



Adopted in House Comm. on Mar 31, 2004

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LRB093 17186 LRD 49320 a

1 AMENDMENT TO HOUSE BILL 5445

2 AMENDMENT NO. _____. Amend House Bill 5445 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 and 4 and adding Section 2.5 as
6 follows:

7 (5 ILCS 315/2.5 new)

8 Sec. 2.5. Findings and declarations; court reporters. The
9 General Assembly finds and declares:

10 (1) It is the public policy of the State of Illinois and
11 the intent of the General Assembly that State employees,
12 including the Illinois official certified court reporters, are
13 granted collective bargaining rights as provided in this Act.

14 (2) The Illinois Supreme Court in the case of AOIC v.
15 Teamsters 726 ruled that the Illinois Public Labor Relations
16 Board could not assert jurisdiction over the Illinois official
17 certified court reporters because the Supreme Court is their
18 co-employer together with the Chief Judges of each judicial
19 circuit.

20 (3) As a result of the Supreme Court's decision, the
21 Illinois official certified court reporters have been denied
22 the labor rights afforded all other State employees, including
23 the rights to organize, to obtain recognition of their chosen
24 collective bargaining representative, and to negotiate with

1 respect to the wages, terms, and conditions of their
2 employment.

3 (4) The General Assembly intends to create a statutory
4 framework to allow Illinois official court reporters to enjoy
5 the same collective bargaining and other labor rights granted
6 to other public employees.

7 (5) Senate Resolution 431 and House Resolution 706, both of
8 the 92nd General Assembly, were adopted, and in enacting this
9 amendatory Act of the 93rd General Assembly, the General
10 Assembly is implementing the intent of those resolutions.

11 (5 ILCS 315/3) (from Ch. 48, par. 1603)

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

14 (a) "Board" means the Illinois Labor Relations Board or,
15 with respect to a matter over which the jurisdiction of the
16 Board is assigned to the State Panel or the Local Panel under
17 Section 5, the panel having jurisdiction over the matter.

18 (b) "Collective bargaining" means bargaining over terms
19 and conditions of employment, including hours, wages, and other
20 conditions of employment, as detailed in Section 7 and which
21 are not excluded by Section 4.

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

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

31 (e) "Essential services employees" means those public
32 employees performing functions so essential that the
33 interruption or termination of the function will constitute a

1 clear and present danger to the health and safety of the
2 persons in the affected community.

3 (f) "Exclusive representative", except with respect to
4 non-State fire fighters and paramedics employed by fire
5 departments and fire protection districts, non-State peace
6 officers, and peace officers in the Department of State Police,
7 means the labor organization that has been (i) designated by
8 the Board as the representative of a majority of public
9 employees in an appropriate bargaining unit in accordance with
10 the procedures contained in this Act, (ii) historically
11 recognized by the State of Illinois or any political
12 subdivision of the State before July 1, 1984 (the effective
13 date of this Act) as the exclusive representative of the
14 employees in an appropriate bargaining unit, (iii) after July
15 1, 1984 (the effective date of this Act) recognized by an
16 employer upon evidence, acceptable to the Board, that the labor
17 organization has been designated as the exclusive
18 representative by a majority of the employees in an appropriate
19 bargaining unit; or (iv) recognized as the exclusive
20 representative of personal care attendants or personal
21 assistants under Executive Order 2003-8 prior to the effective
22 date of this amendatory Act of the 93rd General Assembly, and
23 the organization shall be considered to be the exclusive
24 representative of the personal care attendants or personal
25 assistants as defined in this Section.

26 With respect to non-State fire fighters and paramedics
27 employed by fire departments and fire protection districts,
28 non-State peace officers, and peace officers in the Department
29 of State Police, "exclusive representative" means the labor
30 organization that has been (i) designated by the Board as the
31 representative of a majority of peace officers or fire fighters
32 in an appropriate bargaining unit in accordance with the
33 procedures contained in this Act, (ii) historically recognized
34 by the State of Illinois or any political subdivision of the

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

10 (g) "Fair share agreement" means an agreement between the
11 employer and an employee organization under which all or any of
12 the employees in a collective bargaining unit are required to
13 pay their proportionate share of the costs of the collective
14 bargaining process, contract administration, and pursuing
15 matters affecting wages, hours, and other conditions of
16 employment, but not to exceed the amount of dues uniformly
17 required of members. The amount certified by the exclusive
18 representative shall not include any fees for contributions
19 related to the election or support of any candidate for
20 political office. Nothing in this subsection (g) shall preclude
21 an employee from making voluntary political contributions in
22 conjunction with his or her fair share payment.

