



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB0123

Introduced 1/10/2013, by

#### SYNOPSIS AS INTRODUCED:

5 ILCS 315/3  
5 ILCS 315/6.1

from Ch. 48, par. 1603

Provides that if and only if Senate Bill 1556, as passed by the 97th General Assembly, becomes law, the Illinois Public Labor Relations Act is amended (i) to prohibit the Governor from designating for exclusion from collective bargaining public employees who are classified as or who hold certain titles and (ii) to specify that public employees who are classified as or who hold those titles qualify as public employees for purposes of the Act. Effective upon becoming law or on the effective date of Senate Bill 1556 of the 97th General Assembly, whichever is later.

LRB098 05526 JDS 35561 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. If and only if Senate Bill 1556, as passed by  
5 the 97th General Assembly, becomes law, the Illinois Public  
6 Labor Relations Act is amended by changing Sections 3 and 6.1  
7 as follows:

8 (5 ILCS 315/3) (from Ch. 48, par. 1603)

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

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

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

19 (c) "Confidential employee" means an employee who, in the  
20 regular course of his or her duties, assists and acts in a  
21 confidential capacity to persons who formulate, determine, and  
22 effectuate management policies with regard to labor relations  
23 or who, in the regular course of his or her duties, has

1 authorized access to information relating to the effectuation  
2 or review of the employer's collective bargaining policies.

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

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

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

1 representative of personal care attendants or personal  
2 assistants under Executive Order 2003-8 prior to the effective  
3 date of this amendatory Act of the 93rd General Assembly, and  
4 the organization shall be considered to be the exclusive  
5 representative of the personal care attendants or personal  
6 assistants as defined in this Section; or (v) recognized as the  
7 exclusive representative of child and day care home providers,  
8 including licensed and license exempt providers, pursuant to an  
9 election held under Executive Order 2005-1 prior to the  
10 effective date of this amendatory Act of the 94th General  
11 Assembly, and the organization shall be considered to be the  
12 exclusive representative of the child and day care home  
13 providers as defined in this Section.

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

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

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

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

1 a fire department or fire protection district who are not  
2 routinely expected to perform fire fighter duties, or elected  
3 officials.

4 (g-2) "General Assembly of the State of Illinois" means the  
5 legislative branch of the government of the State of Illinois,  
6 as provided for under Article IV of the Constitution of the  
7 State of Illinois, and includes but is not limited to the House  
8 of Representatives, the Senate, the Speaker of the House of  
9 Representatives, the Minority Leader of the House of  
10 Representatives, the President of the Senate, the Minority  
11 Leader of the Senate, the Joint Committee on Legislative  
12 Support Services and any legislative support services agency  
13 listed in the Legislative Commission Reorganization Act of  
14 1984.

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

23 (i) "Labor organization" means any organization in which  
24 public employees participate and that exists for the purpose,  
25 in whole or in part, of dealing with a public employer  
26 concerning wages, hours, and other terms and conditions of

1 employment, including the settlement of grievances.

2 (i-5) "Legislative liaison" means a person who is an  
3 employee of a State agency, the Attorney General, the Secretary  
4 of State, the Comptroller, or the Treasurer, as the case may  
5 be, and whose job duties require the person to regularly  
6 communicate in the course of his or her employment with any  
7 official or staff of the General Assembly of the State of  
8 Illinois for the purpose of influencing any legislative action.

9 (j) "Managerial employee" means an individual who is  
10 engaged predominantly in executive and management functions  
11 and is charged with the responsibility of directing the  
12 effectuation of management policies and practices. With  
13 respect only to State employees in positions under the  
14 jurisdiction of the Attorney General, Secretary of State,  
15 Comptroller, or Treasurer (i) that were certified in a  
16 bargaining unit on or after December 2, 2008, (ii) for which a  
17 petition is filed with the Illinois Public Labor Relations  
18 Board on or after the effective date of this amendatory Act of  
19 the 97th General Assembly, or (iii) for which a petition is  
20 pending before the Illinois Public Labor Relations Board on  
21 that date, "managerial employee" means an individual who is  
22 engaged in executive and management functions or who is charged  
23 with the effectuation of management policies and practices or  
24 who represents management interests by taking or recommending  
25 discretionary actions that effectively control or implement  
26 policy. Nothing in this definition prohibits an individual from

1 also meeting the definition "supervisor" under subsection (r)  
2 of this Section.

