

1 AN ACT concerning regulation.

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

4 Section 5. The Public Utilities Act is amended by changing  
5 Section 16-128 as follows:

6 (220 ILCS 5/16-128)

7 Sec. 16-128. Provisions related to utility employees  
8 ~~during the mandatory transition period.~~

9 (a) The General Assembly finds:

10 (1) The reliability and safety of the electric system  
11 has depended and depends on a workforce of skilled and  
12 dedicated employees, equipped with technical training and  
13 experience.

14 (2) The integrity and reliability of the system ~~has~~  
15 also requires ~~depended on~~ the industry's commitment to  
16 invest in regular inspection and maintenance, to assure  
17 that it can withstand the demands of heavy service  
18 requirements and emergency situations.

19 (3) It is in the State's interest to protect the  
20 interests of utility employees who have and continue to  
21 dedicate ~~dedicated~~ themselves to assuring reliable service  
22 to the citizens of this State, and who might otherwise be  
23 economically displaced in a restructured industry.

1           The General Assembly further finds that it is necessary to  
2 assure that employees of electric utilities and employees of  
3 contractors or subcontractors performing work on behalf of an  
4 electric utility operating in the deregulated industry have the  
5 requisite skills, knowledge, training, experience, and  
6 competence to provide reliable and safe electrical service  
7 under this Act ~~and therefore that alternative retail electric~~  
8 ~~suppliers shall be required to demonstrate the competence of~~  
9 ~~their employees to work in the industry.~~

10           The General Assembly also finds that it is necessary to  
11 assure that employees of alternative retail electric suppliers  
12 and employees of contractors or subcontractors performing work  
13 on behalf of an alternative retail electric suppliers operating  
14 in the deregulated industry have the requisite skills,  
15 knowledge, training, experience, and competence to provide  
16 reliable and safe electrical service under this Act.

17           To ensure that these findings and prerequisites for  
18 reliable and safe electrical service continue to prevail, each  
19 alternative retail electric supplier, electric utility,  
20 contractors, and subcontractors performing work on behalf of an  
21 electric utility or alternative retail electric supplier must  
22 demonstrate the competence of their respective employees to  
23 work in the electric industry.

24           The knowledge, skill, training, experience, and competence  
25 levels to be demonstrated shall be consistent with those  
26 ~~generally~~ required of or by the electric utilities in this

1 State as of January 1, 2007, with respect to their employees  
2 and employees of contractors or subcontractors performing work  
3 on their behalf. Nothing in this Section shall prohibit an  
4 electric utility from establishing knowledge, skill, training,  
5 experience, and competence levels greater than those required  
6 as of January 1, 2007.

7 An adequate ~~Adequate~~ demonstration of requisite knowledge,  
8 skill, training, experience, and competence shall include, at a  
9 minimum, such factors as completion or current participation  
10 and ultimate completion by the employee of an accredited or  
11 otherwise recognized apprenticeship program for the particular  
12 craft, trade or skill, or specified and several years of  
13 employment performing a particular work function that is  
14 utilized by an electric utility ~~with an electric utility~~  
15 ~~performing a particular work function.~~

16 Notwithstanding any law, tariff, Commission rule, order,  
17 or decision to the contrary, the Commission shall have an  
18 affirmative statutory obligation to ensure that an electric  
19 utility is employing employees, contractors, and  
20 subcontractors with employees who meet the requirements of  
21 subsection (a) of this Section when installing, operating, and  
22 maintaining generation, transmission, or distribution  
23 facilities and equipment within this State pursuant to any  
24 provision in this Act or any Commission order, rule, or  
25 decision.

26 For purposes of this Section, "distribution facilities and

1 equipment" means any and all of the facilities and equipment,  
2 including but not limited to, substations, distribution feeder  
3 circuits, switches, protective equipment, primary circuits,  
4 distribution transformers, line extensions and service  
5 extensions both above or below ground, conduit, risers, elbows,  
6 transformer pads, junction boxes, manholes, pedestals,  
7 conductors, and all associated fittings that connect the  
8 transmission system to either the weatherhead on the retail  
9 customer's building or other structure for above ground service  
10 or to the terminals on the meter base of the retail customer's  
11 building or other structure for below ground service.

