



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1308

Introduced 2/9/2017, by Sen. Michael Connelly

SYNOPSIS AS INTRODUCED:

5 ILCS 120/2	from Ch. 102, par. 42
5 ILCS 140/7	from Ch. 116, par. 207
5 ILCS 315/7	from Ch. 48, par. 1607
5 ILCS 315/24	from Ch. 48, par. 1624
115 ILCS 5/10	from Ch. 48, par. 1710
115 ILCS 5/18	from Ch. 48, par. 1718

Amends the Illinois Public Labor Relations Act and the Illinois Educational Labor Relations Act. Provides that, once an agreement is reached between a public or educational employer and its employees regarding all of the terms of a collective bargaining agreement, the agreement shall be reduced to writing and published on the website of the public or educational employer. Requires the public or educational employer, not less than 14 days after publishing such an agreement, to hold an open public meeting on the ratification of that agreement. Provides that any contract between a public employer and an employee where the total compensation exceeds \$150,000 shall be published on the employer's website for a period of not less than 14 days prior to being signed by both the employer and the employee. Requires the public employer to hold an open public meeting on the contract in addition to posting it for 14 days if that contract is subject to board approval. Makes conforming changes in the Open Meetings Act and the Freedom of Information Act. Effective immediately.

LRB100 07122 RJF 17177 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Open Meetings Act is amended by changing
5 Section 2 as follows:

6 (5 ILCS 120/2) (from Ch. 102, par. 42)

7 Sec. 2. Open meetings.

8 (a) Openness required. All meetings of public bodies shall
9 be open to the public unless excepted in subsection (c) and
10 closed in accordance with Section 2a.

11 (b) Construction of exceptions. The exceptions contained
12 in subsection (c) are in derogation of the requirement that
13 public bodies meet in the open, and therefore, the exceptions
14 are to be strictly construed, extending only to subjects
15 clearly within their scope. The exceptions authorize but do not
16 require the holding of a closed meeting to discuss a subject
17 included within an enumerated exception.

18 (c) Exceptions. A public body may hold closed meetings to
19 consider the following subjects:

20 (1) The appointment, employment, compensation,
21 discipline, performance, or dismissal of specific
22 employees of the public body or legal counsel for the
23 public body, including hearing testimony on a complaint

1 lodged against an employee of the public body or against
2 legal counsel for the public body to determine its
3 validity. However, a meeting to consider an increase in
4 compensation to a specific employee of a public body that
5 is subject to the Local Government Wage Increase
6 Transparency Act may not be closed and shall be open to the
7 public and posted and held in accordance with this Act.

8 (2) Collective negotiating matters between the public
9 body and its employees or their representatives, or
10 deliberations concerning salary schedules for one or more
11 classes of employees, except that any meeting required
12 under either subsection (e) of Section 7 of the Illinois
13 Public Labor Relations Act or subsection (d) of Section 10
14 of the Illinois Educational Labor Relations Act shall be
15 open to the public.

16 (3) The selection of a person to fill a public office,
17 as defined in this Act, including a vacancy in a public
18 office, when the public body is given power to appoint
19 under law or ordinance, or the discipline, performance or
20 removal of the occupant of a public office, when the public
21 body is given power to remove the occupant under law or
22 ordinance.

23 (4) Evidence or testimony presented in open hearing, or
24 in closed hearing where specifically authorized by law, to
25 a quasi-adjudicative body, as defined in this Act, provided
26 that the body prepares and makes available for public

1 inspection a written decision setting forth its
2 determinative reasoning.

3 (5) The purchase or lease of real property for the use
4 of the public body, including meetings held for the purpose
5 of discussing whether a particular parcel should be
6 acquired.

7 (6) The setting of a price for sale or lease of
8 property owned by the public body.

9 (7) The sale or purchase of securities, investments, or
10 investment contracts. This exception shall not apply to the
11 investment of assets or income of funds deposited into the
12 Illinois Prepaid Tuition Trust Fund.

13 (8) Security procedures, school building safety and
14 security, and the use of personnel and equipment to respond
15 to an actual, a threatened, or a reasonably potential
16 danger to the safety of employees, students, staff, the
17 public, or public property.

18 (9) Student disciplinary cases.

19 (10) The placement of individual students in special
20 education programs and other matters relating to
21 individual students.

22 (11) Litigation, when an action against, affecting or
23 on behalf of the particular public body has been filed and
24 is pending before a court or administrative tribunal, or
25 when the public body finds that an action is probable or
26 imminent, in which case the basis for the finding shall be

1 recorded and entered into the minutes of the closed
2 meeting.

