



Rep. Peter Breen

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LRB099 19522 RPS 47808 a

1 AMENDMENT TO HOUSE BILL 5684

2 AMENDMENT NO. _____. Amend House Bill 5684 by replacing
3 everything after the enacting clause with the following:

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

1 earnings or a lump-sum payment (other than a lump-sum payment
2 authorized under Article 7 that compensates the employee for
3 unused vacation or other benefits remaining at the time of
4 withdrawal from service), that:

5 (1) would be made by a participating employer to a
6 participating employee after the employee has expressed to
7 the employer his or her intent to retire or withdraw from
8 service;

9 (2) would have the effect of increasing the employee's
10 reportable monthly earnings from that employer by more than
11 6% compared to the previous month; and

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

14 However, "disclosable payment" does not include a refund of
15 contributions or any payment required to be paid by State or
16 federal law.

17 (c) A disclosable payment shall not be made or payable
18 unless the governing body of that participating employer has
19 first discussed the specific payment to be made at a meeting
20 open to the public and posted and held in accordance with the
21 requirements of the Open Meetings Act. At the meeting, the
22 governing body shall, at a minimum, disclose (1) the identity
23 of the employee, (2) the purpose and amount of the increase or
24 payment, (3) the proposed retirement date, (4) the effect of
25 the payment upon the expected retirement annuity of the
26 employee, and (5) the effect of the payment upon the liability

1 of the employer to the Article 7 Fund.

2 (d) The determination of whether the disclosable payment is
3 permissible under this Section shall rest exclusively with the
4 employer.

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

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

12 (5 ILCS 120/2) (from Ch. 102, par. 42)

13 Sec. 2. Open meetings.

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

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

24 (c) Exceptions. A public body may hold closed meetings to

1 consider the following subjects:

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

13 (2) Collective negotiating matters between the public
14 body and its employees or their representatives, or
15 deliberations concerning salary schedules for one or more
16 classes of employees.

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

24 (4) Evidence or testimony presented in open hearing, or
25 in closed hearing where specifically authorized by law, to
26 a quasi-adjudicative body, as defined in this Act, provided

1 that the body prepares and makes available for public
2 inspection a written decision setting forth its
3 determinative reasoning.

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

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

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

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

19 (9) Student disciplinary cases.

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

23 (11) Litigation, when an action against, affecting or
24 on behalf of the particular public body has been filed and
25 is pending before a court or administrative tribunal, or
26 when the public body finds that an action is probable or

1 imminent, in which case the basis for the finding shall be
2 recorded and entered into the minutes of the closed
3 meeting.

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

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

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

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

1 (16) Self evaluation, practices and procedures or
2 professional ethics, when meeting with a representative of
3 a statewide association of which the public body is a
4 member.

5 (17) The recruitment, credentialing, discipline or
6 formal peer review of physicians or other health care
7 professionals for a hospital, or other institution
8 providing medical care, that is operated by the public
9 body.

10 (18) Deliberations for decisions of the Prisoner
11 Review Board.

12 (19) Review or discussion of applications received
13 under the Experimental Organ Transplantation Procedures
14 Act.

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

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

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

24 (23) The operation by a municipality of a municipal
25 utility or the operation of a municipal power agency or
26 municipal natural gas agency when the discussion involves

1 (i) contracts relating to the purchase, sale, or delivery
2 of electricity or natural gas or (ii) the results or
3 conclusions of load forecast studies.

4 (24) Meetings of a residential health care facility
5 resident sexual assault and death review team or the
6 Executive Council under the Abuse Prevention Review Team
7 Act.

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

10 (26) Meetings of a mortality review team appointed
11 under the Department of Juvenile Justice Mortality Review
12 Team Act.

13 (27) (Blank).

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

18 (29) Meetings between internal or external auditors
19 and governmental audit committees, finance committees, and
20 their equivalents, when the discussion involves internal
21 control weaknesses, identification of potential fraud risk
22 areas, known or suspected frauds, and fraud interviews
23 conducted in accordance with generally accepted auditing
24 standards of the United States of America.

25 (30) Those meetings or portions of meetings of a
26 fatality review team or the Illinois Fatality Review Team

1 Advisory Council during which a review of the death of an
2 eligible adult in which abuse or neglect is suspected,
3 alleged, or substantiated is conducted pursuant to Section
4 15 of the Adult Protective Services Act.

5 (31) Meetings and deliberations for decisions of the
6 Concealed Carry Licensing Review Board under the Firearm
7 Concealed Carry Act.

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

14 (33) Those meetings ~~meeting~~ or portions of meetings of
15 the advisory committee and peer review subcommittee
16 created under Section 320 of the Illinois Controlled
17 Substances Act during which specific controlled substance
18 prescriber, dispenser, or patient information is
19 discussed.

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

21 "Employee" means a person employed by a public body whose
22 relationship with the public body constitutes an
23 employer-employee relationship under the usual common law
24 rules, and who is not an independent contractor.

25 "Public office" means a position created by or under the
26 Constitution or laws of this State, the occupant of which is

1 charged with the exercise of some portion of the sovereign
2 power of this State. The term "public office" shall include
3 members of the public body, but it shall not include
4 organizational positions filled by members thereof, whether
5 established by law or by a public body itself, that exist to
6 assist the body in the conduct of its business.

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

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

17 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
18 eff. 7-16-14; 98-1027, eff. 1-1-15; 98-1039, eff. 8-25-14;
19 99-78, eff. 7-20-15; 99-235, eff. 1-1-16; 99-480, eff. 9-9-15;
20 revised 10-14-15.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."