



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2689

Introduced 2/21/2013, by Rep. Jeanne M Ives

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 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. Makes conforming changes in the Open Meetings Act and the Freedom of Information Act. Effective immediately.

LRB098 09671 JDS 39818 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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.

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

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

19 (4) Evidence or testimony presented in open hearing, or
20 in closed hearing where specifically authorized by law, to
21 a quasi-adjudicative body, as defined in this Act, provided
22 that the body prepares and makes available for public
23 inspection a written decision setting forth its
24 determinative reasoning.

25 (5) The purchase or lease of real property for the use
26 of the public body, including meetings held for the purpose

1 of discussing whether a particular parcel should be
2 acquired.

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

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

9 (8) Security procedures and the use of personnel and
10 equipment to respond to an actual, a threatened, or a
11 reasonably potential danger to the safety of employees,
12 students, staff, the public, or public property.

13 (9) Student disciplinary cases.

14 (10) The placement of individual students in special
15 education programs and other matters relating to
16 individual students.

17 (11) Litigation, when an action against, affecting or
18 on behalf of the particular public body has been filed and
19 is pending before a court or administrative tribunal, or
20 when the public body finds that an action is probable or
21 imminent, in which case the basis for the finding shall be
22 recorded and entered into the minutes of the closed
23 meeting.

24 (12) The establishment of reserves or settlement of
25 claims as provided in the Local Governmental and
26 Governmental Employees Tort Immunity Act, if otherwise the

1 disposition of a claim or potential claim might be
2 prejudiced, or the review or discussion of claims, loss or
3 risk management information, records, data, advice or
4 communications from or with respect to any insurer of the
5 public body or any intergovernmental risk management
6 association or self insurance pool of which the public body
7 is a member.

8 (13) Conciliation of complaints of discrimination in
9 the sale or rental of housing, when closed meetings are
10 authorized by the law or ordinance prescribing fair housing
11 practices and creating a commission or administrative
12 agency for their enforcement.

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

17 (15) Professional ethics or performance when
18 considered by an advisory body appointed to advise a
19 licensing or regulatory agency on matters germane to the
20 advisory body's field of competence.

21 (16) Self evaluation, practices and procedures or
22 professional ethics, when meeting with a representative of
23 a statewide association of which the public body is a
24 member.

25 (17) The recruitment, credentialing, discipline or
26 formal peer review of physicians or other health care

1 professionals for a hospital, or other institution
2 providing medical care, that is operated by the public
3 body.

4 (18) Deliberations for decisions of the Prisoner
5 Review Board.

6 (19) Review or discussion of applications received
7 under the Experimental Organ Transplantation Procedures
8 Act.

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

12 (21) Discussion of minutes of meetings lawfully closed
13 under this Act, whether for purposes of approval by the
14 body of the minutes or semi-annual review of the minutes as
15 mandated by Section 2.06.

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

18 (23) The operation by a municipality of a municipal
19 utility or the operation of a municipal power agency or
20 municipal natural gas agency when the discussion involves
21 (i) contracts relating to the purchase, sale, or delivery
22 of electricity or natural gas or (ii) the results or
23 conclusions of load forecast studies.

24 (24) Meetings of a residential health care facility
25 resident sexual assault and death review team or the
26 Executive Council under the Abuse Prevention Review Team

1 Act.

2 (25) Meetings of an independent team of experts under
3 Brian's Law.

4 (26) Meetings of a mortality review team appointed
5 under the Department of Juvenile Justice Mortality Review
6 Team Act.

7 (27) Confidential information, when discussed by one
8 or more members of an elder abuse fatality review team,
9 designated under Section 15 of the Elder Abuse and Neglect
10 Act, while participating in a review conducted by that team
11 of the death of an elderly person in which abuse or neglect
12 is suspected, alleged, or substantiated; provided that
13 before the review team holds a closed meeting, or closes an
14 open meeting, to discuss the confidential information,
15 each participating review team member seeking to disclose
16 the confidential information in the closed meeting or
17 closed portion of the meeting must state on the record
18 during an open meeting or the open portion of a meeting the
19 nature of the information to be disclosed and the legal
20 basis for otherwise holding that information confidential.

