

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 changing Sections 3 and 7 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 other  
15 conditions of employment, as detailed in Section 7 and which  
16 are not excluded by Section 4.

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

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

3 (e) "Essential services employees" means those public  
4 employees performing functions so essential that the  
5 interruption or termination of the function will constitute a  
6 clear and present danger to the health and safety of the  
7 persons in the affected community.

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

1 date of this amendatory Act of the 93rd General Assembly, and  
2 the organization shall be considered to be the exclusive  
3 representative of the personal care attendants or personal  
4 assistants as defined in this Section; or (v) recognized as the  
5 exclusive representative of child and day care home providers,  
6 including licensed and license exempt providers, pursuant to an  
7 election held under Executive Order 2005-1 prior to the  
8 effective date of this amendatory Act of the 94th General  
9 Assembly, and the organization shall be considered to be the  
10 exclusive representative of the child and day care home  
11 providers as defined in this Section.

12 With respect to non-State fire fighters and paramedics  
13 employed by fire departments and fire protection districts,  
14 non-State peace officers, and peace officers in the Department  
15 of State Police, "exclusive representative" means the labor  
16 organization that has been (i) designated by the Board as the  
17 representative of a majority of peace officers or fire fighters  
18 in an appropriate bargaining unit in accordance with the  
19 procedures contained in this Act, (ii) historically recognized  
20 by the State of Illinois or any political subdivision of the  
21 State before January 1, 1986 (the effective date of this  
22 amendatory Act of 1985) as the exclusive representative by a  
23 majority of the peace officers or fire fighters in an  
24 appropriate bargaining unit, or (iii) after January 1, 1986  
25 (the effective date of this amendatory Act of 1985) recognized  
26 by an employer upon evidence, acceptable to the Board, that the

1 labor organization has been designated as the exclusive  
2 representative by a majority of the peace officers or fire  
3 fighters in an appropriate bargaining unit.

4 Where a historical pattern of representation exists for the  
5 workers of a water system that was owned by a public utility,  
6 as defined in Section 3-105 of the Public Utilities Act, prior  
7 to becoming certified employees of a municipality or  
8 municipalities once the municipality or municipalities have  
9 acquired the water system as authorized in Section 11-124-5 of  
10 the Illinois Municipal Code, the Board shall find the labor  
11 organization that has historically represented the workers to  
12 be the exclusive representative under this Act, and shall find  
13 the unit represented by the exclusive representative to be the  
14 appropriate unit.

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

1 conjunction with his or her fair share payment.

2 (g-1) "Fire fighter" means, for the purposes of this Act  
3 only, any person who has been or is hereafter appointed to a  
4 fire department or fire protection district or employed by a  
5 state university and sworn or commissioned to perform fire  
6 fighter duties or paramedic duties, except that the following  
7 persons are not included: part-time fire fighters, auxiliary,  
8 reserve or voluntary fire fighters, including paid on-call fire  
9 fighters, clerks and dispatchers or other civilian employees of  
10 a fire department or fire protection district who are not  
11 routinely expected to perform fire fighter duties, or elected  
12 officials.

13 (g-2) "General Assembly of the State of Illinois" means the  
14 legislative branch of the government of the State of Illinois,  
15 as provided for under Article IV of the Constitution of the  
16 State of Illinois, and includes but is not limited to the House  
17 of Representatives, the Senate, the Speaker of the House of  
18 Representatives, the Minority Leader of the House of  
19 Representatives, the President of the Senate, the Minority  
20 Leader of the Senate, the Joint Committee on Legislative  
21 Support Services and any legislative support services agency  
22 listed in the Legislative Commission Reorganization Act of  
23 1984.

24 (h) "Governing body" means, in the case of the State, the  
25 State Panel of the Illinois Labor Relations Board, the Director  
26 of the Department of Central Management Services, and the

1 Director of the Department of Labor; the county board in the  
2 case of a county; the corporate authorities in the case of a  
3 municipality; and the appropriate body authorized to provide  
4 for expenditures of its funds in the case of any other unit of  
5 government.

6 (i) "Labor organization" means any organization in which  
7 public employees participate and that exists for the purpose,  
8 in whole or in part, of dealing with a public employer  
9 concerning wages, hours, and other terms and conditions of  
10 employment, including the settlement of grievances.