23 (g-1) "Fire fighter" means, for the purposes of this Act
24 only, any person who has been or is hereafter appointed to a
25 fire department or fire protection district or employed by a
26 state university and sworn or commissioned to perform fire
27 fighter duties or paramedic duties, except that the following
28 persons are not included: part-time fire fighters, auxiliary,
29 reserve or voluntary fire fighters, including paid on-call fire
30 fighters, clerks and dispatchers or other civilian employees of
31 a fire department or fire protection district who are not
32 routinely expected to perform fire fighter duties, or elected
33 officials.

34 (g-2) "General Assembly of the State of Illinois" means the

1 legislative branch of the government of the State of Illinois,
2 as provided for under Article IV of the Constitution of the
3 State of Illinois, and includes but is not limited to the House
4 of Representatives, the Senate, the Speaker of the House of
5 Representatives, the Minority Leader of the House of
6 Representatives, the President of the Senate, the Minority
7 Leader of the Senate, the Joint Committee on Legislative
8 Support Services and any legislative support services agency
9 listed in the Legislative Commission Reorganization Act of
10 1984.

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

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

24 (j) "Managerial employee" means an individual who is
25 engaged predominantly in executive and management functions
26 and is charged with the responsibility of directing the
27 effectuation of management policies and practices.

28 (k) "Peace officer" means, for the purposes of this Act
29 only, any persons who have been or are hereafter appointed to a
30 police force, department, or agency and sworn or commissioned
31 to perform police duties, except that the following persons are
32 not included: part-time police officers, special police
33 officers, auxiliary police as defined by Section 3.1-30-20 of
34 the Illinois Municipal Code, night watchmen, "merchant

1 police", court security officers as defined by Section 3-6012.1
2 of the Counties Code, temporary employees, traffic guards or
3 wardens, civilian parking meter and parking facilities
4 personnel or other individuals specially appointed to aid or
5 direct traffic at or near schools or public functions or to aid
6 in civil defense or disaster, parking enforcement employees who
7 are not commissioned as peace officers and who are not armed
8 and who are not routinely expected to effect arrests, parking
9 lot attendants, clerks and dispatchers or other civilian
10 employees of a police department who are not routinely expected
11 to effect arrests, or elected officials.

12 (l) "Person" includes one or more individuals, labor
13 organizations, public employees, associations, corporations,
14 legal representatives, trustees, trustees in bankruptcy,
15 receivers, or the State of Illinois or any political
16 subdivision of the State or governing body, but does not
17 include the General Assembly of the State of Illinois or any
18 individual employed by the General Assembly of the State of
19 Illinois.

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

1 performing related work under the supervision of a professional
2 person to qualify to become a professional employee as defined
3 in this subsection (m).

4 (n) "Public employee" or "employee", for the purposes of
5 this Act, means any individual employed by a public employer,
6 including interns and residents at public hospitals and, as of
7 the effective date of this amendatory Act of the 93rd General
8 Assembly, but not before, personal care attendants and personal
9 assistants working under the Home Services Program under
10 Section 3 of the Disabled Persons Rehabilitation Act, subject
11 to the limitations set forth in this Act and in the Disabled
12 Persons Rehabilitation Act, but excluding all of the following:
13 employees of the General Assembly of the State of Illinois;
14 elected officials; executive heads of a department; members of
15 boards or commissions; the Executive Inspectors General; any
16 special Executive Inspectors General; employees of each Office
17 of an Executive Inspector General; commissioners and employees
18 of the Executive Ethics Commission; the Auditor General's
19 Inspector General; employees of the Office of the Auditor
20 General's Inspector General; the Legislative Inspector
21 General; any special Legislative Inspectors General; employees
22 of the Office of the Legislative Inspector General;
23 commissioners and employees of the Legislative Ethics
24 Commission; employees of any agency, board or commission
25 created by this Act; employees appointed to State positions of
26 a temporary or emergency nature; all employees of school
27 districts and higher education institutions except
28 firefighters and peace officers employed by a state university;
29 managerial employees; short-term employees; confidential
30 employees; independent contractors; and supervisors except as
31 provided in this Act.

