



Sen. Michael Connelly

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1 AMENDMENT TO SENATE BILL 1308

2 AMENDMENT NO. _____. Amend Senate Bill 1308 by replacing
3 everything after the enacting clause with the following:

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

1 included within an enumerated exception.

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

4 (1) The appointment, employment, compensation,
5 discipline, performance, or dismissal of specific
6 employees of the public body or legal counsel for the
7 public body, including hearing testimony on a complaint
8 lodged against an employee of the public body or against
9 legal counsel for the public body to determine its
10 validity. However, a meeting to consider an increase in
11 compensation to a specific employee of a public body that
12 is subject to the Local Government Wage Increase
13 Transparency Act may not be closed and shall be open to the
14 public and posted and held in accordance with this Act.

15 (2) Collective negotiating matters between the public
16 body and its employees or their representatives, or
17 deliberations concerning salary schedules for one or more
18 classes of employees, except that any meeting required
19 under either subsection (e) of Section 7 of the Illinois
20 Public Labor Relations Act or subsection (d) of Section 10
21 of the Illinois Educational Labor Relations Act shall be
22 open to the public, unless that meeting involves the State
23 of Illinois as a public employer.

24 (3) The selection of a person to fill a public office,
25 as defined in this Act, including a vacancy in a public
26 office, when the public body is given power to appoint

1 under law or ordinance, or the discipline, performance or
2 removal of the occupant of a public office, when the public
3 body is given power to remove the occupant under law or
4 ordinance.

5 (4) Evidence or testimony presented in open hearing, or
6 in closed hearing where specifically authorized by law, to
7 a quasi-adjudicative body, as defined in this Act, provided
8 that the body prepares and makes available for public
9 inspection a written decision setting forth its
10 determinative reasoning.

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

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

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

21 (8) Security procedures, school building safety and
22 security, and the use of personnel and equipment to respond
23 to an actual, a threatened, or a reasonably potential
24 danger to the safety of employees, students, staff, the
25 public, or public property.

26 (9) Student disciplinary cases.

1 (10) The placement of individual students in special
2 education programs and other matters relating to
3 individual students.

4 (11) Litigation, when an action against, affecting or
5 on behalf of the particular public body has been filed and
6 is pending before a court or administrative tribunal, or
7 when the public body finds that an action is probable or
8 imminent, in which case the basis for the finding shall be
9 recorded and entered into the minutes of the closed
10 meeting.

11 (12) The establishment of reserves or settlement of
12 claims as provided in the Local Governmental and
13 Governmental Employees Tort Immunity Act, if otherwise the
14 disposition of a claim or potential claim might be
15 prejudiced, or the review or discussion of claims, loss or
16 risk management information, records, data, advice or
17 communications from or with respect to any insurer of the
18 public body or any intergovernmental risk management
19 association or self insurance pool of which the public body
20 is a member.

21 (13) Conciliation of complaints of discrimination in
22 the sale or rental of housing, when closed meetings are
23 authorized by the law or ordinance prescribing fair housing
24 practices and creating a commission or administrative
25 agency for their enforcement.

26 (14) Informant sources, the hiring or assignment of

1 undercover personnel or equipment, or ongoing, prior or
2 future criminal investigations, when discussed by a public
3 body with criminal investigatory responsibilities.

4 (15) Professional ethics or performance when
5 considered by an advisory body appointed to advise a
6 licensing or regulatory agency on matters germane to the
7 advisory body's field of competence.

8 (16) Self evaluation, practices and procedures or
9 professional ethics, when meeting with a representative of
10 a statewide association of which the public body is a
11 member.

12 (17) The recruitment, credentialing, discipline or
13 formal peer review of physicians or other health care
14 professionals, or for the discussion of matters protected
15 under the federal Patient Safety and Quality Improvement
16 Act of 2005, and the regulations promulgated thereunder,
17 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
18 Health Insurance Portability and Accountability Act of
19 1996, and the regulations promulgated thereunder,
20 including 45 C.F.R. Parts 160, 162, and 164, by a hospital,
21 or other institution providing medical care, that is
22 operated by the public body.

23 (18) Deliberations for decisions of the Prisoner
24 Review Board.

25 (19) Review or discussion of applications received
26 under the Experimental Organ Transplantation Procedures

1 Act.

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

5 (21) Discussion of minutes of meetings lawfully closed
6 under this Act, whether for purposes of approval by the
7 body of the minutes or semi-annual review of the minutes as
8 mandated by Section 2.06.

