

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 adding
5 Section 16-128.1 as follows:

6 (220 ILCS 5/16-128.1 new)

7 Sec. 16-128.1. Electric utility employees; labor
8 displacement or reductions.

9 (a) The General Assembly finds the following:

10 (1) Since the enactment of the Electric Service
11 Customer Choice and Rate Relief Law of 1997, Illinois'
12 electric utilities have reduced their in-house workforce
13 between 20% and 40% through workforce reductions,
14 attrition, and terminations.

15 (2) The reductions have resulted in the electric
16 utilities not maintaining adequate staffing levels to
17 provide safe and reliable electric service to retail
18 customers.

19 (3) It is necessary to prevent additional staffing
20 level reductions in order to protect system reliability and
21 the health and safety of electric utility employees, retail
22 customers, and the public.

23 (b) For purposes of this Section, "labor displacement or

1 reduction" means any decrease in the staffing levels for one or
2 more job classifications, including, but not limited to,
3 layoffs, attrition, voluntary severance, and termination.

4 (c) No electric utility shall be allowed to engage in any
5 labor displacement or reductions below the staffing levels for
6 each job classification in existence on January 1, 2007, unless
7 the electric utility submits a petition to the Commission that
8 sets forth the requested labor displacement or reductions and
9 obtains approval from the Commission in a contested proceeding.

10 The electric utility shall bear the burden of proof and must
11 demonstrate to the Commission based upon clear and convincing
12 evidence that the staffing reductions will not in any manner
13 disrupt or impair the ability of the electric utility to
14 provide safe and reliable electric service that protects and
15 promotes the safety, health, comfort, and convenience of its
16 patrons, employees, and the public.

17 (d) Nothing in this Section shall prevent a labor
18 displacement or reduction due to attrition so long as the
19 electric utility fills the vacancy or vacancies within a
20 reasonable period of time, which in no case shall be greater
21 than 6 months. Nothing in this Section shall prohibit an
22 electric utility from terminating an employee pursuant to the
23 terms of a collective bargaining agreement or other agreement
24 with employees or employee representatives provided that the
25 electric utility shall fill the vacancy or vacancies within a
26 reasonable period of time, which in no case shall be greater

1 than 6 months.

2 (e) The employees of an electric utility, including the
3 collective bargaining representative or representatives of the
4 employees, shall have an independent statutory cause of action
5 under State law to file a complaint against an electric utility
6 in circuit court for alleged violations of this Section.

7 The employees of an electric utility, including the
8 collective bargaining representative or representatives of
9 such employees, may file a complaint in the circuit court of
10 Cook, Sangamon, or Madison County or any other circuit court in
11 order to prevent or stop the violation of this Section either
12 by mandamus or injunction. The circuit court shall specify a
13 time, not exceeding 21 days after the service of the copy of
14 the complaint for mandamus or injunction for the filing of any
15 answer, and in the meantime the named defendant shall be
16 restrained from continuing an alleged violation pending a
17 hearing before the court. In the event of default, or after
18 answer, the circuit court shall immediately inquire into the
19 facts and circumstances of the case and enter an appropriate
20 order with respect to the matters in the complaint. An appeal
21 may be taken from the final judgment in the same manner and
22 with the same effect as appeals are taken from judgments of the
23 circuit court in other actions for mandamus or injunction.

24 Nothing in this subsection (e) shall limit the rights of
25 employees of an electric utility, including the collective
26 bargaining representative or representatives of such

1 employees, to file a complaint against the electric utility
2 with the Commission for alleged violations of this Section.

3 (f) In any case in which an employee of an electric
4 utility, including the collective bargaining representative or
5 representatives of such employees, demonstrates that an
6 electric utility has violated or is about to violate this
7 Section, the circuit court shall permanently restrain or order
8 the defendant or defendants from continuing the alleged
9 violation and award the party bringing the action the
10 reasonable expenses of the litigation, including all
11 reasonable attorney's fees.

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