
4 Stationary Engineer, Assistant Chief Stationary Engineer,  
5 Sewage Plant Operator, Water Plant Operator, Stationary  
6 Engineer, Plant Operating Engineer, and any other employee who  
7 holds the position of: Civil Engineer V, Civil Engineer VI,  
8 Civil Engineer VII, Technical Manager I, Technical Manager II,  
9 Technical Manager III, Technical Manager IV, Technical Manager  
10 V, Technical Manager VI, Realty Specialist III, Realty  
11 Specialist IV, Realty Specialist V, Technical Advisor I,  
12 Technical Advisor II, Technical Advisor III, Technical Advisor  
13 IV, or Technical Advisor V employed by the Department of  
14 Transportation who is in a position which is certified in a  
15 bargaining unit on or before July 19, 2013 (the effective date  
16 of Public Act 98-100), and (vi) beginning on July 19, 2013 (the  
17 effective date of Public Act 98-100) and notwithstanding any  
18 other provision of this Act, any mental health administrator  
19 in the Department of Corrections who is classified as or who  
20 holds the position of Public Service Administrator (Option  
21 8K), any employee of the Office of the Inspector General in the  
22 Department of Human Services who is classified as or who holds  
23 the position of Public Service Administrator (Option 7), any  
24 Deputy of Intelligence in the Department of Corrections who is  
25 classified as or who holds the position of Public Service  
26 Administrator (Option 7), and any employee of the Illinois

1 State Police who handles issues concerning the Illinois State  
2 Police Sex Offender Registry and who is classified as or holds  
3 the position of Public Service Administrator (Option 7), but  
4 excluding all of the following: employees of the General  
5 Assembly of the State of Illinois; elected officials;  
6 executive heads of a department; members of boards or  
7 commissions; the Executive Inspectors General; any special  
8 Executive Inspectors General; employees of each Office of an  
9 Executive Inspector General; commissioners and employees of  
10 the Executive Ethics Commission; the Auditor General's  
11 Inspector General; employees of the Office of the Auditor  
12 General's Inspector General; the Legislative Inspector  
13 General; any special Legislative Inspectors General; employees  
14 of the Office of the Legislative Inspector General;  
15 commissioners and employees of the Legislative Ethics  
16 Commission; employees of any agency, board or commission  
17 created by this Act; employees appointed to State positions of  
18 a temporary or emergency nature; all employees of school  
19 districts and higher education institutions except  
20 firefighters and peace officers employed by a state university  
21 and except peace officers employed by a school district in its  
22 own police department in existence on July 23, 2010 (the  
23 effective date of Public Act 96-1257); managerial employees;  
24 short-term employees; legislative liaisons; a person who is a  
25 State employee under the jurisdiction of the Office of the  
26 Attorney General who is licensed to practice law or whose

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

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

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

1 Program under Section 3 of the Rehabilitation of Persons with  
2 Disabilities Act shall not be covered by the State Employees  
3 Group Insurance Act of 1971.

4 Child and day care home providers shall not be considered  
5 public employees for any purposes not specifically provided  
6 for in Public Act 94-320, including, but not limited to,  
7 purposes of vicarious liability in tort and purposes of  
8 statutory retirement or health insurance benefits. Child and  
9 day care home providers shall not be covered by the State  
10 Employees Group Insurance Act of 1971.

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

15 (o) Except as otherwise in subsection (o-5), "public  
16 employer" or "employer" means the State of Illinois; any  
17 political subdivision of the State, unit of local government  
18 or school district; authorities including departments,  
19 divisions, bureaus, boards, commissions, or other agencies of  
20 the foregoing entities; and any person acting within the scope  
21 of his or her authority, express or implied, on behalf of those  
22 entities in dealing with its employees. As of July 16, 2003  
23 (the effective date of Public Act 93-204), but not before, the  
24 State of Illinois shall be considered the employer of the  
25 personal assistants working under the Home Services Program  
26 under Section 3 of the Rehabilitation of Persons with

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



1 Rehabilitation of Persons with Disabilities Act shall not be  
2 covered by the State Employees Group Insurance Act of 1971. As  
3 of January 1, 2006 (the effective date of Public Act 94-320),  
4 but not before, the State of Illinois shall be considered the  
5 employer of the day and child care home providers  
6 participating in the child care assistance program under  
7 Section 9A-11 of the Illinois Public Aid Code, subject to the  
8 limitations set forth in this Act and in Section 9A-11 of the  
9 Illinois Public Aid Code. The State shall not be considered to  
10 be the employer of child and day care home providers for any  
11 purposes not specifically provided for in Public Act 94-320,  
12 including, but not limited to, purposes of vicarious liability  
13 in tort and purposes of statutory retirement or health  
14 insurance benefits. Child and day care home providers shall  
15 not be covered by the State Employees Group Insurance Act of  
16 1971.