3 (k) "Peace officer" means, for the purposes of this Act  
4 only, any persons who have been or are hereafter appointed to a  
5 police force, department, or agency and sworn or commissioned  
6 to perform police duties, except that the following persons are  
7 not included: part-time police officers, special police  
8 officers, auxiliary police as defined by Section 3.1-30-20 of  
9 the Illinois Municipal Code, night watchmen, "merchant  
10 police", court security officers as defined by Section 3-6012.1  
11 of the Counties Code, temporary employees, traffic guards or  
12 wardens, civilian parking meter and parking facilities  
13 personnel or other individuals specially appointed to aid or  
14 direct traffic at or near schools or public functions or to aid  
15 in civil defense or disaster, parking enforcement employees who  
16 are not commissioned as peace officers and who are not armed  
17 and who are not routinely expected to effect arrests, parking  
18 lot attendants, clerks and dispatchers or other civilian  
19 employees of a police department who are not routinely expected  
20 to effect arrests, or elected officials.

21 (l) "Person" includes one or more individuals, labor  
22 organizations, public employees, associations, corporations,  
23 legal representatives, trustees, trustees in bankruptcy,  
24 receivers, or the State of Illinois or any political  
25 subdivision of the State or governing body, but does not  
26 include the General Assembly of the State of Illinois or any



1 individual employed by the General Assembly of the State of  
2 Illinois.

3 (m) "Professional employee" means any employee engaged in  
4 work predominantly intellectual and varied in character rather  
5 than routine mental, manual, mechanical or physical work;  
6 involving the consistent exercise of discretion and adjustment  
7 in its performance; of such a character that the output  
8 produced or the result accomplished cannot be standardized in  
9 relation to a given period of time; and requiring advanced  
10 knowledge in a field of science or learning customarily  
11 acquired by a prolonged course of specialized intellectual  
12 instruction and study in an institution of higher learning or a  
13 hospital, as distinguished from a general academic education or  
14 from apprenticeship or from training in the performance of  
15 routine mental, manual, or physical processes; or any employee  
16 who has completed the courses of specialized intellectual  
17 instruction and study prescribed in this subsection (m) and is  
18 performing related work under the supervision of a professional  
19 person to qualify to become a professional employee as defined  
20 in this subsection (m).

21 (n) "Public employee" or "employee", for the purposes of  
22 this Act, means any individual employed by a public employer,  
23 including (i) interns and residents at public hospitals, (ii)  
24 as of the effective date of this amendatory Act of the 93rd  
25 General Assembly, but not before, personal care attendants and  
26 personal assistants working under the Home Services Program

1 under Section 3 of the Disabled Persons Rehabilitation Act,  
2 subject to the limitations set forth in this Act and in the  
3 Disabled Persons Rehabilitation Act, ~~and~~ (iii) as of the  
4 effective date of this amendatory Act of the 94th General  
5 Assembly, but not before, child and day care home providers  
6 participating in the child care assistance program under  
7 Section 9A-11 of the Illinois Public Aid Code, subject to the  
8 limitations set forth in this Act and in Section 9A-11 of the  
9 Illinois Public Aid Code, (iv) beginning on the effective date  
10 of this amendatory Act of the 98th General Assembly and  
11 notwithstanding any other provision of this Act, any person  
12 employed by a public employer and who is classified as or who  
13 holds the employment title of Chief Stationary Engineer,  
14 Assistant Chief Stationary Engineer, Sewage Plant Operator,  
15 Water Plant Operator, Stationary Engineer, or Plant Operating  
16 Engineer, and (v) beginning on the effective date of this  
17 amendatory Act of the 98th General Assembly and notwithstanding  
18 any other provision of this Act, any mental health  
19 administrator in the Department of Corrections who is  
20 classified as or who holds the position of Public Service  
21 Administrator (Option 8K), any attorney in the Department of  
22 Corrections who is classified as or who holds the position of  
23 Public Service Administrator (Option 8L), any nuclear safety  
24 staff attorney in the Illinois Emergency Management Agency, any  
25 Section Chief, Deputy Lab Director, Research and Development  
26 Coordinator, Quality Assurance Director, or Assistant Director

