STATE OF ILLINOIS

EXECUTIVE DEPARTMENT

SPRINGFIELD, ILLINOIS

FILED
INDEX DEPARTMENT
JUN 2 6 2009
IN THE OFFICE OF
SECRETARY OF STATE

EXECUTIVE ORDER **09-15**

COLLECTIVE BARGAINING BY INDIVIDUAL PROVIDERS OF HOME-BASED SUPPORT SERVICES

WHEREAS, individual providers of home-based support services ("individual providers") provide services to persons with disabilities ("consumers") in their own homes as part of the Home-Based Support Services Program under 405 ILCS 80/2-1 et seq., and 59 Ill.Admin.Code part 117; and

WHEREAS, individual providers are employees of the consumers whom they serve or the consumer's parents or guardian, but are not employees of the State or any other person or entity; and

WHEREAS, it is important to preserve the relationship between consumers' control over the hiring, in-home supervision, and termination of individual providers and, simultaneously, preserve the State's ability to ensure efficient and effective delivery of services and control the economic terms of compensation provided under the Home-Based Support Services Program; and

WHEREAS, each consumer employs only one or two individual providers and does not control the economic terms of their employment under the Home-Based Support Services Program and therefore cannot effectively address concerns commons to all individual providers; and

WHEREAS, the individual providers work in the homes of consumers throughout Illinois and therefore cannot effectively voice their concerns about the organization of the Home-Based Support Services Program, their role in the Program, or the terms and conditions of their provision of services under the Program without representation; and

WHEREAS, it is essential for the State to receive feedback from the individual providers in order to effectively and efficiently deliver home-based support services; and

WHEREAS, individual providers are not State employees, and are not eligible to receive statutory benefits, including but not limited to those provided under Illinois Pension Code, State Employee Group Insurance Act and Illinois Workers' Compensation Act, as the State does not hire, supervise, or terminate individual providers; and

WHEREAS, the State has productively dealt for many years with a representative of personal assistants in the Home Services Program, who are similarly situated as individual providers as they provide services to vulnerable persons in their homes, are employees of those consumers, but the State controls the economic terms of their provision of services.

THEREFORE, I hereby order the following:

I. The State shall recognize a representative designated by a majority of the individual providers in the Home-Based Support Services Program as the

exclusive representative of all such individual providers; accord said representative all the rights and duties granted to such representatives by the Illinois Public Labor Relations Act, 5 ILCS 315/1 et seq.; and engage in collective bargaining with said representative concerning all terms and conditions of the provision of services under the Home-Based Support Services Program that are within the State's control, including the setting of minimum rates of payment to individual providers.

II. A representative may be designated either by submission of authorization cards from a majority of individual providers or by a majority of individual providers voting in a mail ballot election. Any organization that can show that at least 30% of individual providers wish to be represented by it may participate in any election held under this order. In order to facilitate this process, the Department of Human Services shall provide to an organization interested in representing individual providers access to the names and addresses of current individual providers. The expenses of all proceedings should be borne by any participating organization(s).

III. This Executive Order is not intended to and will not in any way alter 1) the fact that individual providers are not state employees, 2) the employment arrangement of individual providers and consumers, or 3) the consumers' control over the hiring, in-home supervision, and termination of individual providers within the limits established by the Home-Based Support Services Program.

IV. In according individual providers and their selected representative these rights, the State intends that the "State action exemption" to application of the federal antitrust laws be fully available to the State, individual providers, and their selected representative to the extent that their activities are authorized pursuant to this Executive Order.

This Executive Order 2009-15 shall take effect upon filing with the Secretary of State.

Pat Quinn

Pat Quinn, Governor

Issued by Governor: June 29, 2009
Filed with Secretary of State: June 26, 2009

FILED
INDEX DEPARTMENT

JUN 2 6 2009

IN THE OFFICE OF
SECRETARY OF STATE