

State of Illinois Home Government Executive Orders

Executive Order 8 (2003)**EXECUTIVE ORDER****NUMBER 8 (2003)**

**EXECUTIVE ORDER ON COLLECTIVE BARGAINING
BY PERSONAL CARE ASSISTANTS**

WHEREAS, personal care assistants ("personal assistants") provide service to Illinois citizens in need ("recipients") as part of the Home Services Program under 20 ILCS 2405/3 and 89 Ill.Admin.Code section 676.10, et seq.; and

WHEREAS, in State of Illinois (Departments of Central Management Services & Rehabilitation Services), 2 PERI 2006 at 35 (1985), the State Labor Relations Board found that personal assistants are in a "unique" employment relationship and that the State was not "their 'employer' or, at least, their sole employer" under the Illinois Public Labor Relations Act, 5 ILCS 315/1 et seq., and the Board therefore held that it lacked jurisdiction over the relationship between the State and the personal assistants; and

WHEREAS, the decision in State of Illinois left the Executive Branch with discretion over the organization of its relationship with personal assistants; and

WHEREAS, it is important to preserve the recipients' control over the hiring, in-home supervision, and termination of personal assistants and, simultaneously, preserve the State's ability to ensure efficient and effective delivery of personal care services and control the economic terms of the personal assistants' employment under the Homes Services Program; and

WHEREAS, each recipient employs only one or two personal assistants and does not control the economic terms of their employment under the Homes Services Program and therefore cannot effectively address concerns common to all personal assistants; and

WHEREAS, the personal assistants work in the homes of recipients throughout Illinois and therefore cannot effectively voice their concerns about the organization of the Home Services program, their role in the program, or the terms and conditions of their employment under the Program without representation; and

WHEREAS, it is essential for the State to receive feedback from the personal assistants in order to effectively and efficiently deliver home services; and

WHEREAS, personal assistants are not State employees for purposes of eligibility to receive statutorily mandated benefits because the State does not hire, supervise or terminate the personal assistants; and

WHEREAS, the State has productively dealt with a representative of the personal assistants on an informal basis, and a system of collective bargaining has successfully been implemented with respect to similarly situated workers in other states.

THEREFORE, I hereby order the following:

- I. The State shall recognize a representative designated by a majority of the personal assistants as the exclusive representative of all personal assistants, accord said representative all the rights and duties granted 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 employment of personal assistants working under the Homes Services Program that are within the State's control.
- II. This Executive Order is not intended to and will not in any way alter the 220;"unique" employment arrangement of personal assistants and recipients, nor will it in any way diminish the recipients' control over the hiring, in-home supervision, and termination of personal assistants within the limits established by the

Home Services Program.

This Executive Order 2003-8 shall take effect upon filing with the Secretary of State.

Rod R. Blagojevich, Governor

Issued by Governor: March 4, 2003

Filed with Secretary of State: _____, 2003