

For the past few years, I have attempted to negotiate an amendment to Illinois' labor laws to effect a fair rebalancing of the State's workforce, giving the Governor the tools he needs to govern, and protecting the right of rank-and-file workers to organize and bargain collectively.

Illinois' public sector collective bargaining laws have long recognized that the Governor is entitled and expected to assemble a team of managers, supervisors, and policy-makers who are accountable to the Governor. Such policy-makers have always been viewed as different in nature from rank-and-file employees who have a legal right to join a union and enjoy the benefits of collective bargaining.

Our last governor, in a stunning abdication of a governor's responsibility to protect and support his management team, spurred a dramatic acceleration of unionization efforts in Illinois. Over 96 percent of the state work force is now in a union, and we are on a trajectory to 99 percent, by far the most unionized state in the nation.

Even ardent union supporters acknowledge that recent unionization efforts have crippled the Governor's ability to manage the State. The balance between management and our union workforce must clearly be restored to historic norms. At some state facilities today, there are no longer any managers—every employee on the premises is a union member. Here at

the capitol, the governor's legislative liaisons—the people tasked with pressing the Governor's public policy agenda with lawmakers—are union members. These situations demand a remedy.

For the last several years, the Governor has pushed and the House of Representatives has passed bills that would permit the Governor to designate a number of management, supervisory, and policy-making positions exempt from collective bargaining. The first such bill passed by the House would have gone much farther, potentially removing as many as 15,000 employees from their unions; the Senate wisely refused to advance that bill. The current proposal is much more modest and would permit the Governor to designate no more than 1,900 recently unionized employees (out of a work force of over 50,000 employees) as exempt from collective bargaining.

The Senate has long been sensitive to the extraordinary notion of taking away currently exercised collective bargaining rights by statute, and, notwithstanding pressure from the Governor and the House, has resisted efforts to ram such a bill through the legislative process. Instead, Senate President John Cullerton asked me to try to negotiate a sensible compromise between the Governor's office and the unions representing the affected employees. While I've had some success, it has been

one of the most difficult and frustrating negotiations of my career. In this most recent round, we reached a loggerhead yet again, and I concluded that we would never be able to negotiate a fair solution without some legislative intervention. And so, after three years, the Senate finally took up the Governor's bill.

The bill itself is not the draconian "Scott-Walker-esque" horror show that some opponents describe. If the bill were signed into law, it would not affect "thousands" of union employees, though it may affect hundreds of state employees who probably never should have been unionized in the first place. Still, no one will lose a job—they will just be removed from the collective bargaining unit.

Immediately after the Senate approved the bill, I filed a motion to reconsider the vote. This was a procedural means to keep the bill in the Senate's control while we tried one last time to negotiate a fair rebalancing of the State's workforce, giving the Governor the tools he needs to govern, and protecting the right of rank-and-file workers to organize and bargain collectively.

While we were not able to negotiate a comprehensive solution before my motion expired, I did secure several key promises from the Governor. Most importantly, the Governor committed to the following four points:

1. He will negotiate with the unions a fair and equitable process for implementing the bill, which will permit, whenever possible, employees to transfer into union positions rather than be removed from the union;
2. He will not sign the bill before the deadline so that negotiations of the implementation process and clarifying legislation can unfold;
3. He will not use the full measure of authority granted to him, and will designate fewer employees than allowed by law for exclusion from collective bargaining; and
4. He will not reduce the salary of any employee whose position is excluded from collective bargaining.

While not a perfect solution, these commitments create the framework to effect a fair rebalancing of the State's workforce, giving the Governor the tools he needs to govern, and protecting the right of rank-and-file workers to organize and bargain collectively.