



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4032

Introduced 2/26/2009, by Rep. Richard P. Myers

SYNOPSIS AS INTRODUCED:

5 ILCS 315/4.5 new

Amends the Illinois Public Labor Relations Act. Requires a rebuttable presumption that a managerial assistant is a confidential employee. Defines a managerial assistant as a secretary, assistant, aide, or person in a similar position to a labor supervisor. Effective immediately.

LRB096 03990 JAM 14026 b

1 AN ACT concerning government.

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

4 Section 5. The Illinois Public Labor Relations Act is
5 amended by adding Section 4.5 as follows:

6 (5 ILCS 315/4.5 new)

7 Sec. 4.5. Presumption of certain employees as confidential
8 employees.

9 (a) Any employee who is a managerial assistant is presumed
10 to be a confidential employee under subsection (c) of Section 3
11 of this Act.

12 (b) An employee may rebut the presumption under subsection
13 (a) only by demonstrating, by clear and convincing evidence,
14 that he or she has no access, authorized or unauthorized, to
15 information relating to the formulation, determination,
16 effectuation, or review of the employer's collective
17 bargaining policies.

18 (c) For the purposes of this Section:

19 "Managerial assistant" means any person employed in the
20 position of secretary, assistant, aide, or similar position to
21 a labor supervisor.

22 "Labor supervisor" means a person who (i) formulates,
23 determines, effects, or reviews the employer's collective

1 bargaining policies or (ii) is reasonably expected to perform
2 any of these duties in the future when collective bargaining
3 begins.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.