11 (j) "Managerial employee" means an individual who is  
12 engaged predominantly in executive and management functions  
13 and is charged with the responsibility of directing the  
14 effectuation of management policies and practices.

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

1 in civil defense or disaster, parking enforcement employees who  
2 are not commissioned as peace officers and who are not armed  
3 and who are not routinely expected to effect arrests, parking  
4 lot attendants, clerks and dispatchers or other civilian  
5 employees of a police department who are not routinely expected  
6 to effect arrests, or elected officials.

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

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

1 routine mental, manual, or physical processes; or any employee  
2 who has completed the courses of specialized intellectual  
3 instruction and study prescribed in this subsection (m) and is  
4 performing related work under the supervision of a professional  
5 person to qualify to become a professional employee as defined  
6 in this subsection (m).

7 (n) "Public employee" or "employee", for the purposes of  
8 this Act, means any individual employed by a public employer,  
9 including (i) interns and residents at public hospitals, (ii)  
10 as of the effective date of this amendatory Act of the 93rd  
11 General Assembly, but not before, personal care attendants and  
12 personal assistants working under the Home Services Program  
13 under Section 3 of the Disabled Persons Rehabilitation Act,  
14 subject to the limitations set forth in this Act and in the  
15 Disabled Persons Rehabilitation Act, ~~and~~ (iii) as of the  
16 effective date of this amendatory Act of the 94th General  
17 Assembly, but not before, child and day care home providers  
18 participating in the child care assistance program under  
19 Section 9A-11 of the Illinois Public Aid Code, subject to the  
20 limitations set forth in this Act and in Section 9A-11 of the  
21 Illinois Public Aid Code, and (iv) as of the effective date of  
22 this amendatory Act of the 97th General Assembly, but not  
23 before except as otherwise provided in this subsection (n),  
24 home care and home health workers, including personal care  
25 attendants, personal assistants, and maintenance home health  
26 workers, who work under the Home Services Program under Section



1 3 of the Disabled Persons Rehabilitation Act, no matter whether  
2 the State provides those services through direct  
3 fee-for-service arrangements, with the assistance of a managed  
4 care organization or other intermediary, or otherwise, but  
5 excluding all of the following: employees of the General  
6 Assembly of the State of Illinois; elected officials; executive  
7 heads of a department; members of boards or commissions; the  
8 Executive Inspectors General; any special Executive Inspectors  
9 General; employees of each Office of an Executive Inspector  
10 General; commissioners and employees of the Executive Ethics  
11 Commission; the Auditor General's Inspector General; employees  
12 of the Office of the Auditor General's Inspector General; the  
13 Legislative Inspector General; any special Legislative  
14 Inspectors General; employees of the Office of the Legislative  
15 Inspector General; commissioners and employees of the  
16 Legislative Ethics Commission; employees of any agency, board  
17 or commission created by this Act; employees appointed to State  
18 positions of a temporary or emergency nature; all employees of  
19 school 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 the effective date of  
23 this amendatory Act of the 96th General Assembly; managerial  
24 employees; short-term employees; confidential employees;  
25 independent contractors; and supervisors except as provided in  
26 this Act.

1        Home care and home health workers, including personal  
2 ~~Personal~~ care attendants, ~~and~~ personal assistants, and  
3 maintenance home health workers, shall not be considered public  
4 employees for any purposes not specifically provided for in  
5 Public Act 93-204 or this amendatory Act of the 97th General  
6 Assembly ~~the amendatory Act of the 93rd General Assembly,~~  
7 including but not limited to, purposes of vicarious liability  
8 in tort and purposes of statutory retirement or health  
9 insurance benefits. Home care and home health workers,  
10 including personal ~~Personal~~ care attendants, ~~and~~ personal  
11 assistants, and maintenance home health workers, shall not be  
12 covered by the State Employees Group Insurance Act of 1971 (5  
13 ILCS 375/).

14        Child and day care home providers shall not be considered  
15 public employees for any purposes not specifically provided for  
16 in this amendatory Act of the 94th General Assembly, including  
17 but not limited to, purposes of vicarious liability in tort and  
18 purposes of statutory retirement or health insurance benefits.  
19 Child and day care home providers shall not be covered by the  
20 State Employees Group Insurance Act of 1971.

