



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4583

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 16282 HLH 40612 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, school building safety and
10 security, and the use of personnel and equipment to respond
11 to an actual, a threatened, or a reasonably potential
12 danger to the safety of employees, students, staff, the
13 public, or public property.

14 (9) Student disciplinary cases.

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

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

25 (12) The establishment of reserves or settlement of
26 claims as provided in the Local Governmental and

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

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

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

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

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

26 (17) The recruitment, credentialing, discipline or

1 formal peer review of physicians or other health care
2 professionals for a hospital, or other institution
3 providing medical care, that is operated by the public
4 body.

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

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

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

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

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

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

25 (24) Meetings of a residential health care facility
26 resident sexual assault and death review team or the

1 Executive Council under the Abuse Prevention Review Team
2 Act.

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

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

8 (27) (Blank).

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

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

20 (30) Those meetings or portions of meetings of a
21 fatality review team or the Illinois Fatality Review Team
22 Advisory Council during which a review of the death of an
23 eligible adult in which abuse or neglect is suspected,
24 alleged, or substantiated is conducted pursuant to Section
25 15 of the Adult Protective Services Act.

26 (31) Meetings and deliberations for decisions of the

1 Concealed Carry Licensing Review Board under the Firearm
2 Concealed Carry Act.

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

9 (33) Those meetings ~~meeting~~ or portions of meetings of
10 the advisory committee and peer review subcommittee
11 created under Section 320 of the Illinois Controlled
12 Substances Act during which specific controlled substance
13 prescriber, dispenser, or patient information is
14 discussed.

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

16 "Employee" means a person employed by a public body whose
17 relationship with the public body constitutes an
18 employer-employee relationship under the usual common law
19 rules, and who is not an independent contractor.

20 "Public office" means a position created by or under the
21 Constitution or laws of this State, the occupant of which is
22 charged with the exercise of some portion of the sovereign
23 power of this State. The term "public office" shall include
24 members of the public body, but it shall not include
25 organizational positions filled by members thereof, whether
26 established by law or by a public body itself, that exist to

1 assist the body in the conduct of its business.

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

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

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

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

18 (5 ILCS 140/7) (from Ch. 116, par. 207)

19 Sec. 7. Exemptions.

20 (1) When a request is made to inspect or copy a public
21 record that contains information that is exempt from disclosure
22 under this Section, but also contains information that is not
23 exempt from disclosure, the public body may elect to redact the
24 information that is exempt. The public body shall make the

1 remaining information available for inspection and copying.
2 Subject to this requirement, the following shall be exempt from
3 inspection and copying:

4 (a) Information specifically prohibited from
5 disclosure by federal or State law or rules and regulations
6 implementing federal or State law.

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

10 (b-5) Files, documents, and other data or databases
11 maintained by one or more law enforcement agencies and
12 specifically designed to provide information to one or more
13 law enforcement agencies regarding the physical or mental
14 status of one or more individual subjects.

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

1 (d) Records in the possession of any public body
2 created in the course of administrative enforcement
3 proceedings, and any law enforcement or correctional
4 agency for law enforcement purposes, but only to the extent
5 that disclosure would:

6 (i) interfere with pending or actually and
7 reasonably contemplated law enforcement proceedings
8 conducted by any law enforcement or correctional
9 agency that is the recipient of the request;

10 (ii) interfere with active administrative
11 enforcement proceedings conducted by the public body
12 that is the recipient of the request;

13 (iii) create a substantial likelihood that a
14 person will be deprived of a fair trial or an impartial
15 hearing;

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

1 request;

2 (v) disclose unique or specialized investigative
3 techniques other than those generally used and known or
4 disclose internal documents of correctional agencies
5 related to detection, observation or investigation of
6 incidents of crime or misconduct, and disclosure would
7 result in demonstrable harm to the agency or public
8 body that is the recipient of the request;

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

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

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

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

23 (e-5) Records requested by persons committed to the
24 Department of Corrections if those materials are available
25 in the library of the correctional facility where the
26 inmate is confined.