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

25 (29) Meetings between internal or external auditors
26 and governmental audit committees, finance committees, and

1 their equivalents, when the discussion involves internal
2 control weaknesses, identification of potential fraud risk
3 areas, known or suspected frauds, and fraud interviews
4 conducted in accordance with generally accepted auditing
5 standards of the United States of America.

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

7 "Employee" means a person employed by a public body whose
8 relationship with the public body constitutes an
9 employer-employee relationship under the usual common law
10 rules, and who is not an independent contractor.

11 "Public office" means a position created by or under the
12 Constitution or laws of this State, the occupant of which is
13 charged with the exercise of some portion of the sovereign
14 power of this State. The term "public office" shall include
15 members of the public body, but it shall not include
16 organizational positions filled by members thereof, whether
17 established by law or by a public body itself, that exist to
18 assist the body in the conduct of its business.

19 "Quasi-adjudicative body" means an administrative body
20 charged by law or ordinance with the responsibility to conduct
21 hearings, receive evidence or testimony and make
22 determinations based thereon, but does not include local
23 electoral boards when such bodies are considering petition
24 challenges.

25 (e) Final action. No final action may be taken at a closed
26 meeting. Final action shall be preceded by a public recital of

1 the nature of the matter being considered and other information
2 that will inform the public of the business being conducted.

3 (Source: P.A. 96-1235, eff. 1-1-11; 96-1378, eff. 7-29-10;
4 96-1428, eff. 8-11-10; 97-318, eff. 1-1-12; 97-333, eff.
5 8-12-11; 97-452, eff. 8-19-11; 97-813, eff. 7-13-12; 97-876,
6 eff. 8-1-12.)

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

9 (5 ILCS 140/7) (from Ch. 116, par. 207)

10 Sec. 7. Exemptions.

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

19 (a) Information specifically prohibited from
20 disclosure by federal or State law or rules and regulations
21 implementing federal or State law.

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

1 (b-5) Files, documents, and other data or databases
2 maintained by one or more law enforcement agencies and
3 specifically designed to provide information to one or more
4 law enforcement agencies regarding the physical or mental
5 status of one or more individual subjects.

6 (c) Personal information contained within public
7 records, the disclosure of which would constitute a clearly
8 unwarranted invasion of personal privacy, unless the
9 disclosure is consented to in writing by the individual
10 subjects of the information. "Unwarranted invasion of
11 personal privacy" means the disclosure of information that
12 is highly personal or objectionable to a reasonable person
13 and in which the subject's right to privacy outweighs any
14 legitimate public interest in obtaining the information.
15 The disclosure of information that bears on the public
16 duties of public employees and officials shall not be
17 considered an invasion of personal privacy.

18 (d) Records in the possession of any public body
19 created in the course of administrative enforcement
20 proceedings, and any law enforcement or correctional
21 agency for law enforcement purposes, but only to the extent
22 that disclosure would:

23 (i) interfere with pending or actually and
24 reasonably contemplated law enforcement proceedings
25 conducted by any law enforcement or correctional
26 agency that is the recipient of the request;

1 (ii) interfere with active administrative
2 enforcement proceedings conducted by the public body
3 that is the recipient of the request;

4 (iii) create a substantial likelihood that a
5 person will be deprived of a fair trial or an impartial
6 hearing;

7 (iv) unavoidably disclose the identity of a
8 confidential source, confidential information
9 furnished only by the confidential source, or persons
10 who file complaints with or provide information to
11 administrative, investigative, law enforcement, or
12 penal agencies; except that the identities of
13 witnesses to traffic accidents, traffic accident
14 reports, and rescue reports shall be provided by
15 agencies of local government, except when disclosure
16 would interfere with an active criminal investigation
17 conducted by the agency that is the recipient of the
18 request;

19 (v) disclose unique or specialized investigative
20 techniques other than those generally used and known or
21 disclose internal documents of correctional agencies
22 related to detection, observation or investigation of
23 incidents of crime or misconduct, and disclosure would
24 result in demonstrable harm to the agency or public
25 body that is the recipient of the request;

26 (vi) endanger the life or physical safety of law

1 enforcement personnel or any other person; or
2 (vii) obstruct an ongoing criminal investigation
3 by the agency that is the recipient of the request.