32 Personal care attendants and personal assistants shall not
33 be considered public employees for any purposes not
34 specifically provided for in this amendatory Act of the 93rd

1 General Assembly, including but not limited to, purposes of
2 vicarious liability in tort and purposes of statutory
3 retirement or health insurance benefits. Personal care
4 attendants and personal assistants shall not be covered by the
5 State Employees Group Insurance Act of 1971 (5 ILCS 375/).

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

10 (o) Except as otherwise in subsection (o-5), "public ~~Public~~
11 employer" or "employer" means the State of Illinois; any
12 political subdivision of the State, unit of local government or
13 school district; authorities including departments, divisions,
14 bureaus, boards, commissions, or other agencies of the
15 foregoing entities; and any person acting within the scope of
16 his or her authority, express or implied, on behalf of those
17 entities in dealing with its employees. As of the effective
18 date of this amendatory Act of the 93rd General Assembly, but
19 not before, the State of Illinois shall be considered the
20 employer of the personal care attendants and personal
21 assistants working under the Home Services Program under
22 Section 3 of the Disabled Persons Rehabilitation Act, subject
23 to the limitations set forth in this Act and in the Disabled
24 Persons Rehabilitation Act. The State shall not be considered
25 to be the employer of personal care attendants and personal
26 assistants for any purposes not specifically provided for in
27 this amendatory Act of the 93rd General Assembly, including but
28 not limited to, purposes of vicarious liability in tort and
29 purposes of statutory retirement or health insurance benefits.
30 Personal care attendants and personal assistants shall not be
31 covered by the State Employees Group Insurance Act of 1971 (5
32 ILCS 375/). "Public employer" or "employer" as used in this
33 Act, however, does not mean and shall not include the General
34 Assembly of the State of Illinois, the Executive Ethics

1 Commission, the Offices of the Executive Inspectors General,
2 the Legislative Ethics Commission, the Office of the
3 Legislative Inspector General, the Office of the Auditor
4 General's Inspector General, and educational employers or
5 employers as defined in the Illinois Educational Labor
6 Relations Act, except with respect to a state university in its
7 employment of firefighters and peace officers. County boards
8 and county sheriffs shall be designated as joint or
9 co-employers of county peace officers appointed under the
10 authority of a county sheriff. Nothing in this subsection (o)
11 shall be construed to prevent the State Panel or the Local
12 Panel from determining that employers are joint or
13 co-employers.

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

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

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

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

31 (p) "Security employee" means an employee who is
32 responsible for the supervision and control of inmates at
33 correctional facilities. The term also includes other
34 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 employed
4 for less than 2 consecutive calendar quarters during a calendar
5 year and who does not have a reasonable assurance that he or
6 she will be rehired by the same employer for the same service
7 in a subsequent calendar year.

8 (r) "Supervisor" is an employee whose principal work is
9 substantially different from that of his or her subordinates
10 and who has authority, in the interest of the employer, to
11 hire, transfer, suspend, lay off, recall, promote, discharge,
12 direct, reward, or discipline employees, to adjust their
13 grievances, or to effectively recommend any of those actions,
14 if the exercise of that authority is not of a merely routine or
15 clerical nature, but requires the consistent use of independent
16 judgment. Except with respect to police employment, the term
17 "supervisor" includes only those individuals who devote a
18 preponderance of their employment time to exercising that
19 authority, State supervisors notwithstanding. In addition, in
20 determining supervisory status in police employment, rank
21 shall not be determinative. The Board shall consider, as
22 evidence of bargaining unit inclusion or exclusion, the common
23 law enforcement policies and relationships between police
24 officer ranks and certification under applicable civil service
25 law, ordinances, personnel codes, or Division 2.1 of Article 10
26 of the Illinois Municipal Code, but these factors shall not be
27 the sole or predominant factors considered by the Board in
28 determining police supervisory status.

