

1 AN ACT concerning public employee benefits.

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

4 Section 1. Short title. This Act may be cited as the Local
5 Government Wage Increase Transparency Act.

6 Section 5. Disclosure of certain wage increases made to
7 employees under Article 7 of the Illinois Pension Code.

8 (a) This Section applies only to a participating employee
9 under Article 7 of the Illinois Pension Code (IMRF) who began
10 participation before January 1, 2011 and who is not subject to
11 a collective bargaining agreement with respect to the
12 employment upon which the participation is based.

13 (b) The definitions in Article 7 of the Illinois Pension
14 Code also apply to this Section.

15 As used in this Section, "disclosable payment" means a
16 payment, whether in the form of an increase in the rate of
17 earnings or a lump-sum payment, that:

18 (1) would be made by a participating employer to a
19 participating employee after the employee has expressed to
20 the employer his or her intent to retire or withdraw from
21 service;

22 (2) would have the effect of increasing the employee's
23 reportable monthly earnings from that employer by more than

1 6% compared to the previous month; and

2 (3) would be made between 12 months and 90 days prior
3 to the employee's expected termination of service.

4 However, "disclosable payment" does not include a refund of
5 contributions or any payment required to be paid by State or
6 federal law.

7 (c) A disclosable payment shall not be made or payable
8 unless the governing body of that participating employer has
9 first discussed the specific payment to be made at a meeting
10 open to the public and posted and held in accordance with the
11 requirements of the Open Meetings Act. At the meeting, the
12 governing body shall, at a minimum, disclose (1) the identity
13 of the employee, (2) the purpose and amount of the increase or
14 payment, (3) the proposed retirement date, (4) the effect of
15 the payment upon the expected retirement annuity of the
16 employee, and (5) the effect of the payment upon the liability
17 of the employer to the Article 7 Fund.

18 (d) The determination of whether the disclosable payment is
19 permissible under this Section shall rest exclusively with the
20 employer.

21 (e) A participating employer may not make a disclosable
22 payment to an employee in a manner inconsistent with this
23 Section. This Section is a denial and limitation of home rule
24 powers and functions under subsection (h) of Section 6 of
25 Article VII of the Illinois Constitution.

1 Section 90. The Open Meetings Act is amended by changing
2 Section 2 as follows:

3 (5 ILCS 120/2) (from Ch. 102, par. 42)

4 Sec. 2. Open meetings.

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

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

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

17 (1) The appointment, employment, compensation,
18 discipline, performance, or dismissal of specific
19 employees of the public body or legal counsel for the
20 public body, including hearing testimony on a complaint
21 lodged against an employee of the public body or against
22 legal counsel for the public body to determine its
23 validity. However, a meeting to consider an increase in
24 compensation to a specific employee of a public body that
25 is subject to the Local Government Wage Increase

1 Transparency Act may not be closed and shall be open to the
2 public and posted and held in accordance with this Act.

3 (2) Collective negotiating matters between the public
4 body and its employees or their representatives, or
5 deliberations concerning salary schedules for one or more
6 classes of employees.

7 (3) The selection of a person to fill a public office,
8 as defined in this Act, including a vacancy in a public
9 office, when the public body is given power to appoint
10 under law or ordinance, or the discipline, performance or
11 removal of the occupant of a public office, when the public
12 body is given power to remove the occupant under law or
13 ordinance.

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

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

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

26 (7) The sale or purchase of securities, investments, or

1 investment contracts. This exception shall not apply to the
2 investment of assets or income of funds deposited into the
3 Illinois Prepaid Tuition Trust Fund.

4 (8) Security procedures, school building safety and
5 security, and the use of personnel and equipment to respond
6 to an actual, a threatened, or a reasonably potential
7 danger to the safety of employees, students, staff, the
8 public, or public property.

9 (9) Student disciplinary cases.

10 (10) The placement of individual students in special
11 education programs and other matters relating to
12 individual students.

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

20 (12) The establishment of reserves or settlement of
21 claims as provided in the Local Governmental and
22 Governmental Employees Tort Immunity Act, if otherwise the
23 disposition of a claim or potential claim might be
24 prejudiced, or the review or discussion of claims, loss or
25 risk management information, records, data, advice or
26 communications from or with respect to any insurer of the

1 public body or any intergovernmental risk management
2 association or self insurance pool of which the public body
3 is a member.

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

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

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

17 (16) Self evaluation, practices and procedures or
18 professional ethics, when meeting with a representative of
19 a statewide association of which the public body is a
20 member.

21 (17) The recruitment, credentialing, discipline or
22 formal peer review of physicians or other health care
23 professionals for a hospital, or other institution
24 providing medical care, that is operated by the public
25 body.

26 (18) Deliberations for decisions of the Prisoner

1 Review Board.

2 (19) Review or discussion of applications received
3 under the Experimental Organ Transplantation Procedures
4 Act.

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

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

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

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

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

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

26 (26) Meetings of a mortality review team appointed

1 under the Department of Juvenile Justice Mortality Review
2 Team Act.

3 (27) (Blank).

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

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

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

21 (31) Meetings and deliberations for decisions of the
22 Concealed Carry Licensing Review Board under the Firearm
23 Concealed Carry Act.

24 (32) Meetings between the Regional Transportation
25 Authority Board and its Service Boards when the discussion
26 involves review by the Regional Transportation Authority

1 Board of employment contracts under Section 28d of the
2 Metropolitan Transit Authority Act and Sections 3A.18 and
3 3B.26 of the Regional Transportation Authority Act.

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

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

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

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

23 "Quasi-adjudicative body" means an administrative body
24 charged by law or ordinance with the responsibility to conduct
25 hearings, receive evidence or testimony and make
26 determinations based thereon, but does not include local

1 electoral boards when such bodies are considering petition
2 challenges.

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

7 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
8 eff. 7-16-14; 98-1027, eff. 1-1-15; 98-1039, eff. 8-25-14;
9 99-78, eff. 7-20-15; 99-235, eff. 1-1-16; 99-480, eff. 9-9-15;
10 revised 10-14-15.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.