1 of Training in the Department of State Police who is classified  
2 as or who holds the position of Senior Public Service  
3 Administrator (Option 7), any employee of the Office of the  
4 Inspector General in the Department of Human Services who is  
5 classified as or who holds the position of Public Service  
6 Administrator (Option 7), any Deputy of Intelligence in the  
7 Department of Corrections who is classified as or who holds the  
8 position of Public Service Administrator (Option 7), and any  
9 employee of the Department of State Police who handles issues  
10 concerning the Illinois State Police Sex Offender Registry and  
11 who is classified as or holds the position of Public Service  
12 Administrator (Option 7), 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

1 districts and higher education institutions except  
2 firefighters and peace officers employed by a state university  
3 and except peace officers employed by a school district in its  
4 own police department in existence on the effective date of  
5 this amendatory Act of the 96th General Assembly; managerial  
6 employees; short-term employees; legislative liaisons; a  
7 person who is a State employee under the jurisdiction of the  
8 Office of the Attorney General who is licensed to practice law  
9 or whose position authorizes, either directly or indirectly,  
10 meaningful input into government decision-making on issues  
11 where there is room for principled disagreement on goals or  
12 their implementation; a person who is a State employee under  
13 the jurisdiction of the Office of the Comptroller who holds the  
14 position of Public Service Administrator or whose position is  
15 otherwise exempt under the Comptroller Merit Employment Code; a  
16 person who is a State employee under the jurisdiction of the  
17 Secretary of State who holds the position classification of  
18 Executive I or higher, whose position authorizes, either  
19 directly or indirectly, meaningful input into government  
20 decision-making on issues where there is room for principled  
21 disagreement on goals or their implementation, or who is  
22 otherwise exempt under the Secretary of State Merit Employment  
23 Code; employees in the Office of the Secretary of State who are  
24 completely exempt from jurisdiction B of the Secretary of State  
25 Merit Employment Code and who are in Rutan-exempt positions on  
26 or after the effective date of this amendatory Act of the 97th

1 General Assembly; a person who is a State employee under the  
2 jurisdiction of the Treasurer who holds a position that is  
3 exempt from the State Treasurer Employment Code; any employee  
4 of a State agency who (i) holds the title or position of, or  
5 exercises substantially similar duties as a, legislative  
6 liaison, Agency General Counsel, Agency Chief of Staff, Agency  
7 Executive Director, Agency Deputy Director, Agency Chief  
8 Fiscal Officer, Agency Human Resources Director, Public  
9 Information Officer, or Chief Information Officer and (ii) was  
10 neither included in a bargaining unit nor subject to an active  
11 petition for certification in a bargaining unit; any employee  
12 of a State agency who (i) is in a position that is  
13 Rutan-exempt, as designated by the employer, and completely  
14 exempt from jurisdiction B of the Personnel Code and (ii) was  
15 neither included in a bargaining unit nor subject to an active  
16 petition for certification in a bargaining unit; any term  
17 appointed employee of a State agency pursuant to Section 8b.18  
18 or 8b.19 of the Personnel Code who was neither included in a  
19 bargaining unit nor subject to an active petition for  
20 certification in a bargaining unit; any employment position  
21 properly designated pursuant to Section 6.1 of this Act;  
22 confidential employees; independent contractors; and  
23 supervisors except as provided in this Act.

24 Personal care attendants and personal assistants shall not  
25 be considered public employees for any purposes not  
26 specifically provided for in the 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 Child and day care home providers shall not be considered  
7 public employees for any purposes not specifically provided for  
8 in this amendatory Act of the 94th General Assembly, including  
9 but not limited to, purposes of vicarious liability in tort and  
10 purposes of statutory retirement or health insurance benefits.  
11 Child and day care home providers shall not be covered by the  
12 State Employees Group Insurance Act of 1971.