29 Notwithstanding the provisions of the preceding paragraph,
30 in determining supervisory status in fire fighter employment,
31 no fire fighter shall be excluded as a supervisor who has
32 established representation rights under Section 9 of this Act.
33 Further, in new fire fighter units, employees shall consist of
34 fire fighters of the rank of company officer and below. If a

1 company officer otherwise qualifies as a supervisor under the
2 preceding paragraph, however, he or she shall not be included
3 in the fire fighter unit. If there is no rank between that of
4 chief and the highest company officer, the employer may
5 designate a position on each shift as a Shift Commander, and
6 the persons occupying those positions shall be supervisors. All
7 other ranks above that of company officer shall be supervisors.

8 (s) (1) "Unit" means a class of jobs or positions that are
9 held by employees whose collective interests may suitably
10 be represented by a labor organization for collective
11 bargaining. Except with respect to non-State fire fighters
12 and paramedics employed by fire departments and fire
13 protection districts, non-State peace officers, and peace
14 officers in the Department of State Police, a bargaining
15 unit determined by the Board shall not include both
16 employees and supervisors, or supervisors only, except as
17 provided in paragraph (2) of this subsection (s) and except
18 for bargaining units in existence on July 1, 1984 (the
19 effective date of this Act). With respect to non-State fire
20 fighters and paramedics employed by fire departments and
21 fire protection districts, non-State peace officers, and
22 peace officers in the Department of State Police, a
23 bargaining unit determined by the Board shall not include
24 both supervisors and nonsupervisors, or supervisors only,
25 except as provided in paragraph (2) of this subsection (s)
26 and except for bargaining units in existence on January 1,
27 1986 (the effective date of this amendatory Act of 1985). A
28 bargaining unit determined by the Board to contain peace
29 officers shall contain no employees other than peace
30 officers unless otherwise agreed to by the employer and the
31 labor organization or labor organizations involved.
32 Notwithstanding any other provision of this Act, a
33 bargaining unit, including a historical bargaining unit,
34 containing sworn peace officers of the Department of

1 Natural Resources (formerly designated the Department of
2 Conservation) shall contain no employees other than such
3 sworn peace officers upon the effective date of this
4 amendatory Act of 1990 or upon the expiration date of any
5 collective bargaining agreement in effect upon the
6 effective date of this amendatory Act of 1990 covering both
7 such sworn peace officers and other employees.

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

14 (3) Public employees who are court reporters, as
15 defined in the Court Reporters Act, shall be divided into 3
16 units for collective bargaining purposes. One unit shall be
17 court reporters employed by the Cook County Judicial
18 Circuit; one unit shall be court reporters employed by the
19 12th, 18th, and 19th judicial circuits; and one unit shall
20 be court reporters employed by all other judicial circuits.

21 (Source: P.A. 93-204, eff. 7-16-03; 93-617, eff. 12-9-03.)

22 (5 ILCS 315/4) (from Ch. 48, par. 1604)

23 Sec. 4. Management Rights. Employers shall not be required
24 to bargain over matters of inherent managerial policy, which
25 shall include such areas of discretion or policy as the
26 functions of the employer, standards of services, its overall
27 budget, the organizational structure and selection of new
28 employees, examination techniques and direction of employees.
29 Employers, however, shall be required to bargain collectively
30 with regard to policy matters directly affecting wages, hours
31 and terms and conditions of employment as well as the impact
32 thereon upon request by employee representatives.

33 To preserve the rights of employers and exclusive

1 representatives which have established collective bargaining
2 relationships or negotiated collective bargaining agreements
3 prior to the effective date of this Act, employers shall be
4 required to bargain collectively with regard to any matter
5 concerning wages, hours or conditions of employment about which
6 they have bargained for and agreed to in a collective
7 bargaining agreement prior to the effective date of this Act.

8 The chief judge of the judicial circuit that employs a
9 public employee who is a court reporter, as defined in the
10 Court Reporters Act, has the authority to hire, appoint,
11 promote, evaluate, discipline, and discharge court reporters
12 within that judicial circuit.

13 Nothing in this amendatory Act of the 93rd General Assembly
14 shall be construed to intrude upon the judicial functions of
15 any court. This amendatory Act of the 93rd General Assembly
16 applies only to nonjudicial administrative matters relating
17 the collective bargaining rights of court reporters.