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

5 (e-7) Records requested by persons committed to the
6 Department of Corrections if those materials are available
7 through an administrative request to the Department of
8 Corrections.

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

18 (g) Trade secrets and commercial or financial
19 information obtained from a person or business where the
20 trade secrets or commercial or financial information are
21 furnished under a claim that they are proprietary,
22 privileged or confidential, and that disclosure of the
23 trade secrets or commercial or financial information would
24 cause competitive harm to the person or business, and only
25 insofar as the claim directly applies to the records
26 requested.

1 The information included under this exemption includes
2 all trade secrets and commercial or financial information
3 obtained by a public body, including a public pension fund,
4 from a private equity fund or a privately held company
5 within the investment portfolio of a private equity fund as
6 a result of either investing or evaluating a potential
7 investment of public funds in a private equity fund. The
8 exemption contained in this item does not apply to the
9 aggregate financial performance information of a private
10 equity fund, nor to the identity of the fund's managers or
11 general partners. The exemption contained in this item does
12 not apply to the identity of a privately held company
13 within the investment portfolio of a private equity fund,
14 unless the disclosure of the identity of a privately held
15 company may cause competitive harm.

16 Nothing contained in this paragraph (g) shall be
17 construed to prevent a person or business from consenting
18 to disclosure.

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

1 (i) Valuable formulae, computer geographic systems,
2 designs, drawings and research data obtained or produced by
3 any public body when disclosure could reasonably be
4 expected to produce private gain or public loss. The
5 exemption for "computer geographic systems" provided in
6 this paragraph (i) does not extend to requests made by news
7 media as defined in Section 2 of this Act when the
8 requested information is not otherwise exempt and the only
9 purpose of the request is to access and disseminate
10 information regarding the health, safety, welfare, or
11 legal rights of the general public.

12 (j) The following information pertaining to
13 educational matters:

14 (i) test questions, scoring keys and other
15 examination data used to administer an academic
16 examination;

17 (ii) information received by a primary or
18 secondary school, college, or university under its
19 procedures for the evaluation of faculty members by
20 their academic peers;

21 (iii) information concerning a school or
22 university's adjudication of student disciplinary
23 cases, but only to the extent that disclosure would
24 unavoidably reveal the identity of the student; and

25 (iv) course materials or research materials used
26 by faculty members.

1 (k) Architects' plans, engineers' technical
2 submissions, and other construction related technical
3 documents for projects not constructed or developed in
4 whole or in part with public funds and the same for
5 projects constructed or developed with public funds,
6 including but not limited to power generating and
7 distribution stations and other transmission and
8 distribution facilities, water treatment facilities,
9 airport facilities, sport stadiums, convention centers,
10 and all government owned, operated, or occupied buildings,
11 but only to the extent that disclosure would compromise
12 security.

13 (1) Minutes of meetings of public bodies closed to the
14 public as provided in the Open Meetings Act until the
15 public body makes the minutes available to the public under
16 Section 2.06 of the Open Meetings Act.

17 (m) Communications between a public body and an
18 attorney or auditor representing the public body that would
19 not be subject to discovery in litigation, and materials
20 prepared or compiled by or for a public body in
21 anticipation of a criminal, civil or administrative
22 proceeding upon the request of an attorney advising the
23 public body, and materials prepared or compiled with
24 respect to internal audits of public bodies.

25 (n) Records relating to a public body's adjudication of
26 employee grievances or disciplinary cases; however, this

1 exemption shall not extend to the final outcome of cases in
2 which discipline is imposed.

3 (o) Administrative or technical information associated
4 with automated data processing operations, including but
5 not limited to software, operating protocols, computer
6 program abstracts, file layouts, source listings, object
7 modules, load modules, user guides, documentation
8 pertaining to all logical and physical design of
9 computerized systems, employee manuals, and any other
10 information that, if disclosed, would jeopardize the
11 security of the system or its data or the security of
12 materials exempt under this Section.

