

1 AN ACT concerning educational labor relations.

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

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

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

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

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

18 (b) "Educational employee" or "employee" means any  
19 individual, excluding supervisors, managerial, confidential,  
20 short term employees, student, and part-time academic  
21 employees of community colleges employed full or part time by  
22 an educational employer, but shall not include elected  
23 officials and appointees of the Governor with the advice and  
24 consent of the Senate, firefighters as defined by subsection  
25 (g-1) of Section 3 of the Illinois Public Labor Relations  
26 Act, and peace officers employed by a State university. For  
27 the purposes of this Act, part-time academic employees of  
28 community colleges shall be defined as those employees who  
29 provide less than 6 credit hours of instruction per academic  
30 semester.

31 (c) "Employee organization" or "labor organization"

1 means an organization of any kind in which membership  
2 includes educational employees, and which exists for the  
3 purpose, in whole or in part, of dealing with employers  
4 concerning grievances, employee-employer disputes, wages,  
5 rates of pay, hours of employment, or conditions of work, but  
6 shall not include any organization which practices  
7 discrimination in membership because of race, color, creed,  
8 age, gender, national origin or political affiliation.

9 (d) "Exclusive representative" means the labor  
10 organization which has been designated by the Illinois  
11 Educational Labor Relations Board as the representative of  
12 the majority of educational employees in an appropriate unit,  
13 or recognized by an educational employer prior to January 1,  
14 1984 as the exclusive representative of the employees in an  
15 appropriate unit or, after January 1, 1984, recognized by an  
16 employer upon evidence that the employee organization has  
17 been designated as the exclusive representative by a majority  
18 of the employees in an appropriate unit.

19 (e) "Board" means the Illinois Educational Labor  
20 Relations Board.

21 (f) "Regional Superintendent" means the regional  
22 superintendent of schools provided for in Articles 3 and 3A  
23 of The School Code.

24 (g) "Supervisor" means any individual having authority  
25 in the interests of the employer to hire, transfer, suspend,  
26 lay off, recall, promote, discharge, reward or discipline  
27 other employees within the appropriate bargaining unit and  
28 adjust their grievances, or to effectively recommend such  
29 action if the exercise of such authority is not of a merely  
30 routine or clerical nature but requires the use of  
31 independent judgment. The term "supervisor" includes only  
32 those individuals who devote a preponderance of their  
33 employment time to such exercising authority.

34 (h) "Unfair labor practice" or "unfair practice" means

1 any practice prohibited by Section 14 of this Act.

2 (i) "Person" includes an individual, educational  
3 employee, educational employer, legal representative, or  
4 employee organization.

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

7 (k) "Professional employee" means, in the case of a  
8 public community college, State college or university, State  
9 agency whose major function is providing educational  
10 services, the Illinois School for the Deaf, and the Illinois  
11 School for the Visually Impaired, (1) any employee engaged in  
12 work (i) predominantly intellectual and varied in character  
13 as opposed to routine mental, manual, mechanical, or physical  
14 work; (ii) involving the consistent exercise of discretion  
15 and judgment in its performance; (iii) of such character that  
16 the output produced or the result accomplished cannot be  
17 standardized in relation to a given period of time; and (iv)  
18 requiring knowledge of an advanced type in a field of science  
19 or learning customarily acquired by a prolonged course of  
20 specialized intellectual instruction and study in an  
21 institution of higher learning or a hospital, as  
22 distinguished from a general academic education or from an  
23 apprenticeship or from training in the performance of routine  
24 mental, manual, or physical processes; or (2) any employee,  
25 who (i) has completed the courses of specialized intellectual  
26 instruction and study described in clause (iv) of paragraph  
27 (1) of this subsection, and (ii) is performing related work  
28 under the supervision of a professional person to qualify  
29 himself or herself to become a professional as defined in  
30 paragraph (1).

31 (l) "Professional employee" means, in the case of any  
32 public school district, or combination of school districts  
33 pursuant to joint agreement, any employee who has a  
34 certificate issued under Article 21 or Section 34-83 of the

1 School Code, as now or hereafter amended.

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

4 (n) "Confidential employee" means an employee, who (i)  
5 in the regular course of his or her duties, assists and acts  
6 in a confidential capacity to persons who formulate,  
7 determine and effectuate management policies with regard to  
8 labor relations or who (ii) in the regular course of his or  
9 her duties has access to information relating to the  
10 effectuation or review of the employer's collective  
11 bargaining policies.

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

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

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

27 (Source: P.A. 89-409, eff. 11-15-95; 89-572, eff. 7-30-96.)