4 (d-5) A law enforcement record created for law
5 enforcement purposes and contained in a shared electronic
6 record management system if the law enforcement agency that
7 is the recipient of the request did not create the record,
8 did not participate in or have a role in any of the events
9 which are the subject of the record, and only has access to
10 the record through the shared electronic record management
11 system.

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

14 (e-5) Records requested by persons committed to the
15 Department of Corrections if those materials are available
16 in the library of the correctional facility where the
17 inmate is confined.

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

22 (e-7) Records requested by persons committed to the
23 Department of Corrections if those materials are available
24 through an administrative request to the Department of
25 Corrections.

26 (f) Preliminary drafts, notes, recommendations,

1 memoranda and other records in which opinions are
2 expressed, or policies or actions are formulated, except
3 that a specific record or relevant portion of a record
4 shall not be exempt when the record is publicly cited and
5 identified by the head of the public body. The exemption
6 provided in this paragraph (f) extends to all those records
7 of officers and agencies of the General Assembly that
8 pertain to the preparation of legislative documents.

9 (g) Trade secrets and commercial or financial
10 information obtained from a person or business where the
11 trade secrets or commercial or financial information are
12 furnished under a claim that they are proprietary,
13 privileged or confidential, and that disclosure of the
14 trade secrets or commercial or financial information would
15 cause competitive harm to the person or business, and only
16 insofar as the claim directly applies to the records
17 requested.

18 The information included under this exemption includes
19 all trade secrets and commercial or financial information
20 obtained by a public body, including a public pension fund,
21 from a private equity fund or a privately held company
22 within the investment portfolio of a private equity fund as
23 a result of either investing or evaluating a potential
24 investment of public funds in a private equity fund. The
25 exemption contained in this item does not apply to the
26 aggregate financial performance information of a private

1 equity fund, nor to the identity of the fund's managers or
2 general partners. The exemption contained in this item does
3 not apply to the identity of a privately held company
4 within the investment portfolio of a private equity fund,
5 unless the disclosure of the identity of a privately held
6 company may cause competitive harm.

7 Nothing contained in this paragraph (g) shall be
8 construed to prevent a person or business from consenting
9 to disclosure.

10 (h) Proposals and bids for any contract, grant, or
11 agreement, including information which if it were
12 disclosed would frustrate procurement or give an advantage
13 to any person proposing to enter into a contractor
14 agreement with the body, until an award or final selection
15 is made. Information prepared by or for the body in
16 preparation of a bid solicitation shall be exempt until an
17 award or final selection is made.

18 (i) Valuable formulae, computer geographic systems,
19 designs, drawings and research data obtained or produced by
20 any public body when disclosure could reasonably be
21 expected to produce private gain or public loss. The
22 exemption for "computer geographic systems" provided in
23 this paragraph (i) does not extend to requests made by news
24 media as defined in Section 2 of this Act when the
25 requested information is not otherwise exempt and the only
26 purpose of the request is to access and disseminate

1 information regarding the health, safety, welfare, or
2 legal rights of the general public.

3 (j) The following information pertaining to
4 educational matters:

5 (i) test questions, scoring keys and other
6 examination data used to administer an academic
7 examination;

8 (ii) information received by a primary or
9 secondary school, college, or university under its
10 procedures for the evaluation of faculty members by
11 their academic peers;

12 (iii) information concerning a school or
13 university's adjudication of student disciplinary
14 cases, but only to the extent that disclosure would
15 unavoidably reveal the identity of the student; and

16 (iv) course materials or research materials used
17 by faculty members.