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

25        (o) Except as otherwise in subsection (o-5), "public  
26 employer" or "employer" means the State of Illinois; any

1 political subdivision of the State, unit of local government or  
2 school district; authorities including departments, divisions,  
3 bureaus, boards, commissions, or other agencies of the  
4 foregoing entities; and any person acting within the scope of  
5 his or her authority, express or implied, on behalf of those  
6 entities in dealing with its employees. As of the effective  
7 date of the amendatory Act of the 93rd General Assembly, but  
8 not before, the State of Illinois shall be considered the  
9 employer of the personal care attendants and personal  
10 assistants working under the Home Services Program under  
11 Section 3 of the Disabled Persons Rehabilitation Act, subject  
12 to the limitations set forth in this Act and in the Disabled  
13 Persons Rehabilitation Act. As of the effective date of this  
14 amendatory Act of the 97th General Assembly, but not before  
15 except as otherwise provided in this subsection (o), the State  
16 shall be considered the employer of home care and home health  
17 workers, including personal care attendants, personal  
18 assistants, and maintenance home health workers, who work under  
19 the Home Services Program under Section 3 of the Disabled  
20 Persons Rehabilitation Act, no matter whether the State  
21 provides those services through direct fee-for-service  
22 arrangements, with the assistance of a managed care  
23 organization or other intermediary, or otherwise, but subject  
24 to the limitations set forth in this Act and the Disabled  
25 Persons Rehabilitation Act. The State shall not be considered  
26 to be the employer of home care and home health workers,

1 including personal care attendants, ~~and~~ personal assistants,  
2 and maintenance home health workers, for any purposes not  
3 specifically provided for in Public Act 93-204 or this  
4 amendatory Act of the 97th General Assembly ~~this amendatory Act~~  
5 ~~of the 93rd General Assembly,~~ including but not limited to,  
6 purposes of vicarious liability in tort and purposes of  
7 statutory retirement or health insurance benefits. Home care  
8 and home health workers, including personal ~~Personal~~ care  
9 attendants, ~~and~~ personal assistants, and maintenance home  
10 health workers, shall not be covered by the State Employees  
11 Group Insurance Act of 1971 (5 ILCS 375/). As of the effective  
12 date of this amendatory Act of the 94th General Assembly but  
13 not before, the State of Illinois shall be considered the  
14 employer of the day and child care home providers participating  
15 in the child care assistance program under Section 9A-11 of the  
16 Illinois Public Aid Code, subject to the limitations set forth  
17 in this Act and in Section 9A-11 of the Illinois Public Aid  
18 Code. The State shall not be considered to be the employer of  
19 child and day care home providers for any purposes not  
20 specifically provided for in this amendatory Act of the 94th  
21 General Assembly, including but not limited to, purposes of  
22 vicarious liability in tort and purposes of statutory  
23 retirement or health insurance benefits. Child and day care  
24 home providers shall not be covered by the State Employees  
25 Group Insurance Act of 1971.

26 "Public employer" or "employer" as used in this Act,

1 however, does not mean and shall not include the General  
2 Assembly of the State of Illinois, the Executive Ethics  
3 Commission, the Offices of the Executive Inspectors General,  
4 the Legislative Ethics Commission, the Office of the  
5 Legislative Inspector General, the Office of the Auditor  
6 General's Inspector General, and educational employers or  
7 employers as defined in the Illinois Educational Labor  
8 Relations Act, except with respect to a state university in its  
9 employment of firefighters and peace officers and except with  
10 respect to a school district in the employment of peace  
11 officers in its own police department in existence on the  
12 effective date of this amendatory Act of the 96th General  
13 Assembly. County boards and county sheriffs shall be designated  
14 as joint or co-employers of county peace officers appointed  
15 under the authority of a county sheriff. Nothing in this  
16 subsection (o) shall be construed to prevent the State Panel or  
17 the Local Panel from determining that employers are joint or  
18 co-employers.

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

24 (1) For court reporters employed by the Cook County  
25 Judicial Circuit, the chief judge of the Cook County  
26 Circuit Court is the public employer and employer

1 representative.

