



Rep. Robert F. Flider

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LRB095 08557 MJR 35285 a

1 AMENDMENT TO HOUSE BILL 1119

2 AMENDMENT NO. _____. Amend House Bill 1119, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

7 (220 ILCS 5/16-128)

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

10 (a) The General Assembly finds:

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

15 (2) The integrity and reliability of the system ~~has~~

1 also requires ~~depended on~~ the industry's commitment to
2 invest in regular inspection and maintenance, to assure
3 that it can withstand the demands of heavy service
4 requirements and emergency situations.

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

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

19 The General Assembly also finds that it is necessary to
20 assure that employees of alternative retail electric suppliers
21 and employees of contractors or subcontractors performing work
22 on behalf of an alternative retail electric suppliers operating
23 in the deregulated industry have the requisite skills,
24 knowledge, training, experience, and competence to provide
25 reliable and safe electrical service under this Act.

26 To ensure that these findings and prerequisites for

1 reliable and safe electrical service continue to prevail, each
2 alternative retail electric supplier, electric utility,
3 contractors, and subcontractors performing work on behalf of an
4 electric utility or alternative retail electric supplier must
5 demonstrate the competence of their respective employees to
6 work in the electric industry.

7 The knowledge, skill, training, experience, and competence
8 levels to be demonstrated shall be consistent with those
9 ~~generally~~ required of or by the electric utilities in this
10 State as of January 1, 2007, with respect to their employees
11 and employees of contractors or subcontractors performing work
12 on their behalf. Nothing in this Section shall prohibit an
13 electric utility from establishing knowledge, skill, training,
14 experience, and competence levels greater than those required
15 as of January 1, 2007.

16 An adequate ~~Adequate~~ demonstration of requisite knowledge,
17 skill, training, experience, and competence shall include, at a
18 minimum, ~~such factors as~~ completion or current participation
19 and ultimate completion by the employee of an accredited or
20 otherwise recognized apprenticeship program for the particular
21 craft, trade or skill, or specified and several years of
22 employment performing a particular work function that is
23 utilized by an electric utility ~~with an electric utility~~
24 ~~performing a particular work function.~~

25 Notwithstanding any law, tariff, Commission rule, order,
26 or decision to the contrary, the Commission shall have an

1 affirmative statutory obligation to ensure that an electric
2 utility is employing employees, contractors, and
3 subcontractors with employees who meet the requirements of
4 subsection (a) of this Section when installing, operating, and
5 maintaining transmission or distribution facilities and
6 equipment within this State pursuant to any provision in this
7 Act or any Commission order, rule, or decision.

8 For purposes of this Section, "distribution facilities and
9 equipment" means any and all of the facilities and equipment,
10 including but not limited to, substations, distribution feeder
11 circuits, switches, protective equipment, primary circuits,
12 distribution transformers, line extensions and service
13 extensions both above or below ground, conduit, risers, elbows,
14 transformer pads, junction boxes, manholes, pedestals,
15 conductors, and all associated fittings that connect the
16 transmission system to either the weatherhead on the retail
17 customer's building or other structure for above ground service
18 or to the terminals on the meter base of the retail customer's
19 building or other structure for below ground service.

20 To implement this requirement for alternative retail
21 electric suppliers, the Commission, in determining that an
22 applicant meets the standards for certification as an
23 alternative retail electric supplier, shall require the
24 applicant to demonstrate (i) that the applicant is licensed to
25 do business, and bonded, in the State of Illinois; and (ii)
26 that the employees of the applicant that will be installing,

1 operating, and maintaining ~~generation,~~ transmission, or
2 distribution facilities within this State, or any entity with
3 which the applicant has contracted to perform those functions
4 within this State, have the requisite knowledge, skills,
5 training, experience, and competence to perform those
6 functions in a safe and responsible manner in order to provide
7 safe and reliable service, in accordance with the criteria
8 stated above.

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

1 employees.

2 (c) In the event of a sale, purchase, or any other transfer
3 of ownership ~~during the mandatory transition period~~ of one or
4 more Illinois divisions or business units, and/or generating
5 stations or generating units, of an electric utility, the
6 electric utility's contract and/or agreements with the
7 acquiring entity or persons shall require that the entity or
8 persons hire a sufficient number of non-supervisory employees
9 to operate and maintain the station, division or unit by
10 initially making offers of employment to the non-supervisory
11 workforce of the electric utility's division, business unit,
12 generating station and/or generating unit at no less than the
13 wage rates, and substantially equivalent fringe benefits and
14 terms and conditions of employment that are in effect at the
15 time of transfer of ownership of said division, business unit,
16 generating station, and/or generating units; and said wage
17 rates and substantially equivalent fringe benefits and terms
18 and conditions of employment shall continue for at least 30
19 months from the time of said transfer of ownership unless the
20 parties mutually agree to different terms and conditions of
21 employment within that 30-month period. The utility shall offer
22 a transition plan to those employees who are not offered jobs
23 by the acquiring entity because that entity has a need for
24 fewer workers. If there is litigation concerning the sale, or
25 other transfer of ownership of the electric utility's
26 divisions, business units, generating station, or generating

1 units, the 30-month period will begin on the date the acquiring
2 entity or persons take control or management of the divisions,
3 business units, generating station or generating units of the
4 electric utility.

5 (d) If a utility transfers ownership ~~during the mandatory~~
6 ~~transition period~~ of one or more Illinois divisions, business
7 units, generating stations or generating units of an electric
8 utility to a majority-owned subsidiary, that subsidiary shall
9 continue to employ the utility's employees who were employed by
10 the utility at such division, business unit or generating
11 station at the time of the transfer under the same terms and
12 conditions of employment as those employees enjoyed at the time
13 of the transfer. If ownership of the subsidiary is subsequently
14 sold or transferred to a third party ~~during the transition~~
15 ~~period~~, the transition provisions outlined in subsection (c)
16 shall apply.

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

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."