18 (k) Architects' plans, engineers' technical
19 submissions, and other construction related technical
20 documents for projects not constructed or developed in
21 whole or in part with public funds and the same for
22 projects constructed or developed with public funds,
23 including but not limited to power generating and
24 distribution stations and other transmission and
25 distribution facilities, water treatment facilities,
26 airport facilities, sport stadiums, convention centers,

1 and all government owned, operated, or occupied buildings,
2 but only to the extent that disclosure would compromise
3 security.

4 (l) Minutes of meetings of public bodies closed to the
5 public as provided in the Open Meetings Act until the
6 public body makes the minutes available to the public under
7 Section 2.06 of the Open Meetings Act.

8 (m) Communications between a public body and an
9 attorney or auditor representing the public body that would
10 not be subject to discovery in litigation, and materials
11 prepared or compiled by or for a public body in
12 anticipation of a criminal, civil or administrative
13 proceeding upon the request of an attorney advising the
14 public body, and materials prepared or compiled with
15 respect to internal audits of public bodies.

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

20 (o) Administrative or technical information associated
21 with automated data processing operations, including but
22 not limited to software, operating protocols, computer
23 program abstracts, file layouts, source listings, object
24 modules, load modules, user guides, documentation
25 pertaining to all logical and physical design of
26 computerized systems, employee manuals, and any other

1 information that, if disclosed, would jeopardize the
2 security of the system or its data or the security of
3 materials exempt under this Section.

4 (p) Records relating to collective negotiating matters
5 between public bodies and their employees or
6 representatives, except that any final contract or
7 agreement and any agreement that is the subject of a
8 meeting held pursuant to either subsection (e) of Section 7
9 of the Illinois Public Labor Relations Act or subsection
10 (d) of Section 10 of the Illinois Educational Labor
11 Relations Act shall be subject to inspection and copying.

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

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

26 (s) Any and all proprietary information and records

1 related to the operation of an intergovernmental risk
2 management association or self-insurance pool or jointly
3 self-administered health and accident cooperative or pool.
4 Insurance or self insurance (including any
5 intergovernmental risk management association or self
6 insurance pool) claims, loss or risk management
7 information, records, data, advice or communications.

8 (t) Information contained in or related to
9 examination, operating, or condition reports prepared by,
10 on behalf of, or for the use of a public body responsible
11 for the regulation or supervision of financial
12 institutions or insurance companies, unless disclosure is
13 otherwise required by State law.

14 (u) Information that would disclose or might lead to
15 the disclosure of secret or confidential information,
16 codes, algorithms, programs, or private keys intended to be
17 used to create electronic or digital signatures under the
18 Electronic Commerce Security Act.

19 (v) Vulnerability assessments, security measures, and
20 response policies or plans that are designed to identify,
21 prevent, or respond to potential attacks upon a community's
22 population or systems, facilities, or installations, the
23 destruction or contamination of which would constitute a
24 clear and present danger to the health or safety of the
25 community, but only to the extent that disclosure could
26 reasonably be expected to jeopardize the effectiveness of

1 the measures or the safety of the personnel who implement
2 them or the public. Information exempt under this item may
3 include such things as details pertaining to the
4 mobilization or deployment of personnel or equipment, to
5 the operation of communication systems or protocols, or to
6 tactical operations.

7 (w) (Blank).

8 (x) Maps and other records regarding the location or
9 security of generation, transmission, distribution,
10 storage, gathering, treatment, or switching facilities
11 owned by a utility, by a power generator, or by the
12 Illinois Power Agency.

13 (y) Information contained in or related to proposals,
14 bids, or negotiations related to electric power
15 procurement under Section 1-75 of the Illinois Power Agency
16 Act and Section 16-111.5 of the Public Utilities Act that
17 is determined to be confidential and proprietary by the
18 Illinois Power Agency or by the Illinois Commerce
19 Commission.

20 (z) Information about students exempted from
21 disclosure under Sections 10-20.38 or 34-18.29 of the
22 School Code, and information about undergraduate students
23 enrolled at an institution of higher education exempted
24 from disclosure under Section 25 of the Illinois Credit
25 Card Marketing Act of 2009.