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

17 (o) Except as otherwise in subsection (o-5), "public  
18 employer" or "employer" means the State of Illinois; any  
19 political subdivision of the State, unit of local government or  
20 school district; authorities including departments, divisions,  
21 bureaus, boards, commissions, or other agencies of the  
22 foregoing entities; and any person acting within the scope of  
23 his or her authority, express or implied, on behalf of those  
24 entities in dealing with its employees. As of the effective  
25 date of the amendatory Act of the 93rd General Assembly, but  
26 not before, the State of Illinois shall be considered the

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

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

23 (o-5) With respect to wages, fringe benefits, hours,  
24 holidays, vacations, proficiency examinations, sick leave, and  
25 other conditions of employment, the public employer of public  
26 employees who are court reporters, as defined in the Court



1 Reporters Act, shall be determined as follows:

2 (1) For court reporters employed by the Cook County  
3 Judicial Circuit, the chief judge of the Cook County  
4 Circuit Court is the public employer and employer  
5 representative.

6 (2) For court reporters employed by the 12th, 18th,  
7 19th, and, on and after December 4, 2006, the 22nd 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 (3) For court reporters employed by all other judicial  
12 circuits, a group consisting of the chief judges of those  
13 circuits, acting jointly by majority vote, is the public  
14 employer and employer representative.

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

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

26 (q-5) "State agency" means an agency directly responsible

1 to the Governor, as defined in Section 3.1 of the Executive  
2 Reorganization Implementation Act, and the Illinois Commerce  
3 Commission, the Illinois Workers' Compensation Commission, the  
4 Civil Service Commission, the Pollution Control Board, the  
5 Illinois Racing Board, and the Department of State Police Merit  
6 Board.

7 (r) "Supervisor" is:

8 (1) An employee whose principal work is substantially  
9 different from that of his or her subordinates and who has  
10 authority, in the interest of the employer, to hire,  
11 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  
14 actions, if the exercise of that authority is not of a  
15 merely routine or clerical nature, but requires the  
16 consistent use of independent judgment. Except with  
17 respect to police employment, the term "supervisor"  
18 includes only those individuals who devote a preponderance  
19 of their employment time to exercising that authority,  
20 State supervisors notwithstanding. Nothing in this  
21 definition prohibits an individual from also meeting the  
22 definition of "managerial employee" under subsection (j)  
23 of this Section. In addition, in determining supervisory  
24 status in police employment, rank shall not be  
25 determinative. The Board shall consider, as evidence of  
26 bargaining unit inclusion or exclusion, the common law

1 enforcement policies and relationships between police  
2 officer ranks and certification under applicable civil  
3 service law, ordinances, personnel codes, or Division 2.1  
4 of Article 10 of the Illinois Municipal Code, but these  
5 factors shall not be the sole or predominant factors  
6 considered by the Board in determining police supervisory  
7 status.

8 Notwithstanding the provisions of the preceding  
9 paragraph, in determining supervisory status in fire  
10 fighter employment, no fire fighter shall be excluded as a  
11 supervisor who has established representation rights under  
12 Section 9 of this Act. Further, in new fire fighter units,  
13 employees shall consist of fire fighters of the rank of  
14 company officer and below. If a company officer otherwise  
15 qualifies as a supervisor under the preceding paragraph,  
16 however, he or she shall not be included in the fire  
17 fighter unit. If there is no rank between that of chief and  
18 the highest company officer, the employer may designate a  
19 position on each shift as a Shift Commander, and the  
20 persons occupying those positions shall be supervisors.  
21 All other ranks above that of company officer shall be  
22 supervisors.

23 (2) With respect only to State employees in positions  
24 under the jurisdiction of the Attorney General, Secretary  
25 of State, Comptroller, or Treasurer (i) that were certified  
26 in a bargaining unit on or after December 2, 2008, (ii) for

1           which a petition is filed with the Illinois Public Labor  
2           Relations Board on or after the effective date of this  
3           amendatory Act of the 97th General Assembly, or (iii) for  
4           which a petition is pending before the Illinois Public  
5           Labor Relations Board on that date, an employee who  
6           qualifies as a supervisor under (A) Section 152 of the  
7           National Labor Relations Act and (B) orders of the National  
8           Labor Relations Board interpreting that provision or  
9           decisions of courts reviewing decisions of the National  
10          Labor Relations Board.