3 (12) The establishment of reserves or settlement of
4 claims as provided in the Local Governmental and
5 Governmental Employees Tort Immunity Act, if otherwise the
6 disposition of a claim or potential claim might be
7 prejudiced, or the review or discussion of claims, loss or
8 risk management information, records, data, advice or
9 communications from or with respect to any insurer of the
10 public body or any intergovernmental risk management
11 association or self insurance pool of which the public body
12 is a member.

13 (13) Conciliation of complaints of discrimination in
14 the sale or rental of housing, when closed meetings are
15 authorized by the law or ordinance prescribing fair housing
16 practices and creating a commission or administrative
17 agency for their enforcement.

18 (14) Informant sources, the hiring or assignment of
19 undercover personnel or equipment, or ongoing, prior or
20 future criminal investigations, when discussed by a public
21 body with criminal investigatory responsibilities.

22 (15) Professional ethics or performance when
23 considered by an advisory body appointed to advise a
24 licensing or regulatory agency on matters germane to the
25 advisory body's field of competence.

26 (16) Self evaluation, practices and procedures or

1 professional ethics, when meeting with a representative of
2 a statewide association of which the public body is a
3 member.

4 (17) The recruitment, credentialing, discipline or
5 formal peer review of physicians or other health care
6 professionals, or for the discussion of matters protected
7 under the federal Patient Safety and Quality Improvement
8 Act of 2005, and the regulations promulgated thereunder,
9 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
10 Health Insurance Portability and Accountability Act of
11 1996, and the regulations promulgated thereunder,
12 including 45 C.F.R. Parts 160, 162, and 164, by a hospital,
13 or other institution providing medical care, that is
14 operated by the public body.

15 (18) Deliberations for decisions of the Prisoner
16 Review Board.

17 (19) Review or discussion of applications received
18 under the Experimental Organ Transplantation Procedures
19 Act.

20 (20) The classification and discussion of matters
21 classified as confidential or continued confidential by
22 the State Government Suggestion Award Board.

23 (21) Discussion of minutes of meetings lawfully closed
24 under this Act, whether for purposes of approval by the
25 body of the minutes or semi-annual review of the minutes as
26 mandated by Section 2.06.

1 (22) Deliberations for decisions of the State
2 Emergency Medical Services Disciplinary Review Board.

3 (23) The operation by a municipality of a municipal
4 utility or the operation of a municipal power agency or
5 municipal natural gas agency when the discussion involves
6 (i) contracts relating to the purchase, sale, or delivery
7 of electricity or natural gas or (ii) the results or
8 conclusions of load forecast studies.

9 (24) Meetings of a residential health care facility
10 resident sexual assault and death review team or the
11 Executive Council under the Abuse Prevention Review Team
12 Act.

13 (25) Meetings of an independent team of experts under
14 Brian's Law.

15 (26) Meetings of a mortality review team appointed
16 under the Department of Juvenile Justice Mortality Review
17 Team Act.

18 (27) (Blank).

19 (28) Correspondence and records (i) that may not be
20 disclosed under Section 11-9 of the Illinois Public Aid
21 Code or (ii) that pertain to appeals under Section 11-8 of
22 the Illinois Public Aid Code.

23 (29) Meetings between internal or external auditors
24 and governmental audit committees, finance committees, and
25 their equivalents, when the discussion involves internal
26 control weaknesses, identification of potential fraud risk

1 areas, known or suspected frauds, and fraud interviews
2 conducted in accordance with generally accepted auditing
3 standards of the United States of America.

4 (30) Those meetings or portions of meetings of a
5 fatality review team or the Illinois Fatality Review Team
6 Advisory Council during which a review of the death of an
7 eligible adult in which abuse or neglect is suspected,
8 alleged, or substantiated is conducted pursuant to Section
9 15 of the Adult Protective Services Act.

10 (31) Meetings and deliberations for decisions of the
11 Concealed Carry Licensing Review Board under the Firearm
12 Concealed Carry Act.

13 (32) Meetings between the Regional Transportation
14 Authority Board and its Service Boards when the discussion
15 involves review by the Regional Transportation Authority
16 Board of employment contracts under Section 28d of the
17 Metropolitan Transit Authority Act and Sections 3A.18 and
18 3B.26 of the Regional Transportation Authority Act.

19 (33) Those meetings or portions of meetings of the
20 advisory committee and peer review subcommittee created
21 under Section 320 of the Illinois Controlled Substances Act
22 during which specific controlled substance prescriber,
23 dispenser, or patient information is discussed.