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

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

24 (r) The records, documents, and information relating
25 to real estate purchase negotiations until those
26 negotiations have been completed or otherwise terminated.

1 With regard to a parcel involved in a pending or actually
2 and reasonably contemplated eminent domain proceeding
3 under the Eminent Domain Act, records, documents and
4 information relating to that parcel shall be exempt except
5 as may be allowed under discovery rules adopted by the
6 Illinois Supreme Court. The records, documents and
7 information relating to a real estate sale shall be exempt
8 until a sale is consummated.

9 (s) Any and all proprietary information and records
10 related to the operation of an intergovernmental risk
11 management association or self-insurance pool or jointly
12 self-administered health and accident cooperative or pool.
13 Insurance or self insurance (including any
14 intergovernmental risk management association or self
15 insurance pool) claims, loss or risk management
16 information, records, data, advice or communications.

17 (t) Information contained in or related to
18 examination, operating, or condition reports prepared by,
19 on behalf of, or for the use of a public body responsible
20 for the regulation or supervision of financial
21 institutions or insurance companies, unless disclosure is
22 otherwise required by State law.

23 (u) Information that would disclose or might lead to
24 the disclosure of secret or confidential information,
25 codes, algorithms, programs, or private keys intended to be
26 used to create electronic or digital signatures under the

1 Electronic Commerce Security Act.

2 (v) Vulnerability assessments, security measures, and
3 response policies or plans that are designed to identify,
4 prevent, or respond to potential attacks upon a community's
5 population or systems, facilities, or installations, the
6 destruction or contamination of which would constitute a
7 clear and present danger to the health or safety of the
8 community, but only to the extent that disclosure could
9 reasonably be expected to jeopardize the effectiveness of
10 the measures or the safety of the personnel who implement
11 them or the public. Information exempt under this item may
12 include such things as details pertaining to the
13 mobilization or deployment of personnel or equipment, to
14 the operation of communication systems or protocols, or to
15 tactical operations.

16 (w) (Blank).

17 (x) Maps and other records regarding the location or
18 security of generation, transmission, distribution,
19 storage, gathering, treatment, or switching facilities
20 owned by a utility, by a power generator, or by the
21 Illinois Power Agency.

22 (y) Information contained in or related to proposals,
23 bids, or negotiations related to electric power
24 procurement under Section 1-75 of the Illinois Power Agency
25 Act and Section 16-111.5 of the Public Utilities Act that
26 is determined to be confidential and proprietary by the

1 Illinois Power Agency or by the Illinois Commerce
2 Commission.

3 (z) Information about students exempted from
4 disclosure under Sections 10-20.38 or 34-18.29 of the
5 School Code, and information about undergraduate students
6 enrolled at an institution of higher education exempted
7 from disclosure under Section 25 of the Illinois Credit
8 Card Marketing Act of 2009.

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

11 (bb) Records and information provided to a mortality
12 review team and records maintained by a mortality review
13 team appointed under the Department of Juvenile Justice
14 Mortality Review Team Act.

15 (cc) Information regarding interments, entombments, or
16 inurnments of human remains that are submitted to the
17 Cemetery Oversight Database under the Cemetery Care Act or
18 the Cemetery Oversight Act, whichever is applicable.

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

23 (ee) The names, addresses, or other personal
24 information of persons who are minors and are also
25 participants and registrants in programs of park
26 districts, forest preserve districts, conservation

1 districts, recreation agencies, and special recreation
2 associations.

3 (ff) The names, addresses, or other personal
4 information of participants and registrants in programs of
5 park districts, forest preserve districts, conservation
6 districts, recreation agencies, and special recreation
7 associations where such programs are targeted primarily to
8 minors.

