



HJ0077

LRB095 12828 DRJ 38498 r

1 HOUSE JOINT RESOLUTION

2 WHEREAS, In the wake of the Supreme Court ruling in
3 National Labor Relations Board v. Kentucky River Community
4 Care, Inc., et al., the National Labor Relations Board (NLRB)
5 issued a series of decisions, known collectively as "Oakwood",
6 that expanded the definition of "supervisor" to include charge
7 nurses; and

8 WHEREAS, The NLRB based its decision on the fact that
9 charge nurses have the ability "to assign and responsibly to
10 direct" other co-workers in their daily duties; and

11 WHEREAS, The NLRB concluded that an employee who has the
12 ability to assign co-workers for as little as 10 to 15 percent
13 of his or her time can still be classified as a supervisor; and

14 WHEREAS, The 10 to 15 percent threshold is so low that a
15 worker who assigns co-workers to tasks only one hour a day or
16 on one shift every 2 weeks and is assigned tasks by others the
17 remaining hours of the shift or days in the week could still be
18 deemed a supervisor; and

19 WHEREAS, The ability to assign and direct co-workers is an
20 essential function for virtually all lead workers in every
21 industry and is not exclusive to supervisory employees; and

1 WHEREAS, Supervisors are explicitly excluded from the
2 protections in the National Labor Relations Act (NLRA),
3 including the right to organize and bargain collectively over
4 wages and working conditions, without facing employer
5 reprisals; and

6 WHEREAS, The Oakwood decision calls into question the right
7 of charge nurses to remain in or join unions, potentially
8 stripping away rights of registered nurses in Illinois; and

9 WHEREAS, Without bargaining unit protections, lead workers
10 could be stripped of numerous benefits, including the right to
11 overtime pay, seniority bidding, and job security based on the
12 "just cause" requirement; and

13 WHEREAS, This decision focused on nurses, but the rationale
14 could be extended to other lead workers in all industries and a
15 recent report by the Economic Policy Institute estimated that
16 this decision could result in the loss of union rights for up
17 to 8,000,000 workers nationwide; and

18 WHEREAS, Confusion over the meaning of supervisor, in the
19 wake of the Oakwood decision, has led the NLRB to hold dozens
20 of cases, including 60 involving union elections; and

1 WHEREAS, Union members have demonstrated their outrage
2 against the Oakwood decision in states across the country; and

3 WHEREAS, The Re-Empowerment of Skilled and Professional
4 Employees and Construction Tradeworkers (RESPECT) Act has been
5 introduced in Congress by Representatives Robert Andrews
6 (D-New Jersey) and Don Young (R-Alaska) in the House and
7 Senator Christopher Dodd (D-Connecticut) in the Senate, and
8 enjoys bi-partisan support; and

9 WHEREAS, The RESPECT Act would overturn the NLRB decision
10 by specifying that a supervisor must engage in supervisory
11 acts, in the interest of the employer, for the majority of his
12 or her time and by deleting the reference to the ability to
13 assign or direct; and

14 WHEREAS, The RESPECT Act would protect the rights of nurses
15 to engage in collective bargaining, and collective bargaining
16 rights for nurses are critical to the public interest because
17 they are advocates for improved patient care and safety; and

18 WHEREAS, The RESPECT Act would protect all workers from
19 being misclassified as supervisors to ensure that lead workers
20 in every industry can remain in and join unions to advocate for
21 safer workplaces, work together for better wages and benefits,
22 and have a voice at work; therefore, be it

1 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
2 NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
3 SENATE CONCURRING HEREIN, that the Illinois General Assembly
4 calls on the Congress of the United States to support and pass
5 and the President to approve the bi-partisan RESPECT Act; and
6 be it further

7 RESOLVED, That copies of this resolution be delivered to
8 the President of the United States and each member of the
9 Illinois congressional delegation.