2 (2) For court reporters employed by the 12th, 18th,  
3 19th, and, on and after December 4, 2006, the 22nd judicial  
4 circuits, a group consisting of the chief judges of those  
5 circuits, acting jointly by majority vote, is the public  
6 employer and employer representative.

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

11 (p) "Security employee" means an employee who is  
12 responsible for the supervision and control of inmates at  
13 correctional facilities. The term also includes other  
14 non-security employees in bargaining units having the majority  
15 of employees being responsible for the supervision and control  
16 of inmates at correctional facilities.

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

22 (r) "Supervisor" is an employee whose principal work is  
23 substantially different from that of his or her subordinates  
24 and who has authority, in the interest of the employer, to  
25 hire, transfer, suspend, lay off, recall, promote, discharge,  
26 direct, reward, or discipline employees, to adjust their

1 grievances, or to effectively recommend any of those actions,  
2 if the exercise of that authority is not of a merely routine or  
3 clerical nature, but requires the consistent use of independent  
4 judgment. Except with respect to police employment, the term  
5 "supervisor" includes only those individuals who devote a  
6 preponderance of their employment time to exercising that  
7 authority, State supervisors notwithstanding. In addition, in  
8 determining supervisory status in police employment, rank  
9 shall not be determinative. The Board shall consider, as  
10 evidence of bargaining unit inclusion or exclusion, the common  
11 law enforcement policies and relationships between police  
12 officer ranks and certification under applicable civil service  
13 law, ordinances, personnel codes, or Division 2.1 of Article 10  
14 of the Illinois Municipal Code, but these factors shall not be  
15 the sole or predominant factors considered by the Board in  
16 determining police supervisory status.

17 Notwithstanding the provisions of the preceding paragraph,  
18 in determining supervisory status in fire fighter employment,  
19 no fire fighter shall be excluded as a supervisor who has  
20 established representation rights under Section 9 of this Act.  
21 Further, in new fire fighter units, employees shall consist of  
22 fire fighters of the rank of company officer and below. If a  
23 company officer otherwise qualifies as a supervisor under the  
24 preceding paragraph, however, he or she shall not be included  
25 in the fire fighter unit. If there is no rank between that of  
26 chief and the highest company officer, the employer may

1 designate a position on each shift as a Shift Commander, and  
2 the persons occupying those positions shall be supervisors. All  
3 other ranks above that of company officer shall be supervisors.

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



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

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

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

24 (Source: P.A. 96-1257, eff. 7-23-10; 97-586, eff. 8-26-11.)

25 (5 ILCS 315/7) (from Ch. 48, par. 1607)

1           Sec. 7. Duty to bargain. A public employer and the  
2 exclusive representative have the authority and the duty to  
3 bargain collectively set forth in this Section.

4           For the purposes of this Act, "to bargain collectively"  
5 means the performance of the mutual obligation of the public  
6 employer or his designated representative and the  
7 representative of the public employees to meet at reasonable  
8 times, including meetings in advance of the budget-making  
9 process, and to negotiate in good faith with respect to wages,  
10 hours, and other conditions of employment, not excluded by  
11 Section 4 of this Act, or the negotiation of an agreement, or  
12 any question arising thereunder and the execution of a written  
13 contract incorporating any agreement reached if requested by  
14 either party, but such obligation does not compel either party  
15 to agree to a proposal or require the making of a concession.

16           The duty "to bargain collectively" shall also include an  
17 obligation to negotiate over any matter with respect to wages,  
18 hours and other conditions of employment, not specifically  
19 provided for in any other law or not specifically in violation  
20 of the provisions of any law. If any other law pertains, in  
21 part, to a matter affecting the wages, hours and other  
22 conditions of employment, such other law shall not be construed  
23 as limiting the duty "to bargain collectively" and to enter  
24 into collective bargaining agreements containing clauses which  
25 either supplement, implement, or relate to the effect of such  
26 provisions in other laws.

1           The duty "to bargain collectively" shall also include  
2 negotiations as to the terms of a collective bargaining  
3 agreement. The parties may, by mutual agreement, provide for  
4 arbitration of impasses resulting from their inability to agree  
5 upon wages, hours and terms and conditions of employment to be  
6 included in a collective bargaining agreement. Such  
7 arbitration provisions shall be subject to the Illinois  
8 "Uniform Arbitration Act" unless agreed by the parties.