26 (aa) Information the disclosure of which is exempted

1 under the Viatical Settlements Act of 2009.

2 (bb) Records and information provided to a mortality
3 review team and records maintained by a mortality review
4 team appointed under the Department of Juvenile Justice
5 Mortality Review Team Act.

6 (cc) Information regarding interments, entombments, or
7 inurnments of human remains that are submitted to the
8 Cemetery Oversight Database under the Cemetery Care Act or
9 the Cemetery Oversight Act, whichever is applicable.

10 (dd) Correspondence and records (i) that may not be
11 disclosed under Section 11-9 of the Public Aid Code or (ii)
12 that pertain to appeals under Section 11-8 of the Public
13 Aid Code.

14 (ee) The names, addresses, or other personal
15 information of persons who are minors and are also
16 participants and registrants in programs of park
17 districts, forest preserve districts, conservation
18 districts, recreation agencies, and special recreation
19 associations.

20 (ff) The names, addresses, or other personal
21 information of participants and registrants in programs of
22 park districts, forest preserve districts, conservation
23 districts, recreation agencies, and special recreation
24 associations where such programs are targeted primarily to
25 minors.

26 (gg) Confidential information described in Section

1 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

2 (1.5) Any information exempt from disclosure under the
3 Judicial Privacy Act shall be redacted from public records
4 prior to disclosure under this Act.

5 (2) A public record that is not in the possession of a
6 public body but is in the possession of a party with whom the
7 agency has contracted to perform a governmental function on
8 behalf of the public body, and that directly relates to the
9 governmental function and is not otherwise exempt under this
10 Act, shall be considered a public record of the public body,
11 for purposes of this Act.

12 (3) This Section does not authorize withholding of
13 information or limit the availability of records to the public,
14 except as stated in this Section or otherwise provided in this
15 Act.

16 (Source: P.A. 96-261, eff. 1-1-10; 96-328, eff. 8-11-09;
17 96-542, eff. 1-1-10; 96-558, eff. 1-1-10; 96-736, eff. 7-1-10;
18 96-863, eff. 3-1-10; 96-1378, eff. 7-29-10; 97-333, eff.
19 8-12-11; 97-385, eff. 8-15-11; 97-452, eff. 8-19-11; 97-783,
20 eff. 7-13-12; 97-813, eff. 7-13-12; 97-847, eff. 9-22-12;
21 97-1065, eff. 8-24-12; 97-1129, eff. 8-28-12; revised
22 9-20-12.)

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

1 (5 ILCS 315/7) (from Ch. 48, par. 1607)

2 Sec. 7. Duty to bargain.

3 (a) A public employer and the exclusive representative have
4 the authority and the duty to bargain collectively set forth in
5 this Section.

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

18 The duty "to bargain collectively" shall also include an
19 obligation to negotiate over any matter with respect to wages,
20 hours and other conditions of employment, not specifically
21 provided for in any other law or not specifically in violation
22 of the provisions of any law. If any other law pertains, in
23 part, to a matter affecting the wages, hours and other
24 conditions of employment, such other law shall not be construed
25 as limiting the duty "to bargain collectively" and to enter
26 into collective bargaining agreements containing clauses which

1 either supplement, implement, or relate to the effect of such
2 provisions in other laws.

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

11 The duty "to bargain collectively" shall also mean that no
12 party to a collective bargaining contract shall terminate or
13 modify such contract, unless the party desiring such
14 termination or modification:

15 (1) serves a written notice upon the other party to the
16 contract of the proposed termination or modification 60
17 days prior to the expiration date thereof, or in the event
18 such contract contains no expiration date, 60 days prior to
19 the time it is proposed to make such termination or
20 modification;

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

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

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

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

18 (b) Collective bargaining for home care and home health
19 workers who function as personal care attendants, personal
20 assistants, and individual maintenance home health workers
21 under the Home Services Program shall be limited to the terms
22 and conditions of employment under the State's control, as
23 defined in Public Act 93-204 or this amendatory Act of the 97th
24 General Assembly, as applicable.

