



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3134

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 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.

LRB099 06024 JLK 31392 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.

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) (Blank).

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

12 (29) Meetings between internal or external auditors
13 and governmental audit committees, finance committees, and
14 their equivalents, when the discussion involves internal
15 control weaknesses, identification of potential fraud risk
16 areas, known or suspected frauds, and fraud interviews
17 conducted in accordance with generally accepted auditing
18 standards of the United States of America.

19 (30) Those meetings or portions of meetings of a
20 fatality review team or the Illinois Fatality Review Team
21 Advisory Council during which a review of the death of an
22 eligible adult in which abuse or neglect is suspected,
23 alleged, or substantiated is conducted pursuant to Section
24 15 of the Adult Protective Services Act.

25 (31) Meetings and deliberations for decisions of the
26 Concealed Carry Licensing Review Board under the Firearm

1 Concealed Carry Act.

2 (32) Meetings between the Regional Transportation
3 Authority Board and its Service Boards when the discussion
4 involves review by the Regional Transportation Authority
5 Board of employment contracts under Section 28d of the
6 Metropolitan Transit Authority Act and Sections 3A.18 and
7 3B.26 of the Regional Transportation Authority Act.

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

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

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

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

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

5 (Source: P.A. 97-318, eff. 1-1-12; 97-333, eff. 8-12-11;
6 97-452, eff. 8-19-11; 97-813, eff. 7-13-12; 97-876, eff.
7 8-1-12; 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756, eff.
8 7-16-14; 98-1027, eff. 1-1-15; 98-1039, eff. 8-25-14; revised
9 10-1-14.)

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

12 (5 ILCS 140/7) (from Ch. 116, par. 207)

13 Sec. 7. Exemptions.

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

22 (a) Information specifically prohibited from
23 disclosure by federal or State law or rules and regulations
24 implementing federal or State law.

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

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

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

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

26 (i) interfere with pending or actually and

1 reasonably contemplated law enforcement proceedings
2 conducted by any law enforcement or correctional
3 agency that is the recipient of the request;

4 (ii) interfere with active administrative
5 enforcement proceedings conducted by the public body
6 that is the recipient of the request;

7 (iii) create a substantial likelihood that a
8 person will be deprived of a fair trial or an impartial
9 hearing;

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

22 (v) disclose unique or specialized investigative
23 techniques other than those generally used and known or
24 disclose internal documents of correctional agencies
25 related to detection, observation or investigation of
26 incidents of crime or misconduct, and disclosure would

1 result in demonstrable harm to the agency or public
2 body that is the recipient of the request;

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

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

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

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

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

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

25 (e-7) Records requested by persons committed to the
26 Department of Corrections if those materials are available

1 through an administrative request to the Department of
2 Corrections.

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

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

21 The information included under this exemption includes
22 all trade secrets and commercial or financial information
23 obtained by a public body, including a public pension fund,
24 from a private equity fund or a privately held company
25 within the investment portfolio of a private equity fund as
26 a result of either investing or evaluating a potential

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

10 Nothing contained in this paragraph (g) shall be
11 construed to prevent a person or business from consenting
12 to disclosure.

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

21 (i) Valuable formulae, computer geographic systems,
22 designs, drawings and research data obtained or produced by
23 any public body when disclosure could reasonably be
24 expected to produce private gain or public loss. The
25 exemption for "computer geographic systems" provided in
26 this paragraph (i) does not extend to requests made by news

1 media as defined in Section 2 of this Act when the
2 requested information is not otherwise exempt and the only
3 purpose of the request is to access and disseminate
4 information regarding the health, safety, welfare, or
5 legal rights of the general public.

6 (j) The following information pertaining to
7 educational matters:

8 (i) test questions, scoring keys and other
9 examination data used to administer an academic
10 examination;

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

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

19 (iv) course materials or research materials used
20 by faculty members.

21 (k) Architects' plans, engineers' technical
22 submissions, and other construction related technical
23 documents for projects not constructed or developed in
24 whole or in part with public funds and the same for
25 projects constructed or developed with public funds,
26 including but not limited to power generating and

1 distribution stations and other transmission and
2 distribution facilities, water treatment facilities,
3 airport facilities, sport stadiums, convention centers,
4 and all government owned, operated, or occupied buildings,
5 but only to the extent that disclosure would compromise
6 security.

