



WE DID IT! Core Workplace Rights Protected!

The Illinois General Assembly has just passed Senate Amendment #2 to House Bill 3653. This criminal justice reform measure was introduced last week as SA#2 to HB 163, and it originally included two provisions that represented a serious threat to many in law enforcement and a dangerous precedent for all public employees.

Thanks to AFSCME's intensive lobbying efforts, those provisions were NOT included in the final bill as adopted.

1. HB 163 would have amended the state public employee collective bargaining law to eliminate most of the workplace rights of “peace officers”—primarily police officers—in Illinois. It would have restricted the issues over which these employees could bargain only to wages and benefits. There would have been no protection against wrongful discipline or discharge, no ability to establish workplace health and safety standards, no bargaining over any other working conditions. This amendment would have set a very bad precedent: If police officers could be so readily stripped of their bargaining rights, the rights of all of us are at risk. Every worker deserves the right to a voice on the job—and that includes police officers.

2. HB 163 would also have eliminated qualified immunity for “peace officers” in cases of civil lawsuits. This provision had a broader definition of “peace officer” and could be construed to cover parole officers, county corrections officers, probation officers, and sheriff's deputies, in addition to police officers. Qualified immunity is vitally important to public employees in a wide variety of occupations. It is a well-established legal principle intended to prevent civil lawsuits against employees who were acting in good faith to carry out the duties assigned to them.

Both of these provisions were REMOVED from the final legislation.

SA#2 to HB 3653 as adopted by the General Assembly maintains collective bargaining rights for “peace officers” under the state collective bargaining law—including the right to bargain over discipline, discharge, health and safety, and other working conditions. The only change to the collective bargaining law is a restriction on bargaining over residency requirements for police officers in cities of more than 100,000 people.

The bill as adopted also does not eliminate qualified immunity for peace officers. Instead it only sets up a task force to study qualified immunity.

Finally, AFSCME was also successful in securing elimination of a provision in the law that could have negatively impacted all of our members in cities and counties across the state. It would have reduced state funding through the Local Government Distributive Fund (LDGF) to those localities by 20% if they failed to implement certain reforms. That provision was REMOVED from SA#2 to HB 3653.

There are still some problematic provisions in the final bill, but we achieved our overriding goal of defeating the provisions that trampled on workplace rights. Once again we've demonstrated the power of our union: The AFSCME double whammy of activism at the grassroots (thanks to all of you who called your legislators!) and a top-flight lobbying team at the state Capitol.