11          (s) (1) "Unit" means a class of jobs or positions that are  
12          held by employees whose collective interests may suitably  
13          be represented by a labor organization for collective  
14          bargaining. Except with respect to non-State fire fighters  
15          and paramedics employed by fire departments and fire  
16          protection districts, non-State peace officers, and peace  
17          officers in the Department of State Police, a bargaining  
18          unit determined by the Board shall not include both  
19          employees and supervisors, or supervisors only, except as  
20          provided in paragraph (2) of this subsection (s) and except  
21          for bargaining units in existence on July 1, 1984 (the  
22          effective date of this Act). With respect to non-State fire  
23          fighters and paramedics employed by fire departments and  
24          fire protection districts, non-State peace officers, and  
25          peace officers in the Department of State Police, a  
26          bargaining unit determined by the Board shall not include

1 both supervisors and nonsupervisors, or supervisors only,  
2 except as provided in paragraph (2) of this subsection (s)  
3 and except for bargaining units in existence on January 1,  
4 1986 (the effective date of this amendatory Act of 1985). A  
5 bargaining unit determined by the Board to contain peace  
6 officers shall contain no employees other than peace  
7 officers unless otherwise agreed to by the employer and the  
8 labor organization or labor organizations involved.  
9 Notwithstanding any other provision of this Act, a  
10 bargaining unit, including a historical bargaining unit,  
11 containing sworn peace officers of the Department of  
12 Natural Resources (formerly designated the Department of  
13 Conservation) shall contain no employees other than such  
14 sworn peace officers upon the effective date of this  
15 amendatory Act of 1990 or upon the expiration date of any  
16 collective bargaining agreement in effect upon the  
17 effective date of this amendatory Act of 1990 covering both  
18 such sworn peace officers and other employees.

19 (2) Notwithstanding the exclusion of supervisors from  
20 bargaining units as provided in paragraph (1) of this  
21 subsection (s), a public employer may agree to permit its  
22 supervisory employees to form bargaining units and may  
23 bargain with those units. This Act shall apply if the  
24 public employer chooses to bargain under this subsection.

25 (3) Public employees who are court reporters, as  
26 defined in the Court Reporters Act, shall be divided into 3

1 units for collective bargaining purposes. One unit shall be  
2 court reporters employed by the Cook County Judicial  
3 Circuit; one unit shall be court reporters employed by the  
4 12th, 18th, 19th, and, on and after December 4, 2006, the  
5 22nd judicial circuits; and one unit shall be court  
6 reporters employed by all other judicial circuits.

7 (t) "Active petition for certification in a bargaining  
8 unit" means a petition for certification filed with the Board  
9 under one of the following case numbers: S-RC-11-110;  
10 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;  
11 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;  
12 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;  
13 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;  
14 S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220;  
15 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;  
16 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;  
17 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;  
18 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;  
19 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;  
20 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;  
21 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;  
22 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or  
23 S-RC-07-100.

24 (Source: P.A. 96-1257, eff. 7-23-10; 09700SB1556ham002.)

25 (5 ILCS 315/6.1)

1           Sec. 6.1. Gubernatorial designation of certain public  
2 employment positions as excluded from collective bargaining.

3           (a) Notwithstanding any provision of this Act to the  
4 contrary, except subsections (e) and (f) of this Section, the  
5 Governor is authorized to designate up to 3,580 State  
6 employment positions collectively within State agencies  
7 directly responsible to the Governor, and, upon designation,  
8 those positions and employees in those positions, if any, are  
9 hereby excluded from the self-organization and collective  
10 bargaining provisions of Section 6 of this Act. Only those  
11 employment positions that have been certified in a bargaining  
12 unit on or after December 2, 2008, that have a pending petition  
13 for certification in a bargaining unit on the effective date of  
14 this amendatory Act of the 97th General Assembly, or that  
15 neither have been certified in a bargaining unit on or after  
16 December 2, 2008 nor have a pending petition for certification  
17 in a bargaining unit on the effective date of this amendatory  
18 Act of the 97th General Assembly are eligible to be designated  
19 by the Governor under this Section. The Governor may not  
20 designate under this Section, however, more than 1,900  
21 employment positions that have been certified in a bargaining  
22 unit on or after December 2, 2008.