9           The duty "to bargain collectively" shall also mean that no  
10 party to a collective bargaining contract shall terminate or  
11 modify such contract, unless the party desiring such  
12 termination or modification:

13           (1) serves a written notice upon the other party to the  
14 contract of the proposed termination or modification 60  
15 days prior to the expiration date thereof, or in the event  
16 such contract contains no expiration date, 60 days prior to  
17 the time it is proposed to make such termination or  
18 modification;

19           (2) offers to meet and confer with the other party for  
20 the purpose of negotiating a new contract or a contract  
21 containing the proposed modifications;

22           (3) notifies the Board within 30 days after such notice  
23 of the existence of a dispute, provided no agreement has  
24 been reached by that time; and

25           (4) continues in full force and effect, without  
26 resorting to strike or lockout, all the terms and

1 conditions of the existing contract for a period of 60 days  
2 after such notice is given to the other party or until the  
3 expiration date of such contract, whichever occurs later.

4 The duties imposed upon employers, employees and labor  
5 organizations by paragraphs (2), (3) and (4) shall become  
6 inapplicable upon an intervening certification of the Board,  
7 under which the labor organization, which is a party to the  
8 contract, has been superseded as or ceased to be the exclusive  
9 representative of the employees pursuant to the provisions of  
10 subsection (a) of Section 9, and the duties so imposed shall  
11 not be construed as requiring either party to discuss or agree  
12 to any modification of the terms and conditions contained in a  
13 contract for a fixed period, if such modification is to become  
14 effective before such terms and conditions can be reopened  
15 under the provisions of the contract.

16 Collective bargaining for home care and home health  
17 workers, including personal care attendants, ~~and~~ personal  
18 assistants, and maintenance home health workers, under the Home  
19 Services Program shall be limited to the terms and conditions  
20 of employment under the State's control, as defined in Public  
21 Act 93-204 or this amendatory Act of the 97th General Assembly,  
22 as applicable ~~the amendatory Act of the 93rd General Assembly.~~

23 Collective bargaining for child and day care home providers  
24 under the child care assistance program shall be limited to the  
25 terms and conditions of employment under the State's control,  
26 as defined in this amendatory Act of the 94th General Assembly.

1           Notwithstanding any other provision of this Section,  
2 whenever collective bargaining is for the purpose of  
3 establishing an initial agreement following original  
4 certification of units with fewer than 35 employees, with  
5 respect to public employees other than peace officers, fire  
6 fighters, and security employees, the following apply:

7           (1) Not later than 10 days after receiving a written  
8 request for collective bargaining from a labor  
9 organization that has been newly certified as a  
10 representative as defined in Section 6(c), or within such  
11 further period as the parties agree upon, the parties shall  
12 meet and commence to bargain collectively and shall make  
13 every reasonable effort to conclude and sign a collective  
14 bargaining agreement.

15           (2) If anytime after the expiration of the 90-day  
16 period beginning on the date on which bargaining is  
17 commenced the parties have failed to reach an agreement,  
18 either party may notify the Illinois Public Labor Relations  
19 Board of the existence of a dispute and request mediation  
20 in accordance with the provisions of Section 14 of this  
21 Act.

22           (3) If after the expiration of the 30-day period  
23 beginning on the date on which mediation commenced, or such  
24 additional period as the parties may agree upon, the  
25 mediator is not able to bring the parties to agreement by  
26 conciliation, either the exclusive representative of the

1 employees or the employer may request of the other, in  
2 writing, arbitration and shall submit a copy of the request  
3 to the board. Upon submission of the request for  
4 arbitration, the parties shall be required to participate  
5 in the impasse arbitration procedures set forth in Section  
6 14 of this Act, except the right to strike shall not be  
7 considered waived pursuant to Section 17 of this Act, until  
8 the actual convening of the arbitration hearing.

9 (Source: P.A. 96-598, eff. 1-1-10.)

10 Section 10. The Disabled Persons Rehabilitation Act is  
11 amended by changing Section 3 as follows:

12 (20 ILCS 2405/3) (from Ch. 23, par. 3434)

13 Sec. 3. Powers and duties. The Department shall have the  
14 powers and duties enumerated herein:

15 (a) To co-operate with the federal government in the  
16 administration of the provisions of the federal Rehabilitation  
17 Act of 1973, as amended, of the Workforce Investment Act of  
18 1998, and of the federal Social Security Act to the extent and  
19 in the manner provided in these Acts.