24 (d) Definitions. For purposes of this Section:

25 "Employee" means a person employed by a public body whose
26 relationship with the public body constitutes an

1 employer-employee relationship under the usual common law
2 rules, and who is not an independent contractor.

3 "Public office" means a position created by or under the
4 Constitution or laws of this State, the occupant of which is
5 charged with the exercise of some portion of the sovereign
6 power of this State. The term "public office" shall include
7 members of the public body, but it shall not include
8 organizational positions filled by members thereof, whether
9 established by law or by a public body itself, that exist to
10 assist the body in the conduct of its business.

11 "Quasi-adjudicative body" means an administrative body
12 charged by law or ordinance with the responsibility to conduct
13 hearings, receive evidence or testimony and make
14 determinations based thereon, but does not include local
15 electoral boards when such bodies are considering petition
16 challenges.

17 (e) Final action. No final action may be taken at a closed
18 meeting. Final action shall be preceded by a public recital of
19 the nature of the matter being considered and other information
20 that will inform the public of the business being conducted.

21 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
22 eff. 7-16-14; 98-1027, eff. 1-1-15; 98-1039, eff. 8-25-14;
23 99-78, eff. 7-20-15; 99-235, eff. 1-1-16; 99-480, eff. 9-9-15;
24 99-642, eff. 7-28-16; 99-646, eff. 7-28-16; 99-687, eff.
25 1-1-17; revised 9-21-16.)

1 Section 10. The Freedom of Information Act is amended by
2 changing Section 7 as follows:

3 (5 ILCS 140/7) (from Ch. 116, par. 207)

4 Sec. 7. Exemptions.

5 (1) When a request is made to inspect or copy a public
6 record that contains information that is exempt from disclosure
7 under this Section, but also contains information that is not
8 exempt from disclosure, the public body may elect to redact the
9 information that is exempt. The public body shall make the
10 remaining information available for inspection and copying.
11 Subject to this requirement, the following shall be exempt from
12 inspection and copying:

13 (a) Information specifically prohibited from
14 disclosure by federal or State law or rules and regulations
15 implementing federal or State law.

16 (b) Private information, unless disclosure is required
17 by another provision of this Act, a State or federal law or
18 a court order.

19 (b-5) Files, documents, and other data or databases
20 maintained by one or more law enforcement agencies and
21 specifically designed to provide information to one or more
22 law enforcement agencies regarding the physical or mental
23 status of one or more individual subjects.

24 (c) Personal information contained within public
25 records, the disclosure of which would constitute a clearly

1 unwarranted invasion of personal privacy, unless the
2 disclosure is consented to in writing by the individual
3 subjects of the information. "Unwarranted invasion of
4 personal privacy" means the disclosure of information that
5 is highly personal or objectionable to a reasonable person
6 and in which the subject's right to privacy outweighs any
7 legitimate public interest in obtaining the information.
8 The disclosure of information that bears on the public
9 duties of public employees and officials shall not be
10 considered an invasion of personal privacy.

11 (d) Records in the possession of any public body
12 created in the course of administrative enforcement
13 proceedings, and any law enforcement or correctional
14 agency for law enforcement purposes, but only to the extent
15 that disclosure would:

16 (i) interfere with pending or actually and
17 reasonably contemplated law enforcement proceedings
18 conducted by any law enforcement or correctional
19 agency that is the recipient of the request;

20 (ii) interfere with active administrative
21 enforcement proceedings conducted by the public body
22 that is the recipient of the request;

23 (iii) create a substantial likelihood that a
24 person will be deprived of a fair trial or an impartial
25 hearing;

26 (iv) unavoidably disclose the identity of a

1 confidential source, confidential information
2 furnished only by the confidential source, or persons
3 who file complaints with or provide information to
4 administrative, investigative, law enforcement, or
5 penal agencies; except that the identities of
6 witnesses to traffic accidents, traffic accident
7 reports, and rescue reports shall be provided by
8 agencies of local government, except when disclosure
9 would interfere with an active criminal investigation
10 conducted by the agency that is the recipient of the
11 request;

12 (v) disclose unique or specialized investigative
13 techniques other than those generally used and known or
14 disclose internal documents of correctional agencies
15 related to detection, observation or investigation of
16 incidents of crime or misconduct, and disclosure would
17 result in demonstrable harm to the agency or public
18 body that is the recipient of the request;

19 (vi) endanger the life or physical safety of law
20 enforcement personnel or any other person; or

21 (vii) obstruct an ongoing criminal investigation
22 by the agency that is the recipient of the request.