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

11 (23) The operation by a municipality of a municipal
12 utility or the operation of a municipal power agency or
13 municipal natural gas agency when the discussion involves
14 (i) contracts relating to the purchase, sale, or delivery
15 of electricity or natural gas or (ii) the results or
16 conclusions of load forecast studies.

17 (24) Meetings of a residential health care facility
18 resident sexual assault and death review team or the
19 Executive Council under the Abuse Prevention Review Team
20 Act.

21 (25) Meetings of an independent team of experts under
22 Brian's Law.

23 (26) Meetings of a mortality review team appointed
24 under the Department of Juvenile Justice Mortality Review
25 Team Act.

26 (27) (Blank).

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

5 (29) Meetings between internal or external auditors
6 and governmental audit committees, finance committees, and
7 their equivalents, when the discussion involves internal
8 control weaknesses, identification of potential fraud risk
9 areas, known or suspected frauds, and fraud interviews
10 conducted in accordance with generally accepted auditing
11 standards of the United States of America.

12 (30) Those meetings or portions of meetings of a
13 fatality review team or the Illinois Fatality Review Team
14 Advisory Council during which a review of the death of an
15 eligible adult in which abuse or neglect is suspected,
16 alleged, or substantiated is conducted pursuant to Section
17 15 of the Adult Protective Services Act.

18 (31) Meetings and deliberations for decisions of the
19 Concealed Carry Licensing Review Board under the Firearm
20 Concealed Carry Act.

21 (32) Meetings between the Regional Transportation
22 Authority Board and its Service Boards when the discussion
23 involves review by the Regional Transportation Authority
24 Board of employment contracts under Section 28d of the
25 Metropolitan Transit Authority Act and Sections 3A.18 and
26 3B.26 of the Regional Transportation Authority Act.

1 (33) Those meetings or portions of meetings of the
2 advisory committee and peer review subcommittee created
3 under Section 320 of the Illinois Controlled Substances Act
4 during which specific controlled substance prescriber,
5 dispenser, or patient information is discussed.

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. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
4 eff. 7-16-14; 98-1027, eff. 1-1-15; 98-1039, eff. 8-25-14;
5 99-78, eff. 7-20-15; 99-235, eff. 1-1-16; 99-480, eff. 9-9-15;
6 99-642, eff. 7-28-16; 99-646, eff. 7-28-16; 99-687, eff.
7 1-1-17; revised 9-21-16.)

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

10 (5 ILCS 140/7) (from Ch. 116, par. 207)

11 Sec. 7. Exemptions.

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

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

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

1 a court order.

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

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

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

24 (i) interfere with pending or actually and
25 reasonably contemplated law enforcement proceedings
26 conducted by any law enforcement or correctional

1 agency that is the recipient of the request;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 purpose of the request is to access and disseminate
2 information regarding the health, safety, welfare, or
3 legal rights of the general public.

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

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

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

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

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

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

1 airport facilities, sport stadiums, convention centers,
2 and all government owned, operated, or occupied buildings,
3 but only to the extent that disclosure would compromise
4 security.

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

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

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

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

1 computerized systems, employee manuals, and any other
2 information that, if disclosed, would jeopardize the
3 security of the system or its data or the security of
4 materials exempt under this Section.

5 (p) Records relating to collective negotiating matters
6 between public bodies and their employees or
7 representatives, except that any final contract or
8 agreement and any agreement that is the subject of a
9 meeting held pursuant to either subsection (e) of Section 7
10 of the Illinois Public Labor Relations Act or subsection
11 (d) of Section 10 of the Illinois Educational Labor
12 Relations Act, unless that meeting involves the State of
13 Illinois as a public employer, shall be subject to
14 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 Illinois Public Aid
15 Code or (ii) that pertain to appeals under Section 11-8 of
16 the Illinois Public 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 (ii) Records requested by persons committed to or
10 detained by the Department of Human Services under the
11 Sexually Violent Persons Commitment Act or committed to the
12 Department of Corrections under the Sexually Dangerous
13 Persons Act if those materials: (i) are available in the
14 library of the facility where the individual is confined;
15 (ii) include records from staff members' personnel files,
16 staff rosters, or other staffing assignment information;
17 or (iii) are available through an administrative request to
18 the Department of Human Services or the Department of
19 Corrections.

20 (jj) Confidential information described in Section
21 5-535 of the Civil Administrative Code of Illinois.

22 (1.5) Any information exempt from disclosure under the
23 Judicial Privacy Act shall be redacted from public records
24 prior to disclosure under this Act.

