



**ALLIANCE
FOR WORKER
FREEDOM**

722 12TH STREET, N.W.
4TH FLOOR
WASHINGTON DC 20005
WORKERFREEDOM.COM
(P) 202.785.0266
(F) 202.785.0261

25 September 2009

Office of Governor Quinn
207 State House
Springfield, IL 62706

Dear Governor Quinn:

On behalf of the Alliance for Worker Freedom (AWF) I am urging you to rescind Section II of Executive Order 09-15, a copy of which is included, and to release all correspondence between your office and the Service Employees International Union (SEIU), the American Federation of State, County and Municipal Employees (AFSCME) and other unions with regard to the distribution of Illinoisans' names, addresses, and telephone numbers.

Further, I request that you release all financial documents and declare the amount of taxpayer money and state resources spent to collect and maintain personal information databases that you turned over to the unions.

Illinois currently provides state funding to approximately 3,000 residents to assist family members with developmental disabilities through the Illinois' Home-based Support Services Program. The personal information of people enrolled in the Support Services Program was distributed to two unions in accordance with Executive Order 09-15 which states, "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."

By signing Executive Order 09-15, and circulating participants of Support Services Program's information, you encourage unionization and subject your residents to union harassment and intimidation. Although your office claims impartiality, the distribution of residents' personal information reveals a clear labor preference. Handing out personal information of in-home caregivers undoubtedly facilitates unionization, a practice your office maintains it does not support.

Since signing E.O. 09-15, in-home caregivers have been overwhelmed by never ending phone calls and extensive mailings advocating union membership. This behavior is unlikely to end, both the SEIU and the AFSCME are two of the most powerful unions in the country and have nearly unlimited funds to spend on increasing membership.

Therefore, I urge you to rescind or suspend Section II of E.O. 09-15 and provide the correspondence and financial documents requested above.

Thank you and I look forward to hearing from you.

Sincerely,

Brian M. Johnson, MPA
Executive Director

Cc: All Members of the IL State Legislature & All IL Federal Members of Congress



FILED
INDEX DEPARTMENT

JUN 26 2009

IN THE OFFICE OF
SECRETARY OF STATE

SPRINGFIELD, ILLINOIS

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 common 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.

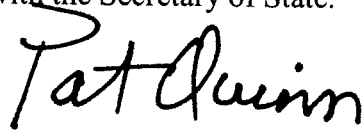
THEREFORE, I hereby order the following:

- 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, Governor

Issued by Governor: June 29, 2009

Filed with Secretary of State: June 26, 2009

FILED
INDEX DEPARTMENT

JUN 26 2009

IN THE OFFICE OF
SECRETARY OF STATE