23 (d-5) A law enforcement record created for law
24 enforcement purposes and contained in a shared electronic
25 record management system if the law enforcement agency that
26 is the recipient of the request did not create the record,

1 did not participate in or have a role in any of the events
2 which are the subject of the record, and only has access to
3 the record through the shared electronic record management
4 system.

5 (e) Records that relate to or affect the security of
6 correctional institutions and detention facilities.

7 (e-5) Records requested by persons committed to the
8 Department of Corrections if those materials are available
9 in the library of the correctional facility where the
10 inmate is confined.

11 (e-6) Records requested by persons committed to the
12 Department of Corrections if those materials include
13 records from staff members' personnel files, staff
14 rosters, or other staffing assignment information.

15 (e-7) Records requested by persons committed to the
16 Department of Corrections if those materials are available
17 through an administrative request to the Department of
18 Corrections.

19 (f) Preliminary drafts, notes, recommendations,
20 memoranda and other records in which opinions are
21 expressed, or policies or actions are formulated, except
22 that a specific record or relevant portion of a record
23 shall not be exempt when the record is publicly cited and
24 identified by the head of the public body. The exemption
25 provided in this paragraph (f) extends to all those records
26 of officers and agencies of the General Assembly that

1 pertain to the preparation of legislative documents.

2 (g) Trade secrets and commercial or financial
3 information obtained from a person or business where the
4 trade secrets or commercial or financial information are
5 furnished under a claim that they are proprietary,
6 privileged or confidential, and that disclosure of the
7 trade secrets or commercial or financial information would
8 cause competitive harm to the person or business, and only
9 insofar as the claim directly applies to the records
10 requested.

11 The information included under this exemption includes
12 all trade secrets and commercial or financial information
13 obtained by a public body, including a public pension fund,
14 from a private equity fund or a privately held company
15 within the investment portfolio of a private equity fund as
16 a result of either investing or evaluating a potential
17 investment of public funds in a private equity fund. The
18 exemption contained in this item does not apply to the
19 aggregate financial performance information of a private
20 equity fund, nor to the identity of the fund's managers or
21 general partners. The exemption contained in this item does
22 not apply to the identity of a privately held company
23 within the investment portfolio of a private equity fund,
24 unless the disclosure of the identity of a privately held
25 company may cause competitive harm.

26 Nothing contained in this paragraph (g) shall be

1 construed to prevent a person or business from consenting
2 to disclosure.

3 (h) Proposals and bids for any contract, grant, or
4 agreement, including information which if it were
5 disclosed would frustrate procurement or give an advantage
6 to any person proposing to enter into a contractor
7 agreement with the body, until an award or final selection
8 is made. Information prepared by or for the body in
9 preparation of a bid solicitation shall be exempt until an
10 award or final selection is made.

11 (i) Valuable formulae, computer geographic systems,
12 designs, drawings and research data obtained or produced by
13 any public body when disclosure could reasonably be
14 expected to produce private gain or public loss. The
15 exemption for "computer geographic systems" provided in
16 this paragraph (i) does not extend to requests made by news
17 media as defined in Section 2 of this Act when the
18 requested information is not otherwise exempt and the only
19 purpose of the request is to access and disseminate
20 information regarding the health, safety, welfare, or
21 legal rights of the general public.

22 (j) The following information pertaining to
23 educational matters:

24 (i) test questions, scoring keys and other
25 examination data used to administer an academic
26 examination;

1 (ii) information received by a primary or
2 secondary school, college, or university under its
3 procedures for the evaluation of faculty members by
4 their academic peers;

5 (iii) information concerning a school or
6 university's adjudication of student disciplinary
7 cases, but only to the extent that disclosure would
8 unavoidably reveal the identity of the student; and

9 (iv) course materials or research materials used
10 by faculty members.

11 (k) Architects' plans, engineers' technical
12 submissions, and other construction related technical
13 documents for projects not constructed or developed in
14 whole or in part with public funds and the same for
15 projects constructed or developed with public funds,
16 including but not limited to power generating and
17 distribution stations and other transmission and
18 distribution facilities, water treatment facilities,
19 airport facilities, sport stadiums, convention centers,
20 and all government owned, operated, or occupied buildings,
21 but only to the extent that disclosure would compromise
22 security.

23 (l) Minutes of meetings of public bodies closed to the
24 public as provided in the Open Meetings Act until the
25 public body makes the minutes available to the public under
26 Section 2.06 of the Open Meetings Act.