25 (2) A public record that is not in the possession of a
26 public body but is in the possession of a party with whom the

1 agency has contracted to perform a governmental function on
2 behalf of the public body, and that directly relates to the
3 governmental function and is not otherwise exempt under this
4 Act, shall be considered a public record of the public body,
5 for purposes of this Act.

6 (3) This Section does not authorize withholding of
7 information or limit the availability of records to the public,
8 except as stated in this Section or otherwise provided in this
9 Act.

10 (Source: P.A. 98-463, eff. 8-16-13; 98-578, eff. 8-27-13;
11 98-695, eff. 7-3-14; 99-298, eff. 8-6-15; 99-346, eff. 1-1-16;
12 99-642, eff. 7-28-16; revised 10-25-16.)

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

15 (5 ILCS 315/7) (from Ch. 48, par. 1607)

16 Sec. 7. Duty to bargain.

17 (a) A public employer and the exclusive representative have
18 the authority and the duty to bargain collectively set forth in
19 this Section.

20 For the purposes of this Act, "to bargain collectively"
21 means the performance of the mutual obligation of the public
22 employer or his designated representative and the
23 representative of the public employees to meet at reasonable
24 times, including meetings in advance of the budget-making

1 process, and to negotiate in good faith with respect to wages,
2 hours, and other conditions of employment, not excluded by
3 Section 4 of this Act, or the negotiation of an agreement, or
4 any question arising thereunder and the execution of a written
5 contract incorporating any agreement reached if requested by
6 either party, but such obligation does not compel either party
7 to agree to a proposal or require the making of a concession.

8 The duty "to bargain collectively" shall also include an
9 obligation to negotiate over any matter with respect to wages,
10 hours and other conditions of employment, not specifically
11 provided for in any other law or not specifically in violation
12 of the provisions of any law. If any other law pertains, in
13 part, to a matter affecting the wages, hours and other
14 conditions of employment, such other law shall not be construed
15 as limiting the duty "to bargain collectively" and to enter
16 into collective bargaining agreements containing clauses which
17 either supplement, implement, or relate to the effect of such
18 provisions in other laws.

19 The duty "to bargain collectively" shall also include
20 negotiations as to the terms of a collective bargaining
21 agreement. The parties may, by mutual agreement, provide for
22 arbitration of impasses resulting from their inability to agree
23 upon wages, hours and terms and conditions of employment to be
24 included in a collective bargaining agreement. Such
25 arbitration provisions shall be subject to the Illinois
26 "Uniform Arbitration Act" unless agreed by the parties.

1 The duty "to bargain collectively" shall also mean that no
2 party to a collective bargaining contract shall terminate or
3 modify such contract, unless the party desiring such
4 termination or modification:

5 (1) serves a written notice upon the other party to the
6 contract of the proposed termination or modification 60
7 days prior to the expiration date thereof, or in the event
8 such contract contains no expiration date, 60 days prior to
9 the time it is proposed to make such termination or
10 modification;

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

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

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

22 The duties imposed upon employers, employees and labor
23 organizations by paragraphs (2), (3) and (4) shall become
24 inapplicable upon an intervening certification of the Board,
25 under which the labor organization, which is a party to the
26 contract, has been superseded as or ceased to be the exclusive

1 representative of the employees pursuant to the provisions of
2 subsection (a) of Section 9, and the duties so imposed shall
3 not be construed as requiring either party to discuss or agree
4 to any modification of the terms and conditions contained in a
5 contract for a fixed period, if such modification is to become
6 effective before such terms and conditions can be reopened
7 under the provisions of the contract.

8 (b) Collective bargaining for home care and home health
9 workers who function as personal assistants and individual
10 maintenance home health workers under the Home Services Program
11 shall be limited to the terms and conditions of employment
12 under the State's control, as defined in Public Act 93-204 or
13 this amendatory Act of the 97th General Assembly, as
14 applicable.

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

20 (d) Notwithstanding any other provision of this Section,
21 whenever collective bargaining is for the purpose of
22 establishing an initial agreement following original
23 certification of units with fewer than 35 employees, with
24 respect to public employees other than peace officers, fire
25 fighters, and security employees, the following apply:

26 (1) Not later than 10 days after receiving a written

1 request for collective bargaining from a labor
2 organization that has been newly certified as a
3 representative as defined in Section 6(c), or within such
4 further period as the parties agree upon, the parties shall
5 meet and commence to bargain collectively and shall make
6 every reasonable effort to conclude and sign a collective
7 bargaining agreement.