18 (Source: P.A. 83-1012.)

19 Section 10. The Court Reporters Act is amended by changing
20 Sections 1, 3, 4, 4.1, 5, 6, 7, and 8 and adding Section 8.1 as
21 follows:

22 (705 ILCS 70/1) (from Ch. 37, par. 651)

23 Sec. 1. Definitions. In this Act:

24 "Court reporter", ~~for the purposes of this Act,~~ means any
25 person appointed by the chief judge of any circuit to perform
26 the duties prescribed in Section 5 of this Act.

27 "Employer representative" means, with respect to wages,
28 fringe benefits, hours, holidays, vacation, proficiency
29 examinations, sick leave, and other conditions of employment:

30 (1) For court reporters employed by the Cook County
31 Judicial Circuit, the chief judge of the Cook County
32 Circuit Court.

1 (2) For court reporters employed by the 12th, 18th, and
2 19th judicial circuits, a group consisting of the chief
3 judges of those circuits, acting jointly by majority vote.

4 (3) For court reporters employed by all other judicial
5 circuits, the chief judges of those circuits, acting
6 jointly by majority vote.

7 The chief judge of the judicial circuit that employs a
8 public employee who is a court reporter, as defined in the
9 Court Reporters Act, has the authority to hire, appoint,
10 promote, evaluate, discipline, and discharge court reporters
11 within that judicial circuit.

12 (Source: Laws 1965, p. 2616.)

13 (705 ILCS 70/3) (from Ch. 37, par. 653)

14 Sec. 3. Number; determination and certification by ~~supreme~~
15 ~~court~~. The number of full-time and part-time court reporters
16 that may be appointed in each circuit shall be determined by
17 the employer representative ~~Supreme Court~~. In determining how
18 many court reporters are needed in each circuit the employer
19 representative ~~Supreme Court~~ shall consider the following
20 factors: (1) case loads in the circuit; (2) the number of
21 associate judges and circuit judges in the circuit; (3) the
22 number and location in the circuit of major federal and state
23 highways; (4) the location in the circuit of state police
24 highway truck weighing stations; (5) the relationship of urban
25 population to large metropolitan centers in the various
26 counties of the circuit; (6) the location in the circuit of
27 state institutions including, but not limited to,
28 universities, colleges, mental health facilities,
29 penitentiaries; (7) the number of cities and towns within each
30 circuit in which regular court sessions are held and the
31 distance in road miles between each; and (8) any other factor
32 deemed relevant by the employer representative ~~Supreme Court~~.

33 The employer representative ~~The Supreme Court shall~~

1 ~~certify in writing to each chief judge the number of full-time~~
2 ~~and part-time court reporters the chief judge may appoint in~~
3 ~~his circuit and~~ may, as the need arises, increase or lower the
4 number of such court reporters so authorized.

5 The Chief Judge of each circuit may designate any number of
6 ~~Supreme Court~~ approved full-time court reporter positions as
7 time share positions. For the purposes of this Act, "time share
8 position" means a full-time court reporter position that is
9 divided among 2 or more court reporters with the full-time
10 salary and benefits being apportioned among the court reporters
11 in the same percentage as the duties of the full-time position
12 are apportioned.

13 (Source: P.A. 86-827.)

14 (705 ILCS 70/4) (from Ch. 37, par. 654)

15 Sec. 4. Appointment; oath. The chief judge may appoint all
16 or any of the number of court reporters authorized by Section 3
17 of this Act ~~certification of the Supreme Court~~. The court
18 reporters so appointed shall serve at the direction ~~pleasure~~ of
19 the chief judge and may be removed by the chief judge.

20 Each court reporter appointed shall, before entering upon
21 the duties of his office, take the official oath to faithfully
22 discharge the duties of his office to the best of his knowledge
23 and ability.

24 The appointments shall be in writing and shall be filed
25 with the Clerk of the Circuit Court of the circuit in which the
26 court reporters are employed ~~Supreme Court~~ and shall continue
27 in force until revoked by the chief judge of the circuit in
28 which the court reporter is appointed.

29 (Source: P.A. 84-1395.)