1 (m) Communications between a public body and an
2 attorney or auditor representing the public body that would
3 not be subject to discovery in litigation, and materials
4 prepared or compiled by or for a public body in
5 anticipation of a criminal, civil or administrative
6 proceeding upon the request of an attorney advising the
7 public body, and materials prepared or compiled with
8 respect to internal audits of public bodies.

9 (n) Records relating to a public body's adjudication of
10 employee grievances or disciplinary cases; however, this
11 exemption shall not extend to the final outcome of cases in
12 which discipline is imposed.

13 (o) Administrative or technical information associated
14 with automated data processing operations, including but
15 not limited to software, operating protocols, computer
16 program abstracts, file layouts, source listings, object
17 modules, load modules, user guides, documentation
18 pertaining to all logical and physical design of
19 computerized systems, employee manuals, and any other
20 information that, if disclosed, would jeopardize the
21 security of the system or its data or the security of
22 materials exempt under this Section.

23 (p) Records relating to collective negotiating matters
24 between public bodies and their employees or
25 representatives, except that any final contract or
26 agreement and any agreement that is the subject of a

1 meeting held pursuant to either subsection (e) of Section 7
2 of the Illinois Public Labor Relations Act or subsection
3 (d) of Section 10 of the Illinois Educational Labor
4 Relations Act shall be subject to inspection and copying.

5 (q) Test questions, scoring keys, and other
6 examination data used to determine the qualifications of an
7 applicant for a license or employment.

8 (r) The records, documents, and information relating
9 to real estate purchase negotiations until those
10 negotiations have been completed or otherwise terminated.
11 With regard to a parcel involved in a pending or actually
12 and reasonably contemplated eminent domain proceeding
13 under the Eminent Domain Act, records, documents and
14 information relating to that parcel shall be exempt except
15 as may be allowed under discovery rules adopted by the
16 Illinois Supreme Court. The records, documents and
17 information relating to a real estate sale shall be exempt
18 until a sale is consummated.

19 (s) Any and all proprietary information and records
20 related to the operation of an intergovernmental risk
21 management association or self-insurance pool or jointly
22 self-administered health and accident cooperative or pool.
23 Insurance or self insurance (including any
24 intergovernmental risk management association or self
25 insurance pool) claims, loss or risk management
26 information, records, data, advice or communications.

1 (t) Information contained in or related to
2 examination, operating, or condition reports prepared by,
3 on behalf of, or for the use of a public body responsible
4 for the regulation or supervision of financial
5 institutions or insurance companies, unless disclosure is
6 otherwise required by State law.

7 (u) Information that would disclose or might lead to
8 the disclosure of secret or confidential information,
9 codes, algorithms, programs, or private keys intended to be
10 used to create electronic or digital signatures under the
11 Electronic Commerce Security Act.

12 (v) Vulnerability assessments, security measures, and
13 response policies or plans that are designed to identify,
14 prevent, or respond to potential attacks upon a community's
15 population or systems, facilities, or installations, the
16 destruction or contamination of which would constitute a
17 clear and present danger to the health or safety of the
18 community, but only to the extent that disclosure could
19 reasonably be expected to jeopardize the effectiveness of
20 the measures or the safety of the personnel who implement
21 them or the public. Information exempt under this item may
22 include such things as details pertaining to the
23 mobilization or deployment of personnel or equipment, to
24 the operation of communication systems or protocols, or to
25 tactical operations.

26 (w) (Blank).

1 (x) Maps and other records regarding the location or
2 security of generation, transmission, distribution,
3 storage, gathering, treatment, or switching facilities
4 owned by a utility, by a power generator, or by the
5 Illinois Power Agency.

6 (y) Information contained in or related to proposals,
7 bids, or negotiations related to electric power
8 procurement under Section 1-75 of the Illinois Power Agency
9 Act and Section 16-111.5 of the Public Utilities Act that
10 is determined to be confidential and proprietary by the
11 Illinois Power Agency or by the Illinois Commerce
12 Commission.

13 (z) Information about students exempted from
14 disclosure under Sections 10-20.38 or 34-18.29 of the
15 School Code, and information about undergraduate students
16 enrolled at an institution of higher education exempted
17 from disclosure under Section 25 of the Illinois Credit
18 Card Marketing Act of 2009.

19 (aa) Information the disclosure of which is exempted
20 under the Viatical Settlements Act of 2009.

21 (bb) Records and information provided to a mortality
22 review team and records maintained by a mortality review
23 team appointed under the Department of Juvenile Justice
24 Mortality Review Team Act.