12 To implement this requirement for alternative retail  
13 electric suppliers, the Commission, in determining that an  
14 applicant meets the standards for certification as an  
15 alternative retail electric supplier, shall require the  
16 applicant to demonstrate (i) that the applicant is licensed to  
17 do business, and bonded, in the State of Illinois; and (ii)  
18 that the employees of the applicant that will be installing,  
19 operating, and maintaining generation, transmission, or  
20 distribution facilities within this State, or any entity with  
21 which the applicant has contracted to perform those functions  
22 within this State, have the requisite knowledge, skills,  
23 training, experience, and competence to perform those  
24 functions in a safe and responsible manner in order to provide  
25 safe and reliable service, in accordance with the criteria  
26 stated above.

1 (b) The General Assembly finds, based on experience in  
2 other industries that have undergone similar transitions, that  
3 the introduction of competition into the State's electric  
4 utility industry may result in workforce reductions by electric  
5 utilities which may adversely affect persons who have been  
6 employed by this State's electric utilities in functions  
7 important to the public convenience and welfare. The General  
8 Assembly further finds that the impacts on employees and their  
9 communities of any necessary reductions in the utility  
10 workforce directly caused by this restructuring of the electric  
11 industry shall be mitigated to the extent practicable through  
12 such means as offers of voluntary severance, retraining, early  
13 retirement, outplacement and related benefits. Therefore,  
14 before any such reduction in the workforce ~~during the~~  
15 ~~transition period~~, an electric utility shall present to its  
16 employees or their representatives a workforce reduction plan  
17 outlining the means by which the electric utility intends to  
18 mitigate the impact of such workforce reduction on its  
19 employees.

20 (c) In the event of a sale, purchase, or any other transfer  
21 of ownership ~~during the mandatory transition period~~ of one or  
22 more Illinois divisions or business units, and/or generating  
23 stations or generating units, of an electric utility, the  
24 electric utility's contract and/or agreements with the  
25 acquiring entity or persons shall require that the entity or  
26 persons hire a sufficient number of non-supervisory employees

1 to operate and maintain the station, division or unit by  
2 initially making offers of employment to the non-supervisory  
3 workforce of the electric utility's division, business unit,  
4 generating station and/or generating unit at no less than the  
5 wage rates, and substantially equivalent fringe benefits and  
6 terms and conditions of employment that are in effect at the  
7 time of transfer of ownership of said division, business unit,  
8 generating station, and/or generating units; and said wage  
9 rates and substantially equivalent fringe benefits and terms  
10 and conditions of employment shall continue for at least 30  
11 months from the time of said transfer of ownership unless the  
12 parties mutually agree to different terms and conditions of  
13 employment within that 30-month period. The utility shall offer  
14 a transition plan to those employees who are not offered jobs  
15 by the acquiring entity because that entity has a need for  
16 fewer workers. If there is litigation concerning the sale, or  
17 other transfer of ownership of the electric utility's  
18 divisions, business units, generating station, or generating  
19 units, the 30-month period will begin on the date the acquiring  
20 entity or persons take control or management of the divisions,  
21 business units, generating station or generating units of the  
22 electric utility.

23 (d) If a utility transfers ownership ~~during the mandatory~~  
24 ~~transition period~~ of one or more Illinois divisions, business  
25 units, generating stations or generating units of an electric  
26 utility to a majority-owned subsidiary, that subsidiary shall

1 continue to employ the utility's employees who were employed by  
2 the utility at such division, business unit or generating  
3 station at the time of the transfer under the same terms and  
4 conditions of employment as those employees enjoyed at the time  
5 of the transfer. If ownership of the subsidiary is subsequently  
6 sold or transferred to a third party ~~during the transition~~  
7 ~~period~~, the transition provisions outlined in subsection (c)  
8 shall apply.

9 (e) The plant transfer provisions set forth above shall not  
10 apply to any generating station which was the subject of a  
11 sales agreement entered into before January 1, 1997.

12 (Source: P.A. 90-561, eff. 12-16-97.)

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