



Rep. Careen M Gordon

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09500HB2071ham001

LRB095 01545 MJR 34290 a

1 AMENDMENT TO HOUSE BILL 2071

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2071 by replacing  
3 everything after the enacting clause with the following:

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

1 provide safe and reliable electric service to retail  
2 customers.

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

7 (b) For purposes of this Section, "labor displacement or  
8 reduction" means any decrease in the staffing levels for one or  
9 more job classifications, including, but not limited to,  
10 layoffs, attrition, voluntary severance, and termination.

11 (c) No electric utility shall be allowed to engage in any  
12 labor displacement or reductions below the staffing levels for  
13 each job classification in existence on January 1, 2007, unless  
14 the electric utility submits a petition to the Commission that  
15 sets forth the requested labor displacement or reductions and  
16 obtains approval from the Commission in a contested proceeding.  
17 The electric utility shall bear the burden of proof and must  
18 demonstrate to the Commission based upon clear and convincing  
19 evidence that the staffing reductions will not in any manner  
20 disrupt or impair the ability of the electric utility to  
21 provide safe and reliable electric service that protects and  
22 promotes the safety, health, comfort, and convenience of its  
23 patrons, employees, and the public.

24 (d) Nothing in this Section shall prevent a labor  
25 displacement or reduction due to attrition so long as the  
26 electric utility fills the vacancy or vacancies within a

1 reasonable period of time, which in no case shall be greater  
2 than 6 months. Nothing in this Section shall prohibit an  
3 electric utility from terminating an employee pursuant to the  
4 terms of a collective bargaining agreement or other agreement  
5 with employees or employee representatives provided that the  
6 electric utility shall fill the vacancy or vacancies within a  
7 reasonable period of time, which in no case shall be greater  
8 than 6 months.

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

14 The employees of an electric utility, including the  
15 collective bargaining representative or representatives of  
16 such employees, may file a complaint in the circuit court of  
17 Cook, Sangamon, or Madison County or any other circuit court in  
18 order to prevent or stop the violation of this Section either  
19 by mandamus or injunction. The circuit court shall specify a  
20 time, not exceeding 21 days after the service of the copy of  
21 the complaint for mandamus or injunction for the filing of any  
22 answer, and in the meantime the named defendant shall be  
23 restrained from continuing an alleged violation pending a  
24 hearing before the court. In the event of default, or after  
25 answer, the circuit court shall immediately inquire into the  
26 facts and circumstances of the case and enter an appropriate

1 order with respect to the matters in the complaint. An appeal  
2 may be taken from the final judgment in the same manner and  
3 with the same effect as appeals are taken from judgments of the  
4 circuit court in other actions for mandamus or injunction.

5 Nothing in this subsection (e) shall limit the rights of  
6 employees of an electric utility, including the collective  
7 bargaining representative or representatives of such  
8 employees, to file a complaint against the electric utility  
9 with the Commission for alleged violations of this Section.

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

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.".