25 (cc) Information regarding interments, entombments, or
26 inurnments of human remains that are submitted to the

1 Cemetery Oversight Database under the Cemetery Care Act or
2 the Cemetery Oversight Act, whichever is applicable.

3 (dd) Correspondence and records (i) that may not be
4 disclosed under Section 11-9 of the Illinois Public Aid
5 Code or (ii) that pertain to appeals under Section 11-8 of
6 the Illinois Public Aid Code.

7 (ee) The names, addresses, or other personal
8 information of persons who are minors and are also
9 participants and registrants in programs of park
10 districts, forest preserve districts, conservation
11 districts, recreation agencies, and special recreation
12 associations.

13 (ff) The names, addresses, or other personal
14 information of participants and registrants in programs of
15 park districts, forest preserve districts, conservation
16 districts, recreation agencies, and special recreation
17 associations where such programs are targeted primarily to
18 minors.

19 (gg) Confidential information described in Section
20 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

21 (hh) The report submitted to the State Board of
22 Education by the School Security and Standards Task Force
23 under item (8) of subsection (d) of Section 2-3.160 of the
24 School Code and any information contained in that report.

25 (ii) Records requested by persons committed to or
26 detained by the Department of Human Services under the

1 Sexually Violent Persons Commitment Act or committed to the
2 Department of Corrections under the Sexually Dangerous
3 Persons Act if those materials: (i) are available in the
4 library of the facility where the individual is confined;
5 (ii) include records from staff members' personnel files,
6 staff rosters, or other staffing assignment information;
7 or (iii) are available through an administrative request to
8 the Department of Human Services or the Department of
9 Corrections.

10 (jj) Confidential information described in Section
11 5-535 of the Civil Administrative Code of Illinois.

12 (1.5) Any information exempt from disclosure under the
13 Judicial Privacy Act shall be redacted from public records
14 prior to disclosure under this Act.

15 (2) A public record that is not in the possession of a
16 public body but is in the possession of a party with whom the
17 agency has contracted to perform a governmental function on
18 behalf of the public body, and that directly relates to the
19 governmental function and is not otherwise exempt under this
20 Act, shall be considered a public record of the public body,
21 for purposes of this Act.

22 (3) This Section does not authorize withholding of
23 information or limit the availability of records to the public,
24 except as stated in this Section or otherwise provided in this
25 Act.

26 (Source: P.A. 98-463, eff. 8-16-13; 98-578, eff. 8-27-13;

1 98-695, eff. 7-3-14; 99-298, eff. 8-6-15; 99-346, eff. 1-1-16;
2 99-642, eff. 7-28-16; revised 10-25-16.)

3 Section 15. The Illinois Public Labor Relations Act is
4 amended by changing Sections 7 and 24 as follows:

5 (5 ILCS 315/7) (from Ch. 48, par. 1607)

6 Sec. 7. Duty to bargain.

7 (a) A public employer and the exclusive representative have
8 the authority and the duty to bargain collectively set forth in
9 this Section.

10 For the purposes of this Act, "to bargain collectively"
11 means the performance of the mutual obligation of the public
12 employer or his designated representative and the
13 representative of the public employees to meet at reasonable
14 times, including meetings in advance of the budget-making
15 process, and to negotiate in good faith with respect to wages,
16 hours, and other conditions of employment, not excluded by
17 Section 4 of this Act, or the negotiation of an agreement, or
18 any question arising thereunder and the execution of a written
19 contract incorporating any agreement reached if requested by
20 either party, but such obligation does not compel either party
21 to agree to a proposal or require the making of a concession.

22 The duty "to bargain collectively" shall also include an
23 obligation to negotiate over any matter with respect to wages,
24 hours and other conditions of employment, not specifically

1 provided for in any other law or not specifically in violation
2 of the provisions of any law. If any other law pertains, in
3 part, to a matter affecting the wages, hours and other
4 conditions of employment, such other law shall not be construed
5 as limiting the duty "to bargain collectively" and to enter
6 into collective bargaining agreements containing clauses which
7 either supplement, implement, or relate to the effect of such
8 provisions in other laws.

9 The duty "to bargain collectively" shall also include
10 negotiations as to the terms of a collective bargaining
11 agreement. The parties may, by mutual agreement, provide for
12 arbitration of impasses resulting from their inability to agree
13 upon wages, hours and terms and conditions of employment to be
14 included in a collective bargaining agreement. Such
15 arbitration provisions shall be subject to the Illinois
16 "Uniform Arbitration Act" unless agreed by the parties.