30 (705 ILCS 70/4.1) (from Ch. 37, par. 654.1)

31 Sec. 4.1. Appointment and salary of administrative
32 personnel.

1 (a) The employer representative ~~Supreme Court~~ may
2 authorize the chief judge of any single county circuit in which
3 official court reporting services are centrally administered,
4 (1) to appoint from among the court reporters appointed in the
5 circuit an Administrator of Court Reporters, a Deputy
6 Administrator of Court Reporters and 2 Assistant
7 Administrators of Court Reporters, (2) to designate from among
8 the court reporters appointed in the circuit one Reporter
9 Supervisor and one Assistant Reporter Supervisor for each
10 Department and Division of the circuit court, and (3) to
11 appoint secretarial and other support staff to assist the
12 Administrator. Each Administrator, Deputy Administrator,
13 Assistant Administrator, Reporter Supervisor, and Assistant
14 Reporter Supervisor shall have an "A" proficiency rating, by
15 examination, as provided in Section 7.

16 (b) Administrative personnel appointed under this Section
17 shall be paid by the State.

18 (1) In addition to their regular salary as official court
19 reporters, the administrative personnel appointed under this
20 Section shall be paid such additional sums as the employer
21 representative ~~Supreme Court~~ specifies. Such sums shall be
22 included in the pay schedule adopted pursuant to Section 8. The
23 additional amounts paid shall reflect the burden of
24 administrative responsibility borne by the administrative
25 personnel and the consequent lack of opportunity to produce
26 transcripts of testimony. The additional amounts paid to such
27 personnel shall not exceed the following:

28 (A) Administrator of Court Reporters: \$20,000 per
29 year;

30 (B) Deputy Administrator of Court Reporters: \$15,000
31 per year;

32 (C) Assistant Administrators of Court Reporters:
33 \$13,000 per year;

34 (D) Reporter Supervisors: \$10,000 per year.

1 (E) Assistant Reporter Supervisors: \$5,000 per year.

2 (2) Each of the secretarial and other support staff
3 authorized under this Section shall be paid a salary as
4 determined per year by the employer representative ~~Supreme~~
5 ~~Court~~.

6 (Source: P.A. 86-1378.)

7 (705 ILCS 70/5) (from Ch. 37, par. 655)

8 Sec. 5. Means of reporting; transcripts. The court reporter
9 shall make a full reporting by means of stenographic hand or
10 machine notes, or a combination thereof, of the evidence and
11 such other proceedings in trials and judicial proceedings to
12 which he is assigned by the chief judge, and the court reporter
13 may use an electronic instrument as a supplementary device. In
14 the event that the court utilizes an audio or video recording
15 system to record the proceedings, a court reporter shall be in
16 charge of such system; however, the appointment of a court
17 reporter to be in charge of an audio or video recording system
18 shall not be required where such system is the judge's personal
19 property or has been supplied by a party or such party's
20 attorney. To the extent that it does not substantially
21 interfere with the court reporter's other official duties, the
22 judge to whom, or a judge of the division to which, a reporter
23 is assigned may assign a reporter to secretarial or clerical
24 duties arising out of official court operations.

25 Unless and until otherwise provided in a Uniform Schedule
26 of Charges which may hereafter be provided by rule or order of
27 the employer representative ~~Supreme Court~~, a court reporter may
28 charge not to exceed 25¢ per 100 words for making transcripts
29 of his notes. The fees for making transcripts shall be paid in
30 the first instance by the party in whose behalf such transcript
31 is ordered and shall be taxed in the suit.

32 The transcripts shall be filed and remain with the papers
33 of the case. When the judge trying the case shall, of his own

1 motion, order a transcript of the court reporter's notes, the
2 judge may direct the payment of the charges therefor, and the
3 taxation of the charges as costs in such manner as to him may
4 seem just. Provided, that the charges for making but one
5 transcript shall be taxed as costs and the party first ordering
6 the transcript shall have preference unless it shall be
7 otherwise ordered by the court.

8 The change made to this Section by this amendatory Act of
9 1987 is intended to apply retroactively from and after January
10 1, 1987.

11 (Source: P.A. 85-981.)