20 (b) To prescribe and supervise such courses of vocational  
21 training and provide such other services as may be necessary  
22 for the habilitation and rehabilitation of persons with one or  
23 more disabilities, including the administrative activities  
24 under subsection (e) of this Section, and to co-operate with

1 State and local school authorities and other recognized  
2 agencies engaged in habilitation, rehabilitation and  
3 comprehensive rehabilitation services; and to cooperate with  
4 the Department of Children and Family Services regarding the  
5 care and education of children with one or more disabilities.

6 (c) (Blank).

7 (d) To report in writing, to the Governor, annually on or  
8 before the first day of December, and at such other times and  
9 in such manner and upon such subjects as the Governor may  
10 require. The annual report shall contain (1) a statement of the  
11 existing condition of comprehensive rehabilitation services,  
12 habilitation and rehabilitation in the State; (2) a statement  
13 of suggestions and recommendations with reference to the  
14 development of comprehensive rehabilitation services,  
15 habilitation and rehabilitation in the State; and (3) an  
16 itemized statement of the amounts of money received from  
17 federal, State and other sources, and of the objects and  
18 purposes to which the respective items of these several amounts  
19 have been devoted.

20 (e) (Blank).

21 (f) To establish a program of services to prevent  
22 unnecessary institutionalization of persons with Alzheimer's  
23 disease and related disorders or persons in need of long term  
24 care who are established as blind or disabled as defined by the  
25 Social Security Act, thereby enabling them to remain in their  
26 own homes or other living arrangements. Such preventive

1 services may include, but are not limited to, any or all of the  
2 following:

3 (1) home health services;

4 (2) home nursing services;

5 (3) homemaker services;

6 (4) chore and housekeeping services;

7 (5) day care services;

8 (6) home-delivered meals;

9 (7) education in self-care;

10 (8) personal care services;

11 (9) adult day health services;

12 (10) habilitation services;

13 (11) respite care; or

14 (12) other nonmedical social services that may enable  
15 the person to become self-supporting.

16 The Department shall establish eligibility standards for  
17 such services taking into consideration the unique economic and  
18 social needs of the population for whom they are to be  
19 provided. Such eligibility standards may be based on the  
20 recipient's ability to pay for services; provided, however,  
21 that any portion of a person's income that is equal to or less  
22 than the "protected income" level shall not be considered by  
23 the Department in determining eligibility. The "protected  
24 income" level shall be determined by the Department, shall  
25 never be less than the federal poverty standard, and shall be  
26 adjusted each year to reflect changes in the Consumer Price



1 Index For All Urban Consumers as determined by the United  
2 States Department of Labor. The standards must provide that a  
3 person may have not more than \$10,000 in assets to be eligible  
4 for the services, and the Department may increase the asset  
5 limitation by rule. Additionally, in determining the amount and  
6 nature of services for which a person may qualify,  
7 consideration shall not be given to the value of cash, property  
8 or other assets held in the name of the person's spouse  
9 pursuant to a written agreement dividing marital property into  
10 equal but separate shares or pursuant to a transfer of the  
11 person's interest in a home to his spouse, provided that the  
12 spouse's share of the marital property is not made available to  
13 the person seeking such services.

14 The services shall be provided to eligible persons to  
15 prevent unnecessary or premature institutionalization, to the  
16 extent that the cost of the services, together with the other  
17 personal maintenance expenses of the persons, are reasonably  
18 related to the standards established for care in a group  
19 facility appropriate to their condition. These  
20 non-institutional services, pilot projects or experimental  
21 facilities may be provided as part of or in addition to those  
22 authorized by federal law or those funded and administered by  
23 the Illinois Department on Aging.

24 Personal care attendants shall be paid:

25 (i) A \$5 per hour minimum rate beginning July 1, 1995.

26 (ii) A \$5.30 per hour minimum rate beginning July 1,

1 1997.

2 (iii) A \$5.40 per hour minimum rate beginning July 1,  
3 1998.