17 The duty "to bargain collectively" shall also mean that no
18 party to a collective bargaining contract shall terminate or
19 modify such contract, unless the party desiring such
20 termination or modification:

21 (1) serves a written notice upon the other party to the
22 contract of the proposed termination or modification 60
23 days prior to the expiration date thereof, or in the event
24 such contract contains no expiration date, 60 days prior to
25 the time it is proposed to make such termination or
26 modification;

1 (2) offers to meet and confer with the other party for
2 the purpose of negotiating a new contract or a contract
3 containing the proposed modifications;

4 (3) notifies the Board within 30 days after such notice
5 of the existence of a dispute, provided no agreement has
6 been reached by that time; and

7 (4) continues in full force and effect, without
8 resorting to strike or lockout, all the terms and
9 conditions of the existing contract for a period of 60 days
10 after such notice is given to the other party or until the
11 expiration date of such contract, whichever occurs later.

12 The duties imposed upon employers, employees and labor
13 organizations by paragraphs (2), (3) and (4) shall become
14 inapplicable upon an intervening certification of the Board,
15 under which the labor organization, which is a party to the
16 contract, has been superseded as or ceased to be the exclusive
17 representative of the employees pursuant to the provisions of
18 subsection (a) of Section 9, and the duties so imposed shall
19 not be construed as requiring either party to discuss or agree
20 to any modification of the terms and conditions contained in a
21 contract for a fixed period, if such modification is to become
22 effective before such terms and conditions can be reopened
23 under the provisions of the contract.

24 (b) Collective bargaining for home care and home health
25 workers who function as personal assistants and individual
26 maintenance home health workers under the Home Services Program

1 shall be limited to the terms and conditions of employment
2 under the State's control, as defined in Public Act 93-204 or
3 this amendatory Act of the 97th General Assembly, as
4 applicable.

5 (c) Collective bargaining for child and day care home
6 providers under the child care assistance program shall be
7 limited to the terms and conditions of employment under the
8 State's control, as defined in this amendatory Act of the 94th
9 General Assembly.

10 (d) Notwithstanding any other provision of this Section,
11 whenever collective bargaining is for the purpose of
12 establishing an initial agreement following original
13 certification of units with fewer than 35 employees, with
14 respect to public employees other than peace officers, fire
15 fighters, and security employees, the following apply:

16 (1) Not later than 10 days after receiving a written
17 request for collective bargaining from a labor
18 organization that has been newly certified as a
19 representative as defined in Section 6(c), or within such
20 further period as the parties agree upon, the parties shall
21 meet and commence to bargain collectively and shall make
22 every reasonable effort to conclude and sign a collective
23 bargaining agreement.

24 (2) If anytime after the expiration of the 90-day
25 period beginning on the date on which bargaining is
26 commenced the parties have failed to reach an agreement,

1 either party may notify the Illinois Public Labor Relations
2 Board of the existence of a dispute and request mediation
3 in accordance with the provisions of Section 14 of this
4 Act.

5 (3) If after the expiration of the 30-day period
6 beginning on the date on which mediation commenced, or such
7 additional period as the parties may agree upon, the
8 mediator is not able to bring the parties to agreement by
9 conciliation, either the exclusive representative of the
10 employees or the employer may request of the other, in
11 writing, arbitration and shall submit a copy of the request
12 to the board. Upon submission of the request for
13 arbitration, the parties shall be required to participate
14 in the impasse arbitration procedures set forth in Section
15 14 of this Act, except the right to strike shall not be
16 considered waived pursuant to Section 17 of this Act, until
17 the actual convening of the arbitration hearing.

18 (e) Notwithstanding any other provision of this Act, once
19 an agreement is reached between a public employer and the
20 exclusive representative of a bargaining unit concerning all of
21 the terms of a collective bargaining agreement, that agreement
22 shall be reduced to writing and published on the website of the
23 public employer. Upon ratification, the agreement shall be
24 signed by the parties. Rejection of an agreement by either the
25 public employer or the exclusive representative of the
26 bargaining unit shall not constitute an unfair labor practice.

1 (f) No collective bargaining agreement shall be binding on
2 any government agency until it has been ratified by a majority
3 vote of the agency's governing body, with that vote taking
4 place after the public meeting described in subsection (e) of
5 this Section.

6 (g) In addition to any collective bargaining agreement
7 under this Section, any contract between a public employer and
8 an employee where the total compensation exceeds \$150,000 shall
9 also be published on the employer's website for a period of not
10 less than 14 days prior to being signed by both the employer
11 and the employee.