12 (705 ILCS 70/6) (from Ch. 37, par. 656)

13 Sec. 6. Assignment to serve outside of county of
14 appointment; Travel expenses.

15 The chief judge may assign a court reporter to serve
16 anywhere within the circuit in which the court reporter is
17 appointed. A court reporter shall be paid travel expenses
18 incurred in connection with his official duties in his circuit
19 of appointment outside the county wherein he resides. Subject
20 to regulations which may be adopted by the Supreme Court, court
21 reporters shall be allowed travel expenses when traveling
22 within their county of residence in connection with their
23 official duties.

24 The employer representative ~~Supreme Court~~ may assign a
25 court reporter to temporary service outside his own circuit,
26 but within the jurisdiction of the employer representative,
27 with the consent of the chief judge of his circuit. A court
28 reporter shall be paid travel expenses incurred in connection
29 with his official duties during such periods of temporary
30 assignment.

31 Expense vouchers shall be submitted to the employer
32 representative ~~Supreme Court~~ for approval. The expense
33 vouchers or claims submitted to the employer representative

1 ~~Supreme Court~~ shall have endorsed thereon the signed approval
2 of the chief judge of the circuit in which the court reporter
3 incurred the expense for which claim is made.

4 (Source: P.A. 77-1685.)

5 (705 ILCS 70/7) (from Ch. 37, par. 657)

6 Sec. 7. Proficiency tests. Except as otherwise provided in
7 this Section, each court reporter in office on January 1, 1966
8 or appointed on or after that date shall have taken or shall
9 thereafter take a test to rate his proficiency. The test shall
10 be prepared and administered by the employer representative in
11 consultation with each of the other employer representatives

12 ~~Supreme Court~~. The test shall consist of three parts designated
13 Part A, Part B and Part C. If the court reporter in office on
14 January 1, 1966, or appointed on or after that date,
15 successfully passes any Part he shall be given a certificate
16 designating him as an official court reporter. If such court
17 reporter fails to pass any part, the employer representative
18 ~~Supreme Court~~ shall so inform the chief judge of the circuit in
19 which the court reporter serves. Upon receipt of note that a
20 court reporter has failed to pass any part of the test, the
21 chief judge may discharge the court reporter or may allow him
22 to continue until the test is next administered. If, when the
23 test is next administered, the court reporter fails to pass any
24 part of the test, he shall be discharged by the chief judge.

25 The test shall be administered at least every six months if
26 there are candidates or applicants for the test. Any court
27 reporter who has passed Part C of the test may apply to take
28 the Part B or the Part A section of the test at the regular time
29 such tests are given. If the court reporter successfully
30 completes Part B or Part A of the test, his proficiency rating
31 shall be adjusted to reflect passage of the more difficult
32 Part.

33 Any court reporter who served as a court reporter in a

1 circuit court for 5 years immediately preceding January 1, 1966
2 shall be certified as an official court reporter without
3 examination, and shall be credited with an "A" proficiency
4 rating, without examination.

5 (Source: P.A. 84-1395.)

6 (705 ILCS 70/8) (from Ch. 37, par. 658)

7 Sec. 8. Salaries.

8 (a) The salaries of all court reporters shall be paid by
9 the State. Full-time court reporters shall be paid not less
10 than \$6,000 nor more than \$29,500 per year through June 30,
11 1984. Beginning July 1, 1984, full-time court reporters shall
12 be paid not less than \$6,000 nor more than \$31,250 annually.
13 Beginning July 1, 1985, full-time court reporters shall be paid
14 not less than \$6,000 nor more than \$33,250 annually. Beginning
15 July 1, 1986, full-time court reporters shall be paid not less
16 than \$6,000 nor more than \$35,250 annually. Beginning July 1,
17 1987, full-time court reporters shall be paid not less than
18 \$6,000 nor more than \$37,250 annually. Part-time court
19 reporters shall be paid not less than \$12 nor more than \$60 per
20 half-day. The salary of each individual court reporter shall be
21 computed from a schedule adopted by the employer representative
22 ~~Supreme Court~~. The salary schedule shall reflect the following
23 relevant factors: (1) proficiency rating; (2) experience; (3)
24 population of the area to which a reporter is normally
25 assigned; (3-1) court reporters shall receive the same annual
26 percentage salary increase as provided to other State-paid
27 non-judicial employees of the Judicial Branch with equivalent
28 salaries, except that notwithstanding any other provision of
29 law, salaries of full time court reporters shall be increased
30 by at least a percentage increase equivalent to that of the
31 "Employment Cost Index, Wages and Salaries, by Occupation and
32 Industry Groups, State and Local Government Workers Public
33 Administration", as published by the Bureau of Labor Statistics