4 Solely for the purposes of coverage under the Illinois  
5 Public Labor Relations Act (5 ILCS 315/), personal care  
6 attendants and personal assistants providing services under  
7 the Department's Home Services Program shall be considered to  
8 be public employees, and the State of Illinois shall be  
9 considered to be their employer as of the effective date of  
10 this amendatory Act of the 93rd General Assembly, but not  
11 before. Solely for the purposes of coverage under the Illinois  
12 Public Labor Relations Act (5 ILCS 315/), home care and home  
13 health workers, including personal care attendants, personal  
14 assistants, and maintenance home health workers, who provide  
15 services under the Department's Home Services Program shall be  
16 considered to be public employees, no matter whether the State  
17 provides such services through direct fee-for-service  
18 arrangements, with the assistance of a managed care  
19 organization or other intermediary, or otherwise, and the State  
20 of Illinois shall be considered to be the employer of those  
21 persons as of the effective date of this amendatory Act of the  
22 97th General Assembly, but not before except as otherwise  
23 provided under this subsection (f). The State shall engage in  
24 collective bargaining with an exclusive representative of home  
25 care and home health workers, including personal care  
26 attendants, ~~and~~ personal assistants, and maintenance home

1 health workers, working under the Home Services Program  
2 concerning their terms and conditions of employment that are  
3 within the State's control. Nothing in this paragraph shall be  
4 understood to limit the right of the persons receiving services  
5 defined in this Section to hire and fire home care and home  
6 health workers, including personal care attendants, ~~and~~  
7 personal assistants, and maintenance home health workers, or to  
8 supervise them within the limitations set by the Home Services  
9 Program. The State shall not be considered to be the employer  
10 of home care and home health workers, including personal care  
11 attendants, ~~and~~ personal assistants, and maintenance home  
12 health workers, for any purposes not specifically provided in  
13 Public Act 93-204 or this amendatory Act of the 97th General  
14 Assembly ~~this amendatory Act of the 93rd General Assembly,~~  
15 including but not limited to, purposes of vicarious liability  
16 in tort and purposes of statutory retirement or health  
17 insurance benefits. Home care and home health workers,  
18 including personal ~~Personal~~ care attendants, ~~and~~ personal  
19 assistants, and maintenance home health workers, shall not be  
20 covered by the State Employees Group Insurance Act of 1971 (5  
21 ILCS 375/).

22 The Department shall execute, relative to the nursing home  
23 prescreening project, as authorized by Section 4.03 of the  
24 Illinois Act on the Aging, written inter-agency agreements with  
25 the Department on Aging and the Department of Public Aid (now  
26 Department of Healthcare and Family Services), to effect the

1 following: (i) intake procedures and common eligibility  
2 criteria for those persons who are receiving non-institutional  
3 services; and (ii) the establishment and development of  
4 non-institutional services in areas of the State where they are  
5 not currently available or are undeveloped. On and after July  
6 1, 1996, all nursing home prescreenings for individuals 18  
7 through 59 years of age shall be conducted by the Department.

8 The Department is authorized to establish a system of  
9 recipient cost-sharing for services provided under this  
10 Section. The cost-sharing shall be based upon the recipient's  
11 ability to pay for services, but in no case shall the  
12 recipient's share exceed the actual cost of the services  
13 provided. Protected income shall not be considered by the  
14 Department in its determination of the recipient's ability to  
15 pay a share of the cost of services. The level of cost-sharing  
16 shall be adjusted each year to reflect changes in the  
17 "protected income" level. The Department shall deduct from the  
18 recipient's share of the cost of services any money expended by  
19 the recipient for disability-related expenses.

20 The Department, or the Department's authorized  
21 representative, shall recover the amount of moneys expended for  
22 services provided to or in behalf of a person under this  
23 Section by a claim against the person's estate or against the  
24 estate of the person's surviving spouse, but no recovery may be  
25 had until after the death of the surviving spouse, if any, and  
26 then only at such time when there is no surviving child who is

