



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0455

Introduced 1/26/2005, by Rep. William Delgado

SYNOPSIS AS INTRODUCED:

115 ILCS 5/2

from Ch. 48, par. 1702

30 ILCS 805/8.29 new

Amends the Illinois Educational Labor Relations Act. Provides that notwithstanding the definition found in the Act or any other law to the contrary, for the purposes of the Act, any individual with an administrative certificate issued pursuant to the School Code and employed full-time or part-time as an administrator, principal, or assistant principal by the Chicago school district is an "educational employee" or an "employee". Amends the State Mandates Act to require implementation without reimbursement.

LRB094 05127 RAS 35167 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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

6 (115 ILCS 5/2) (from Ch. 48, par. 1702)

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

8 (a) "Educational employer" or "employer" means the
9 governing body of a public school district, combination of
10 public school districts, including the governing body of joint
11 agreements of any type formed by 2 or more school districts,
12 public community college district or State college or
13 university, and any State agency whose major function is
14 providing educational services. "Educational employer" or
15 "employer" does not include a Financial Oversight Panel created
16 pursuant to Section 1A-8 of the School Code due to a district
17 violating a financial plan but does include a School Finance
18 Authority created under Article 1E or 1F of the School Code.

19 (b) "Educational employee" or "employee" means any
20 individual, excluding supervisors, managerial, confidential,
21 short term employees, student, and part-time academic
22 employees of community colleges employed full or part time by
23 an educational employer, but shall not include elected
24 officials and appointees of the Governor with the advice and
25 consent of the Senate, firefighters as defined by subsection
26 (g-1) of Section 3 of the Illinois Public Labor Relations Act,
27 and peace officers employed by a State university.
28 Notwithstanding this definition or any other law to the
29 contrary, for the purposes of this Act, any individual with an
30 administrative certificate issued pursuant to Article 21 of the
31 School Code and employed full-time or part-time as an
32 administrator, principal, or assistant principal by a school

1 district organized under Article 34 of the School Code is an
2 "educational employee" or "employee". For the purposes of this
3 Act, part-time academic employees of community colleges shall
4 be defined as those employees who provide less than 3 credit
5 hours of instruction per academic semester. In this subsection
6 (b), the term "student" includes graduate students who are
7 research assistants primarily performing duties that involve
8 research or graduate assistants primarily performing duties
9 that are pre-professional, but excludes graduate students who
10 are teaching assistants primarily performing duties that
11 involve the delivery and support of instruction and all other
12 graduate assistants.

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

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

32 (e) "Board" means the Illinois Educational Labor Relations
33 Board.

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

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

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

13 (i) "Person" includes an individual, educational employee,
14 educational employer, legal representative, or employee
15 organization.

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

18 (k) "Professional employee" means, in the case of a public
19 community college, State college or university, State agency
20 whose major function is providing educational services, the
21 Illinois School for the Deaf, and the Illinois School for the
22 Visually Impaired, (1) any employee engaged in work (i)
23 predominantly intellectual and varied in character as opposed
24 to routine mental, manual, mechanical, or physical work; (ii)
25 involving the consistent exercise of discretion and judgment in
26 its performance; (iii) of such character that the output
27 produced or the result accomplished cannot be standardized in
28 relation to a given period of time; and (iv) requiring
29 knowledge of an advanced type in a field of science or learning
30 customarily acquired by a prolonged course of specialized
31 intellectual instruction and study in an institution of higher
32 learning or a hospital, as distinguished from a general
33 academic education or from an apprenticeship or from training
34 in the performance of routine mental, manual, or physical
35 processes; or (2) any employee, who (i) has completed the
36 courses of specialized intellectual instruction and study

1 described in clause (iv) of paragraph (1) of this subsection,
2 and (ii) is performing related work under the supervision of a
3 professional person to qualify himself or herself to become a
4 professional as defined in paragraph (1).

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

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

12 (n) "Confidential employee" means an employee, who (i) in
13 the regular course of his or her duties, assists and acts in a
14 confidential capacity to persons who formulate, determine and
15 effectuate management policies with regard to labor relations
16 or who (ii) in the regular course of his or her duties has
17 access to information relating to the effectuation or review of
18 the employer's collective bargaining policies.

19 (o) "Managerial employee" means an individual who is
20 engaged predominantly in executive and management functions
21 and is charged with the responsibility of directing the
22 effectuation of such management policies and practices.

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

25 (q) "Short-term employee" is an employee who is employed
26 for less than 2 consecutive calendar quarters during a calendar
27 year and who does not have a reasonable expectation that he or
28 she will be rehired by the same employer for the same service
29 in a subsequent calendar year. Nothing in this subsection shall
30 affect the employee status of individuals who were covered by a
31 collective bargaining agreement on the effective date of this
32 amendatory Act of 1991.

33 (Source: P.A. 92-547, eff. 6-13-02; 92-748, eff. 1-1-03;
34 93-314, eff. 1-1-04; 93-501, eff. 8-11-03; 93-1044, eff.
35 10-14-04; revised 10-25-04.)

1 Section 90. The State Mandates Act is amended by adding
2 Section 8.29 as follows:

3 (30 ILCS 805/8.29 new)

4 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
5 of this Act, no reimbursement by the State is required for the
6 implementation of any mandate created by this amendatory Act of
7 the 94th General Assembly.