1 of the U.S. Department of Labor for the calendar year
2 immediately preceding the year of the respective July 1st
3 increase date. The increase shall be added to the then current
4 annual salary and the adjusted salary so determined shall be
5 the annual salary beginning July 1 of the increase year until
6 July 1 of the next year; (4) other factors considered relevant
7 by the Director.

8 (b) (Blank). ~~Not less than 60 days before the effective~~
9 ~~date of this Act, the chief judge of each circuit shall submit~~
10 ~~to the Supreme Court, on forms to be provided by the Supreme~~
11 ~~Court, such information as may be necessary to implement the~~
12 ~~Provisions of this Act.~~

13 (c) A court reporter who has previously passed, or who
14 hereafter passes, Part A or Part B of a proficiency test
15 prepared and administered by the employer representative
16 ~~Supreme Court~~ shall be credited with an "A" or "B" proficiency
17 rating, as appropriate.

18 (d) A court reporter who has been credited with an "A"
19 proficiency rating, without examination, as provided in
20 Section 7 of this Act, shall receive a salary of \$10,000 per
21 annum. Any increase in the maximum salary payable to reporters
22 shall not result in any increase for such reporter unless and
23 until he has passed the proficiency test.

24 (e) The salaries of all official court reporters employed
25 by the State shall be paid monthly, from moneys appropriated to
26 the Comptroller for that purpose, on the voucher of the the
27 chief judge of the circuit employing the court reporters
28 ~~Supreme Court~~. The Comptroller ~~Supreme Court~~ may require all
29 salary claims by part-time reporters to be substantiated by
30 certificates signed by the reporter and approved by the chief
31 judge of the circuit.

32 (f) The salaries of time share court reporter positions may
33 be apportioned in the manner provided in Section 3 of this Act.

34 (Source: P.A. 88-475.)

1 (705 ILCS 70/8.1 new)

2 Sec. 8.1. Appropriation request. Each employer
3 representative shall make an annual appropriation request in
4 January to the General Assembly to fund court reporters. When
5 necessary, an employer representative may request supplemental
6 appropriations to fund court reporters.

7 Section 15. The Court Reporter Transcript Act is amended by
8 changing Section 4 as follows:

9 (705 ILCS 75/4) (from Ch. 37, par. 664)

10 Sec. 4. The reporter, in full for all his services in
11 connection with the transcribing and filing or furnishing the
12 transcripts referred to in this Act, shall be paid a fee as
13 provided in Section 5 of the Court Reporters Act, ~~approved~~
14 ~~August 5, 1965, as amended.~~ All such fees shall be paid out of
15 the State Treasury on the warrant of the chief judge of the
16 circuit employing the court reporter ~~Supreme Court~~, from
17 appropriations made to the Comptroller for such purpose, upon
18 presentation of a certificate signed by the presiding judge
19 setting the amount due said reporter. Such certificate shall as
20 to each original transcript (and a copy or copies where fee for
21 a copy or copies is authorized by statute or Illinois Supreme
22 Court Rule) set forth the title and number of the cause in
23 which the transcript was required to be furnished, the nature
24 of the proceedings transcribed (whether an arraignment,
25 proceedings at criminal trial or proceedings at
26 post-conviction hearing) and the fee approved therefor. The
27 employer representative, as defined in the Court Reporters Act,
28 ~~Supreme Court~~ may prescribe the form of the certificate and
29 furnish same.

30 (Source: P.A. 90-505, eff. 8-19-97.)

1 Section 95. Liberal construction. This Act shall be
2 liberally construed to effectuate its purpose of facilitating
3 the equitable resolution of labor relations concerning court
4 reporters.

5 Section 97. Severability. The provisions of this Act are
6 severable under Section 1.31 of the Statute on Statutes.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law."