12 If a public contract requires board approval before it may
13 take effect, then not less than 14 days after publication of
14 the contract on its website, the public employer shall hold an
15 open public meeting on the contract. No contract shall take
16 effect until after the public employer publishes the contract
17 on its website and holds an open public meeting on the contract
18 as required under this subsection (g).

19 (Source: P.A. 97-1158, eff. 1-29-13; 98-1004, eff. 8-18-14.)

20 (5 ILCS 315/24) (from Ch. 48, par. 1624)

21 Sec. 24. Meetings. Except as provided in Section 7 of this
22 Act, the ~~The~~ provisions of the Open Meetings Act shall not
23 apply to collective bargaining negotiations and grievance
24 arbitration conducted pursuant to this Act.

25 (Source: P.A. 83-1012.)

1 Section 20. The Illinois Educational Labor Relations Act is
2 amended by changing Sections 10 and 18 as follows:

3 (115 ILCS 5/10) (from Ch. 48, par. 1710)

4 Sec. 10. Duty to bargain. (a) An educational employer and
5 the exclusive representative have the authority and the duty to
6 bargain collectively as set forth in this Section. Collective
7 bargaining is the performance of the mutual obligations of the
8 educational employer and the representative of the educational
9 employees to meet at reasonable times and confer in good faith
10 with respect to wages, hours and other terms and conditions of
11 employment, and to execute a written contract incorporating any
12 agreement reached by such obligation, provided such obligation
13 does not compel either party to agree to a proposal or require
14 the making of a concession.

15 (b) The parties to the collective bargaining process shall
16 not effect or implement a provision in a collective bargaining
17 agreement if the implementation of that provision would be in
18 violation of, or inconsistent with, or in conflict with any
19 statute or statutes enacted by the General Assembly of
20 Illinois. The parties to the collective bargaining process may
21 effect or implement a provision in a collective bargaining
22 agreement if the implementation of that provision has the
23 effect of supplementing any provision in any statute or
24 statutes enacted by the General Assembly of Illinois pertaining

1 to wages, hours or other conditions of employment; provided
2 however, no provision in a collective bargaining agreement may
3 be effected or implemented if such provision has the effect of
4 negating, abrogating, replacing, reducing, diminishing, or
5 limiting in any way any employee rights, guarantees or
6 privileges pertaining to wages, hours or other conditions of
7 employment provided in such statutes. Any provision in a
8 collective bargaining agreement which has the effect of
9 negating, abrogating, replacing, reducing, diminishing or
10 limiting in any way any employee rights, guarantees or
11 privileges provided in an Illinois statute or statutes shall be
12 void and unenforceable, but shall not affect the validity,
13 enforceability and implementation of other permissible
14 provisions of the collective bargaining agreement.

15 (c) The collective bargaining agreement negotiated between
16 representatives of the educational employees and the
17 educational employer shall contain a grievance resolution
18 procedure which shall apply to all employees in the unit and
19 shall provide for binding arbitration of disputes concerning
20 the administration or interpretation of the agreement. The
21 agreement shall also contain appropriate language prohibiting
22 strikes for the duration of the agreement. The costs of such
23 arbitration shall be borne equally by the educational employer
24 and the employee organization.

25 (d) Notwithstanding any other provision of this Act, once
26 ~~Once~~ an agreement is reached between representatives of the

1 educational employees and the educational employer concerning
2 the terms of a collective bargaining agreement, that ~~and is~~
3 ratified by both parties, the agreement shall be reduced to
4 writing and published on the website of the educational
5 employer. Not less than 14 days after publication of the
6 agreement on its website, the educational employer shall hold
7 an open public meeting on ratification of the agreement. No
8 agreement concerning all of the terms of a collective
9 bargaining agreement shall be ratified by the parties until
10 after the educational employer publishes the agreement on its
11 website and holds an open public meeting on ratification of the
12 agreement as required under this subsection (d). Upon
13 ratification, the agreement shall be signed by the parties.
14 Rejection of an agreement by the educational employer or by the
15 exclusive representative of the educational employees shall
16 not constitute an unfair labor practice.

17 (e) No collective bargaining agreement shall be binding on
18 any school board until it has been ratified by a majority vote
19 of the district's school board, with that vote taking place
20 after the public meeting described in subsection (d) of this
21 Section.

22 (Source: P.A. 84-832.)

23 (115 ILCS 5/18) (from Ch. 48, par. 1718)

24 Sec. 18. Meetings. Except as provided in Section 10 of this
25 Act, the ~~The~~ provisions of the Open Meetings Act shall not

1 apply to collective bargaining negotiations and grievance
2 arbitrations conducted pursuant to this Act.

3 (Source: P.A. 83-1014.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.