25 (c) Collective bargaining for child and day care home
26 providers under the child care assistance program shall be

1 limited to the terms and conditions of employment under the
2 State's control, as defined in this amendatory Act of the 94th
3 General Assembly.

4 (d) Notwithstanding any other provision of this Section,
5 whenever collective bargaining is for the purpose of
6 establishing an initial agreement following original
7 certification of units with fewer than 35 employees, with
8 respect to public employees other than peace officers, fire
9 fighters, and security employees, the following apply:

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

18 (2) If anytime after the expiration of the 90-day
19 period beginning on the date on which bargaining is
20 commenced the parties have failed to reach an agreement,
21 either party may notify the Illinois Public Labor Relations
22 Board of the existence of a dispute and request mediation
23 in accordance with the provisions of Section 14 of this
24 Act.

25 (3) If after the expiration of the 30-day period
26 beginning on the date on which mediation commenced, or such

1 additional period as the parties may agree upon, the
2 mediator is not able to bring the parties to agreement by
3 conciliation, either the exclusive representative of the
4 employees or the employer may request of the other, in
5 writing, arbitration and shall submit a copy of the request
6 to the board. Upon submission of the request for
7 arbitration, the parties shall be required to participate
8 in the impasse arbitration procedures set forth in Section
9 14 of this Act, except the right to strike shall not be
10 considered waived pursuant to Section 17 of this Act, until
11 the actual convening of the arbitration hearing.

12 (e) Notwithstanding any other provision of this Act, once
13 an agreement is reached between a public employer and the
14 exclusive representative of a bargaining unit concerning the
15 terms of a collective bargaining agreement, that agreement
16 shall be reduced to writing and published on the website of the
17 public employer. Not less than 14 days after publication of the
18 agreement on its website, the public employer shall hold an
19 open public meeting on ratification of the agreement. No
20 agreement shall be ratified by the parties until after the
21 public employer publishes the agreement on its website and
22 holds an open public meeting on ratification of the agreement
23 as required under this subsection (e). Upon ratification, the
24 agreement shall be signed by the parties.

25 (Source: P.A. 96-598, eff. 1-1-10; 97-1158, eff. 1-29-13.)

1 (5 ILCS 315/24) (from Ch. 48, par. 1624)

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

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

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

9 (115 ILCS 5/10) (from Ch. 48, par. 1710)

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

21 (b) The parties to the collective bargaining process shall
22 not effect or implement a provision in a collective bargaining
23 agreement if the implementation of that provision would be in
24 violation of, or inconsistent with, or in conflict with any

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

21 (c) The collective bargaining agreement negotiated between
22 representatives of the educational employees and the
23 educational employer shall contain a grievance resolution
24 procedure which shall apply to all employees in the unit and
25 shall provide for binding arbitration of disputes concerning
26 the administration or interpretation of the agreement. The

1 agreement shall also contain appropriate language prohibiting
2 strikes for the duration of the agreement. The costs of such
3 arbitration shall be borne equally by the educational employer
4 and the employee organization.

5 (d) Notwithstanding any other provision of this Act, once
6 ~~Once~~ an agreement is reached between representatives of the
7 educational employees and the educational employer concerning
8 the terms of a collective bargaining agreement, that and is
9 ~~ratified by both parties,~~ the agreement shall be reduced to
10 writing and published on the website of the educational
11 employer. Not less than 14 days after publication of the
12 agreement on its website, the educational employer shall hold
13 an open public meeting on ratification of the agreement. No
14 agreement concerning the terms of a collective bargaining
15 agreement shall be ratified by the parties until after the
16 educational employer publishes the agreement on its website and
17 holds an open public meeting on ratification of the agreement
18 as required under this subsection (d). Upon ratification, the
19 agreement shall be signed by the parties.

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

21 (115 ILCS 5/18) (from Ch. 48, par. 1718)

22 Sec. 18. Meetings. Except as provided in Section 10 of this
23 Act, the ~~The~~ provisions of the Open Meetings Act shall not
24 apply to collective bargaining negotiations and grievance
25 arbitrations conducted pursuant to this Act.

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

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.