**Section 1300.50 Filing a Designation**

a) When, pursuant to Section 6.1 of the Act, the Governor chooses to designate a position as excluded from the self-organization and collective bargaining provisions of Section 6 of the Act, the Governor or the Governor's agent must file a designation with the Board by e-mail by sending the designation to ILRB.Filing@illinois.gov. The Governor or the Governor's agent must also submit a hard copy of the designation to the Board at its Springfield office by U.S. Mail postmarked on the date that the designation was filed by e-mail or by hand delivery on the date that the designation was filed by e-mail. A designation shall be made on a form provided by the Board for this purpose and must provide the information required by Section 6.1(b) of the Act: the job title and job duties of the employment position; the name of the State employee currently in the employment position, if any; the name of the State agency employing the public employee; and the category under which the position qualifies for designation under Section 6.1(b) of the Act.

1) As provided in Section 6.1(a), the Governor may *designate up to 3,580 State employment positions collectively within State agencies directly responsible to the Governor, and, upon designation, those positions and employees in those positions, if any, are hereby excluded from the self-organization and collective bargaining provisions of Section 6 of* the *Act. Only those employment positions that have been certified in a bargaining unit on or after December 2, 2008 that have a pending petition for certification in a bargaining unit on* April 5, 2013*, or that neither have been certified in a bargaining unit on or after December 2, 2008 nor have a pending petition for certification in a bargaining unit on* April 5, 2013 *are eligible to be designated by the Governor under this Section. The Governor may not designate under this Section, however, more than 1,900 employment positions that have been certified in a bargaining unit on or after December 2, 2008.* [5 ILCS 315/6.1(a)]

2) To qualify for designation under Section 6.1, the employment position must meet the requirements of at least one of the following categories:

A) the position *must authorize an employee in that position to act as a legislative liaison* [5 ILCS 315/6.1(b)(1)];

B) the position *must have a title of, or authorize a person who holds that position to exercise substantially similar duties as an, Agency General Counsel, Agency Chief of Staff, Agency Executive Director, Agency Deputy Director, Agency Chief Fiscal Officer, Agency Human Resources Director, Senior Public Service Administrator, Public Information Officer, or Chief Information Officer* [5 ILCS 315/6.1(b)(2)];

C) the position *must be a Rutan-exempt, as designated by the employer, position and completely exempt from jurisdiction B of the Personnel Code* [20 ILCS 415/8(b)] [5 ILCS 315/6.1(b)(3)];

D) the position *must be a term appointed position pursuant to Section 8b.18 or 8b.19 of the Personnel Code* [5 ILCS 315/6.1(b)(4)]; or

E) the position *must authorize an employee in that position to have significant and independent discretionary authority as an employee* [5 ILCS 315/6.1(b)(5)]. *A person has significant and independent discretionary authority as an employee if he or she:*

i) *is engaged in executive and management functions of a State agency and charged with the effectuation of management policies and practices of a State agency or represents management interests by taking or recommending discretionary actions that effectively control or implement the policy of a State agency; or*

ii) *qualifies as a supervisor of a State agency as that term is defined under Section 152 of the National Labor Relations Act* (29 USC 152) *or any orders of the National Labor Relations Board interpreting that provision or decisions of courts reviewing decisions of the National Labor Relations Board.* [5 ILCS 315/6.1(c)]

b) Failure to fully complete the form could result in rejection of the filing of the designation by the Board.

c) In cases in which a designation is made for a position having an incumbent employee who is not currently represented by a collective bargaining representative and is not the subject of a pending petition for representation, the Board shall serve the designation on each unrepresented incumbent employee whose position has been designated. In cases in which a designation is made for a position that is represented by a collective bargaining representative or, in cases in which a collective bargaining representative has a petition for certification that includes the designated position pending before the Board at the time of the filing of the designation, the Board will serve the designation on the appropriate collective bargaining representative and on each incumbent employee whose position has been designated.