

1 AN ACT concerning education.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 3. The Property Tax Code is amended by changing  
5 Section 18-241 as follows:

6 (35 ILCS 200/18-241)

7 Sec. 18-241. School Finance Authority.

8 (a) A School Finance Authority established under Article  
9 1E or 1F of the School Code shall not be a taxing district  
10 for purposes of this Law.

11 (b) This Law shall not apply to the extension of taxes  
12 for a school district for the levy year in which a School  
13 Finance Authority for the district is created pursuant to  
14 Article 1E or 1F of the School Code.

15 (Source: P.A. 92-547, eff. 6-13-02.)

16 Section 5. The Illinois Educational Labor Relations Act  
17 is amended by changing Section 2 as follows:

18 (115 ILCS 5/2) (from Ch. 48, par. 1702)

19 Sec. 2. Definitions. As used in this Act:

20 (a) "Educational employer" or "employer" means the  
21 governing body of a public school district, combination of  
22 public school districts, including the governing body of  
23 joint agreements of any type formed by 2 or more school  
24 districts, public community college district or State college  
25 or university, and any State agency whose major function is  
26 providing educational services. "Educational employer" or  
27 "employer" does not include a Financial Oversight Panel  
28 created pursuant to Section 1A-8 of the School Code due to a  
29 district violating a financial plan but does include a School

1 Finance Authority created under Article 1E or 1F of the  
2 School Code.

3 (b) "Educational employee" or "employee" means any  
4 individual, excluding supervisors, managerial, confidential,  
5 short term employees, student, and part-time academic  
6 employees of community colleges employed full or part time by  
7 an educational employer, but shall not include elected  
8 officials and appointees of the Governor with the advice and  
9 consent of the Senate, firefighters as defined by subsection  
10 (g-1) of Section 3 of the Illinois Public Labor Relations  
11 Act, and peace officers employed by a State university. For  
12 the purposes of this Act, part-time academic employees of  
13 community colleges shall be defined as those employees who  
14 provide less than 6 credit hours of instruction per academic  
15 semester.

16 (c) "Employee organization" or "labor organization"  
17 means an organization of any kind in which membership  
18 includes educational employees, and which exists for the  
19 purpose, in whole or in part, of dealing with employers  
20 concerning grievances, employee-employer disputes, wages,  
21 rates of pay, hours of employment, or conditions of work, but  
22 shall not include any organization which practices  
23 discrimination in membership because of race, color, creed,  
24 age, gender, national origin or political affiliation.

25 (d) "Exclusive representative" means the labor  
26 organization which has been designated by the Illinois  
27 Educational Labor Relations Board as the representative of  
28 the majority of educational employees in an appropriate unit,  
29 or recognized by an educational employer prior to January 1,  
30 1984 as the exclusive representative of the employees in an  
31 appropriate unit or, after January 1, 1984, recognized by an  
32 employer upon evidence that the employee organization has  
33 been designated as the exclusive representative by a majority  
34 of the employees in an appropriate unit.

1 (e) "Board" means the Illinois Educational Labor  
2 Relations Board.

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

6 (g) "Supervisor" means any individual having authority  
7 in the interests of the employer to hire, transfer, suspend,  
8 lay off, recall, promote, discharge, reward or discipline  
9 other employees within the appropriate bargaining unit and  
10 adjust their grievances, or to effectively recommend such  
11 action if the exercise of such authority is not of a merely  
12 routine or clerical nature but requires the use of  
13 independent judgment. The term "supervisor" includes only  
14 those individuals who devote a preponderance of their  
15 employment time to such exercising authority.

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

18 (i) "Person" includes an individual, educational  
19 employee, educational employer, legal representative, or  
20 employee organization.

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

23 (k) "Professional employee" means, in the case of a  
24 public community college, State college or university, State  
25 agency whose major function is providing educational  
26 services, the Illinois School for the Deaf, and the Illinois  
27 School for the Visually Impaired, (1) any employee engaged in  
28 work (i) predominantly intellectual and varied in character  
29 as opposed to routine mental, manual, mechanical, or physical  
30 work; (ii) involving the consistent exercise of discretion  
31 and judgment in its performance; (iii) of such character that  
32 the output produced or the result accomplished cannot be  
33 standardized in relation to a given period of time; and (iv)  
34 requiring knowledge of an advanced type in a field of science

1 or learning customarily acquired by a prolonged course of  
2 specialized intellectual instruction and study in an  
3 institution of higher learning or a hospital, as  
4 distinguished from a general academic education or from an  
5 apprenticeship or from training in the performance of routine  
6 mental, manual, or physical processes; or (2) any employee,  
7 who (i) has completed the courses of specialized intellectual  
8 instruction and study described in clause (iv) of paragraph  
9 (1) of this subsection, and (ii) is performing related work  
10 under the supervision of a professional person to qualify  
11 himself or herself to become a professional as defined in  
12 paragraph (1).

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

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

20 (n) "Confidential employee" means an employee, who (i)  
21 in the regular course of his or her duties, assists and acts  
22 in a confidential capacity to persons who formulate,  
23 determine and effectuate management policies with regard to  
24 labor relations or who (ii) in the regular course of his or  
25 her duties has access to information relating to the  
26 effectuation or review of the employer's collective  
27 bargaining policies.

28 (o) "Managerial employee" means an individual who is  
29 engaged predominantly in executive and management functions  
30 and is charged with the responsibility of directing the  
31 effectuation of such management policies and practices.

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

34 (q) "Short-term employee" is an employee who is employed

1 for less than 2 consecutive calendar quarters during a  
2 calendar year and who does not have a reasonable expectation  
3 that he or she will be rehired by the same employer for the  
4 same service in a subsequent calendar year. Nothing in this  
5 subsection shall affect the employee status of individuals  
6 who were covered by a collective bargaining agreement on the  
7 effective date of this amendatory Act of 1991.

8 (Source: P.A. 92-547, eff. 6-13-02; 92-748, eff. 1-1-03;  
9 revised 8-26-02.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.