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

15 (3) If after the expiration of the 30-day period
16 beginning on the date on which mediation commenced, or such
17 additional period as the parties may agree upon, the
18 mediator is not able to bring the parties to agreement by
19 conciliation, either the exclusive representative of the
20 employees or the employer may request of the other, in
21 writing, arbitration and shall submit a copy of the request
22 to the board. Upon submission of the request for
23 arbitration, the parties shall be required to participate
24 in the impasse arbitration procedures set forth in Section
25 14 of this Act, except the right to strike shall not be
26 considered waived pursuant to Section 17 of this Act, until

1 the actual convening of the arbitration hearing.

2 (e) Notwithstanding any other provision of this Act, once
3 an agreement is reached between a public employer and the
4 exclusive representative of a bargaining unit concerning all of
5 the terms of a collective bargaining agreement, that agreement
6 shall be reduced to writing and published on the website of the
7 public employer. Upon ratification, the agreement shall be
8 signed by the parties. Rejection of an agreement by either the
9 public employer or the exclusive representative of the
10 bargaining unit shall not constitute an unfair labor practice.
11 For purposes of this subsection (e), "public employer" does not
12 include the State of Illinois as an employer.

13 (f) No collective bargaining agreement shall be binding on
14 any government agency until it has been ratified by a majority
15 vote of the agency's governing body, with that vote taking
16 place after the public meeting described in subsection (e) of
17 this Section. A collective bargaining agreement entered into
18 with the State of Illinois as a public employer shall not
19 require ratification by vote.

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

26 If a public contract requires board approval before it may

1 take effect, then not less than 14 days after publication of
2 the contract on its website, the public employer shall hold an
3 open public meeting on the contract. No contract shall take
4 effect until after the public employer publishes the contract
5 on its website and holds an open public meeting on the contract
6 as required under this subsection (g).

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

8 (5 ILCS 315/24) (from Ch. 48, par. 1624)

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

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

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

16 (115 ILCS 5/10) (from Ch. 48, par. 1710)

17 Sec. 10. Duty to bargain. (a) An educational employer and
18 the exclusive representative have the authority and the duty to
19 bargain collectively as set forth in this Section. Collective
20 bargaining is the performance of the mutual obligations of the
21 educational employer and the representative of the educational
22 employees to meet at reasonable times and confer in good faith
23 with respect to wages, hours and other terms and conditions of

1 employment, and to execute a written contract incorporating any
2 agreement reached by such obligation, provided such obligation
3 does not compel either party to agree to a proposal or require
4 the making of a concession.

5 (b) The parties to the collective bargaining process shall
6 not effect or implement a provision in a collective bargaining
7 agreement if the implementation of that provision would be in
8 violation of, or inconsistent with, or in conflict with any
9 statute or statutes enacted by the General Assembly of
10 Illinois. The parties to the collective bargaining process may
11 effect or implement a provision in a collective bargaining
12 agreement if the implementation of that provision has the
13 effect of supplementing any provision in any statute or
14 statutes enacted by the General Assembly of Illinois pertaining
15 to wages, hours or other conditions of employment; provided
16 however, no provision in a collective bargaining agreement may
17 be effected or implemented if such provision has the effect of
18 negating, abrogating, replacing, reducing, diminishing, or
19 limiting in any way any employee rights, guarantees or
20 privileges pertaining to wages, hours or other conditions of
21 employment provided in such statutes. Any provision in a
22 collective bargaining agreement which has the effect of
23 negating, abrogating, replacing, reducing, diminishing or
24 limiting in any way any employee rights, guarantees or
25 privileges provided in an Illinois statute or statutes shall be
26 void and unenforceable, but shall not affect the validity,

1 enforceability and implementation of other permissible
2 provisions of the collective bargaining agreement.

3 (c) The collective bargaining agreement negotiated between
4 representatives of the educational employees and the
5 educational employer shall contain a grievance resolution
6 procedure which shall apply to all employees in the unit and
7 shall provide for binding arbitration of disputes concerning
8 the administration or interpretation of the agreement. The
9 agreement shall also contain appropriate language prohibiting
10 strikes for the duration of the agreement. The costs of such
11 arbitration shall be borne equally by the educational employer
12 and the employee organization.

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

1 ratification, the agreement shall be signed by the parties.
2 Rejection of an agreement by the educational employer or by the
3 exclusive representative of the educational employees shall
4 not constitute an unfair labor practice.

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

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

11 (115 ILCS 5/18) (from Ch. 48, par. 1718)

12 Sec. 18. Meetings. Except as provided in Section 10 of this
13 Act, the ~~The~~ provisions of the Open Meetings Act shall not
14 apply to collective bargaining negotiations and grievance
15 arbitrations conducted pursuant to this Act.

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

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."