23           (b) In order to properly designate a State employment  
24 position under this Section, the Governor shall provide in  
25 writing to the Board: the job title and job duties of the  
26 employment position; the name of the State employee currently

1 in the employment position, if any; the name of the State  
2 agency employing the public employee; and the category under  
3 which the position qualifies for designation under this  
4 Section.

5 To qualify for designation under this Section, the  
6 employment position must meet one or more of the following  
7 requirements:

8 (1) it must authorize an employee in that position to  
9 act as a legislative liaison;

10 (2) it must have a title of, or authorize a person who  
11 holds that position to exercise substantially similar  
12 duties as an, Agency General Counsel, Agency Chief of  
13 Staff, Agency Executive Director, Agency Deputy Director,  
14 Agency Chief Fiscal Officer, Agency Human Resources  
15 Director, Senior Public Service Administrator, Public  
16 Information Officer, or Chief Information Officer;

17 (3) it must be a Rutan-exempt, as designated by the  
18 employer, position and completely exempt from jurisdiction  
19 B of the Personnel Code;

20 (4) it must be a term appointed position pursuant to  
21 Section 8b.18 or 8b.19 of the Personnel Code; or

22 (5) it must authorize an employee in that position to  
23 have significant and independent discretionary authority  
24 as an employee.

25 Within 60 days after the Governor makes a designation under  
26 this Section, the Board shall determine, in a manner that is



1 consistent with the requirements of due process, whether the  
2 designation comports with the requirements of this Section.

3 (c) For the purposes of this Section, a person has  
4 significant and independent discretionary authority as an  
5 employee if he or she (i) is engaged in executive and  
6 management functions of a State agency and charged with the  
7 effectuation of management policies and practices of a State  
8 agency or represents management interests by taking or  
9 recommending discretionary actions that effectively control or  
10 implement the policy of a State agency or (ii) qualifies as a  
11 supervisor of a State agency as that term is defined under  
12 Section 152 of the National Labor Relations Act or any orders  
13 of the National Labor Relations Board interpreting that  
14 provision or decisions of courts reviewing decisions of the  
15 National Labor Relations Board.

16 (d) The Governor must exercise the authority afforded under  
17 this Section within 365 calendar days after the effective date  
18 of this amendatory Act of the 97th General Assembly. Any  
19 designation made by the Governor under this Section shall be  
20 presumed to have been properly made.

21 If the Governor chooses not to designate a position under  
22 this Section, then that decision does not preclude a State  
23 agency from otherwise challenging the certification of that  
24 position under this Act.

25 The qualifying categories set forth in paragraphs (1)  
26 through (5) of subsection (b) of this Section are operative and

1 function solely within this Section and do not expand or  
2 restrict the scope of any other provision contained in this  
3 Act.

4 (e) The provisions of this Section do not apply to any  
5 employee who is employed by a public employer and who is  
6 classified as, or holds the employment title of, Chief  
7 Stationary Engineer, Assistant Chief Stationary Engineer,  
8 Sewage Plant Operator, Water Plant Operator, Stationary  
9 Engineer, or Plant Operating Engineer.

10 (f) The provisions of this Section do not apply to any  
11 mental health administrator in the Department of Corrections  
12 who is classified as or who holds the position of Public  
13 Service Administrator (Option 8K), any attorney in the  
14 Department of Corrections who is classified as or who holds the  
15 position of Public Service Administrator (Option 8L), any  
16 nuclear safety staff attorney in the Illinois Emergency  
17 Management Agency, any Section Chief, Deputy Lab Director,  
18 Research and Development Coordinator, Quality Assurance  
19 Director, or Assistant Director of Training in the Department  
20 of State Police who is classified as or who holds the position  
21 of Senior Public Service Administrator (Option 7), any employee  
22 of the Office of the Inspector General in the Department of  
23 Human Services who is classified as or who holds the position  
24 of Public Service Administrator (Option 7), any Deputy of  
25 Intelligence in the Department of Corrections who is classified  
26 as or who holds the position of Public Service Administrator

1 (Option 7), or any employee of the Department of State Police  
2 who handles issues concerning the Illinois State Police Sex  
3 Offender Registry and who is classified as or holds the  
4 position of Public Service Administrator (Option 7).

5 (Source: 09700SB1556ham002.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law or on the effective date of Senate Bill 1556 of  
8 the 97th General Assembly, whichever is later.