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

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

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

23 (o) Administrative or technical information associated
24 with automated data processing operations, including but
25 not limited to software, operating protocols, computer
26 program abstracts, file layouts, source listings, object

1 modules, load modules, user guides, documentation
2 pertaining to all logical and physical design of
3 computerized systems, employee manuals, and any other
4 information that, if disclosed, would jeopardize the
5 security of the system or its data or the security of
6 materials exempt under this Section.

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

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

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

1 information relating to a real estate sale shall be exempt
2 until a sale is consummated.

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

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

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

22 (v) Vulnerability assessments, security measures, and
23 response policies or plans that are designed to identify,
24 prevent, or respond to potential attacks upon a community's
25 population or systems, facilities, or installations, the
26 destruction or contamination of which would constitute a

1 clear and present danger to the health or safety of the
2 community, but only to the extent that disclosure could
3 reasonably be expected to jeopardize the effectiveness of
4 the measures or the safety of the personnel who implement
5 them or the public. Information exempt under this item may
6 include such things as details pertaining to the
7 mobilization or deployment of personnel or equipment, to
8 the operation of communication systems or protocols, or to
9 tactical operations.

10 (w) (Blank).

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

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

23 (z) Information about students exempted from
24 disclosure under Sections 10-20.38 or 34-18.29 of the
25 School Code, and information about undergraduate students
26 enrolled at an institution of higher education exempted

1 from disclosure under Section 25 of the Illinois Credit
2 Card Marketing Act of 2009.

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

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

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

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

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

23 (ff) The names, addresses, or other personal
24 information of participants and registrants in programs of
25 park districts, forest preserve districts, conservation
26 districts, recreation agencies, and special recreation

1 associations where such programs are targeted primarily to
2 minors.

3 (gg) Confidential information described in Section
4 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

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

9 (1.5) Any information exempt from disclosure under the
10 Judicial Privacy Act shall be redacted from public records
11 prior to disclosure under this Act.

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

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

23 (Source: P.A. 97-333, eff. 8-12-11; 97-385, eff. 8-15-11;
24 97-452, eff. 8-19-11; 97-783, eff. 7-13-12; 97-813, eff.
25 7-13-12; 97-847, eff. 9-22-12; 97-1065, eff. 8-24-12; 97-1129,
26 eff. 8-28-12; 98-463, eff. 8-16-13; 98-578, eff. 8-27-13;

1 98-695, eff. 7-3-14.)

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

4 (5 ILCS 315/7) (from Ch. 48, par. 1607)

5 Sec. 7. Duty to bargain.

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

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

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

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

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

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

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

26 (2) offers to meet and confer with the other party for

1 the purpose of negotiating a new contract or a contract
2 containing the proposed modifications;

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

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

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

23 (b) Collective bargaining for home care and home health
24 workers who function as personal assistants and individual
25 maintenance home health workers under the Home Services Program
26 shall be limited to the terms and conditions of employment

1 under the State's control, as defined in Public Act 93-204 or
2 this amendatory Act of the 97th General Assembly, as
3 applicable.

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

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

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

23 (2) If anytime after the expiration of the 90-day
24 period beginning on the date on which bargaining is
25 commenced the parties have failed to reach an agreement,
26 either party may notify the Illinois Public Labor Relations

1 Board of the existence of a dispute and request mediation
2 in accordance with the provisions of Section 14 of this
3 Act.

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

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

26 (f) No collective bargaining agreement shall be binding on

1 any government agency until it has been ratified by a majority
2 vote of the agency's governing body, with that vote taking
3 place after the public meeting described in subsection (e) of
4 this Section.

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

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

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

19 (5 ILCS 315/24) (from Ch. 48, par. 1624)

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

24 (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
25 to wages, hours or other conditions of employment; provided

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

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

24 (d) Notwithstanding any other provision of this Act, once
25 ~~Once~~ an agreement is reached between representatives of the
26 educational employees and the educational employer concerning

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

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

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

22 (115 ILCS 5/18) (from Ch. 48, par. 1718)

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

1 arbitrations conducted pursuant to this Act.

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

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