



## **House Bill 2568-Public Act 102-0439**

Public Act 102-0439 amends the Public Safety Employee Benefits Act by (“PSEBA”) defining “health insurance plan” as limited to the insurance options that are codified in the employee’s collective bargaining agreement. If the CBA does not contain specific insurance plans, the available plans for the employee shall be negotiated with the union and subject to the grievance procedure. This legislation should go a long way to addressing the increase of “basic” plans introduced by employers for the purpose of putting PSEBA beneficiaries on those plans.

## **Senate Bill 0525-Public Act 102-0151**

Public Act 102-0151 amended the Illinois Public Labor Relations Act to clarify that determinations of confidential, managerial and supervisory employees shall be made on the basis of the actual job duties of the position in question and not solely on a written job description.

The Act also clarifies when a unit clarification petition may be filed. A union or employer may file a unit clarification petition if:

- (1) substantial changes occur in the duties and functions of an existing job title, raising an issue as to the title's unit placement;
- (2) an existing job title that is logically encompassed within the existing unit was inadvertently excluded by the parties at the time the unit was established;
- (3) a newly created job title is logically encompassed within an existing unit;
- (4) a significant change takes place in statutory or case law that affects the bargaining rights of employees;
- (5) a determination needs to be made as to the unit placement of positions in dispute following a majority interest certification of representative issued under subsection (a-5);
- (6) a determination needs to be made as to the unit placement of positions in dispute following a certification of representative issued following a direction of election under subsection (d);
- (7) the parties have agreed to eliminate a position or title because the employer no longer uses it;
- (8) the parties have agreed to exclude some of the positions in a title or classification from a bargaining unit and include others; or
- (9) as prescribed in rules set by the Board.

The Act also extends the period that a collective bargaining agreement between an executive branch constitutional officer or any agency or department under an executive branch constitutional officer can last beyond the term of office for an executive branch constitutional officer. The Act extends the period from June 30th of the year in which the term of a new executive branch constitutional officer begins to twelve months after the term begins. Executive branch constitutional officer is defined as Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer.

## House Bill 2521-Public Act 102-0596

Public Act 102-0596 amends the Illinois Public Labor Relations Act and the Illinois Educational Labor Relations Act. This act amends the two labor statutes to allow showing of interest elections and majority interest could be established by electronic communication and signatures. Such showing of interest would be valid if made in the 12 months prior to filing the petition. It also allows for secret ballot elections to be conducted electronically.

The General Assembly also created a new unfair labor practice for a public or educational employer “to promise, threaten, or take any action: (i) to permanently replace an employee who participates in a lawful strike as provided under Section 17; (ii) to discriminate against an employee who is working or has unconditionally offered to return to work for the employer because the employee supported or participated in such a lawful strike; or (iii) to lockout, suspend, or otherwise withhold employment from employees in order to influence the position of such employees or the representative of such employees in collective bargaining prior to a lawful strike.”

ASHER, GITTLER & D’ALBA, LTD.  
200 West Jackson Boulevard, Suite 720  
Chicago, IL 60606 – 312.263.1500

© 2021 Asher, Gittler & D’Alba, Ltd.  
All rights reserved.  
Dated: September 14, 2021

This release informs you of items of interest in the field of labor relations. It is not intended to be used as legal advice or opinion.

U.S. News & Report’s Best Law Firms Designation is for Chicago Tier 1 rankings in Employment Law (Individuals), Labor Law (Union), and Litigation (Labor and Employment) and a National Tier 2 ranking in Litigation (Labor and Employment).