1 under age 21, blind, or permanently and totally disabled. This  
2 paragraph, however, shall not bar recovery, at the death of the  
3 person, of moneys for services provided to the person or in  
4 behalf of the person under this Section to which the person was  
5 not entitled; provided that such recovery shall not be enforced  
6 against any real estate while it is occupied as a homestead by  
7 the surviving spouse or other dependent, if no claims by other  
8 creditors have been filed against the estate, or, if such  
9 claims have been filed, they remain dormant for failure of  
10 prosecution or failure of the claimant to compel administration  
11 of the estate for the purpose of payment. This paragraph shall  
12 not bar recovery from the estate of a spouse, under Sections  
13 1915 and 1924 of the Social Security Act and Section 5-4 of the  
14 Illinois Public Aid Code, who precedes a person receiving  
15 services under this Section in death. All moneys for services  
16 paid to or in behalf of the person under this Section shall be  
17 claimed for recovery from the deceased spouse's estate.  
18 "Homestead", as used in this paragraph, means the dwelling  
19 house and contiguous real estate occupied by a surviving spouse  
20 or relative, as defined by the rules and regulations of the  
21 Department of Healthcare and Family Services, regardless of the  
22 value of the property.

23 The Department and the Department on Aging shall cooperate  
24 in the development and submission of an annual report on  
25 programs and services provided under this Section. Such joint  
26 report shall be filed with the Governor and the General

1 Assembly on or before March 30 each year.

2 The requirement for reporting to the General Assembly shall  
3 be satisfied by filing copies of the report with the Speaker,  
4 the Minority Leader and the Clerk of the House of  
5 Representatives and the President, the Minority Leader and the  
6 Secretary of the Senate and the Legislative Research Unit, as  
7 required by Section 3.1 of the General Assembly Organization  
8 Act, and filing additional copies with the State Government  
9 Report Distribution Center for the General Assembly as required  
10 under paragraph (t) of Section 7 of the State Library Act.

11 (g) To establish such subdivisions of the Department as  
12 shall be desirable and assign to the various subdivisions the  
13 responsibilities and duties placed upon the Department by law.

14 (h) To cooperate and enter into any necessary agreements  
15 with the Department of Employment Security for the provision of  
16 job placement and job referral services to clients of the  
17 Department, including job service registration of such clients  
18 with Illinois Employment Security offices and making job  
19 listings maintained by the Department of Employment Security  
20 available to such clients.

21 (i) To possess all powers reasonable and necessary for the  
22 exercise and administration of the powers, duties and  
23 responsibilities of the Department which are provided for by  
24 law.

25 (j) To establish a procedure whereby new providers of  
26 personal care attendant services shall submit vouchers to the

1 State for payment two times during their first month of  
2 employment and one time per month thereafter. In no case shall  
3 the Department pay personal care attendants an hourly wage that  
4 is less than the federal minimum wage.

5 (k) To provide adequate notice to providers of chore and  
6 housekeeping services informing them that they are entitled to  
7 an interest payment on bills which are not promptly paid  
8 pursuant to Section 3 of the State Prompt Payment Act.

9 (l) To establish, operate and maintain a Statewide Housing  
10 Clearinghouse of information on available, government  
11 subsidized housing accessible to disabled persons and  
12 available privately owned housing accessible to disabled  
13 persons. The information shall include but not be limited to  
14 the location, rental requirements, access features and  
15 proximity to public transportation of available housing. The  
16 Clearinghouse shall consist of at least a computerized database  
17 for the storage and retrieval of information and a separate or  
18 shared toll free telephone number for use by those seeking  
19 information from the Clearinghouse. Department offices and  
20 personnel throughout the State shall also assist in the  
21 operation of the Statewide Housing Clearinghouse. Cooperation  
22 with local, State and federal housing managers shall be sought  
23 and extended in order to frequently and promptly update the  
24 Clearinghouse's information.

25 (m) To assure that the names and case records of persons  
26 who received or are receiving services from the Department,

1 including persons receiving vocational rehabilitation, home  
2 services, or other services, and those attending one of the  
3 Department's schools or other supervised facility shall be  
4 confidential and not be open to the general public. Those case  
5 records and reports or the information contained in those  
6 records and reports shall be disclosed by the Director only to  
7 proper law enforcement officials, individuals authorized by a  
8 court, the General Assembly or any committee or commission of  
9 the General Assembly, and other persons and for reasons as the  
10 Director designates by rule. Disclosure by the Director may be  
11 only in accordance with other applicable law.

12 (Source: P.A. 94-252, eff. 1-1-06; 95-331, eff. 8-21-07.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.