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

1 employers as defined in the Illinois Educational Labor  
2 Relations Act, except with respect to a state university in  
3 its employment of firefighters and peace officers and except  
4 with respect to a school district in the employment of peace  
5 officers in its own police department in existence on July 23,  
6 2010 (the effective date of Public Act 96-1257). County boards  
7 and county sheriffs shall be designated as joint or  
8 co-employers of county peace officers appointed under the  
9 authority of a county sheriff. Nothing in this subsection (o)  
10 shall be construed to prevent the State Panel or the Local  
11 Panel from determining that employers are joint or  
12 co-employers.

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

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

22 (2) For court reporters employed by the 12th, 18th,  
23 19th, and, on and after December 4, 2006, the 22nd  
24 judicial circuits, a group consisting of the chief judges  
25 of those circuits, acting jointly by majority vote, is the  
26 public employer and employer representative.

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

5           (p) "Security employee" means an employee who is  
6           responsible for the supervision and control of inmates at  
7           correctional facilities. The term also includes other  
8           non-security employees in bargaining units having the majority  
9           of employees being responsible for the supervision and control  
10          of inmates at correctional facilities.

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

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

23          (r) "Supervisor" is:

24                 (1) An employee whose principal work is substantially  
25                 different from that of his or her subordinates and who has  
26                 authority, in the interest of the employer, to hire,

1 transfer, suspend, lay off, recall, promote, discharge,  
2 direct, reward, or discipline employees, to adjust their  
3 grievances, or to effectively recommend any of those  
4 actions, if the exercise of that authority is not of a  
5 merely routine or clerical nature, but requires the  
6 consistent use of independent judgment. ~~The Except with~~  
7 ~~respect to police employment, the~~ term "supervisor"  
8 includes only those individuals who devote a preponderance  
9 of their employment time to exercising that authority,  
10 State supervisors and sworn State police officers  
11 notwithstanding. Determinations of supervisor status shall  
12 be based on actual employee job duties and not solely on  
13 written job descriptions. Nothing in this definition  
14 prohibits an individual from also meeting the definition  
15 of "managerial employee" under subsection (j) of this  
16 Section. In addition, in determining supervisory status in  
17 police employment, rank shall not be determinative. The  
18 Board shall consider, as evidence of bargaining unit  
19 inclusion or exclusion, the common law enforcement  
20 policies and relationships between police officer ranks  
21 and certification under applicable civil service law,  
22 ordinances, personnel codes, ~~or~~ Division 2.1 of Article 10  
23 of the Illinois Municipal Code, or Division 3.8 of Article  
24 3 of the Counties Code, but these factors shall not be the  
25 sole or predominant factors considered by the Board in  
26 determining police supervisory status.

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

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

1 Labor Relations Board on that date, an employee who  
2 qualifies as a supervisor under (A) Section 152 of the  
3 National Labor Relations Act and (B) orders of the  
4 National Labor Relations Board interpreting that provision  
5 or decisions of courts reviewing decisions of the National  
6 Labor Relations Board.

7 (s) (1) "Unit" means a class of jobs or positions that are  
8 held by employees whose collective interests may suitably be  
9 represented by a labor organization for collective bargaining.  
10 Except with respect to non-State fire fighters and paramedics  
11 employed by fire departments and fire protection districts,  
12 non-State peace officers, and peace officers in the Illinois  
13 State Police, a bargaining unit determined by the Board shall  
14 not include both employees and supervisors, or supervisors  
15 only, except as provided in paragraph (2) of this subsection  
16 (s) and except for bargaining units in existence on July 1,  
17 1984 (the effective date of this Act). With respect to  
18 non-State fire fighters and paramedics employed by fire  
19 departments and fire protection districts, non-State peace  
20 officers, and peace officers in the Illinois State Police, a  
21 bargaining unit determined by the Board shall not include both  
22 supervisors and nonsupervisors, or supervisors only, except as  
23 provided in paragraph (2) of this subsection (s) and except  
24 for bargaining units in existence on January 1, 1986 (the  
25 effective date of this amendatory Act of 1985). A bargaining  
26 unit determined by the Board to contain peace officers shall

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

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

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

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

18       (Source: P.A. 102-151, eff. 7-23-21; 102-538, eff. 8-20-21;  
19 102-686, eff. 6-1-22; 102-813, eff. 5-13-22; 103-154, eff.  
20 6-30-23.)".