9 (gg) Confidential information described in Section
10 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

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

15 (ii) Records requested by persons committed to or
16 detained by the Department of Human Services under the
17 Sexually Violent Persons Commitment Act or committed to the
18 Department of Corrections under the Sexually Dangerous
19 Persons Act if those materials: (i) are available in the
20 library of the facility where the individual is confined;
21 (ii) include records from staff members' personnel files,
22 staff rosters, or other staffing assignment information;
23 or (iii) are available through an administrative request to
24 the Department of Human Services or the Department of
25 Corrections.

26 jj ~~(ii)~~ Confidential information described in Section

1 5-535 of the Civil Administrative Code of Illinois.

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

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

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

16 (Source: P.A. 98-463, eff. 8-16-13; 98-578, eff. 8-27-13;
17 98-695, eff. 7-3-14; 99-298, eff. 8-6-15; 99-346, eff. 1-1-16;
18 revised 10-14-15.)

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

21 (5 ILCS 315/7) (from Ch. 48, par. 1607)

22 Sec. 7. Duty to bargain.

23 (a) A public employer and the exclusive representative have
24 the authority and the duty to bargain collectively set forth in

1 this Section.

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

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

25 The duty "to bargain collectively" shall also include
26 negotiations as to the terms of a collective bargaining

1 agreement. The parties may, by mutual agreement, provide for
2 arbitration of impasses resulting from their inability to agree
3 upon wages, hours and terms and conditions of employment to be
4 included in a collective bargaining agreement. Such
5 arbitration provisions shall be subject to the Illinois
6 "Uniform Arbitration Act" unless agreed by the parties.

7 The duty "to bargain collectively" shall also mean that no
8 party to a collective bargaining contract shall terminate or
9 modify such contract, unless the party desiring such
10 termination or modification:

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

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

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

23 (4) continues in full force and effect, without
24 resorting to strike or lockout, all the terms and
25 conditions of the existing contract for a period of 60 days
26 after such notice is given to the other party or until the

1 expiration date of such contract, whichever occurs later.

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

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

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

26 (d) Notwithstanding any other provision of this Section,

1 whenever collective bargaining is for the purpose of
2 establishing an initial agreement following original
3 certification of units with fewer than 35 employees, with
4 respect to public employees other than peace officers, fire
5 fighters, and security employees, the following apply:

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

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

21 (3) If after the expiration of the 30-day period
22 beginning on the date on which mediation commenced, or such
23 additional period as the parties may agree upon, the
24 mediator is not able to bring the parties to agreement by
25 conciliation, either the exclusive representative of the
26 employees or the employer may request of the other, in

1 writing, arbitration and shall submit a copy of the request
2 to the board. Upon submission of the request for
3 arbitration, the parties shall be required to participate
4 in the impasse arbitration procedures set forth in Section
5 14 of this Act, except the right to strike shall not be
6 considered waived pursuant to Section 17 of this Act, until
7 the actual convening of the arbitration hearing.

8 (e) Notwithstanding any other provision of this Act, once
9 an agreement is reached between a public employer and the
10 exclusive representative of a bargaining unit concerning all of
11 the terms of a collective bargaining agreement, that agreement
12 shall be reduced to writing and published on the website of the
13 public employer. Upon ratification, the agreement shall be
14 signed by the parties. Rejection of an agreement by either the
15 public employer or the exclusive representative of the
16 bargaining unit shall not constitute an unfair labor practice.

17 (f) No collective bargaining agreement shall be binding on
18 any government agency until it has been ratified by a majority
19 vote of the agency's governing body, with that vote taking
20 place after the public meeting described in subsection (e) of
21 this Section.

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

1 and the employee.

2 If a public contract requires board approval before it may
3 take effect, then not less than 14 days after publication of
4 the contract on its website, the public employer shall hold an
5 open public meeting on the contract. No contract shall take
6 effect until after the public employer publishes the contract
7 on its website and holds an open public meeting on the contract
8 as required under this subsection (g).

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

10 (5 ILCS 315/24) (from Ch. 48, par. 1624)

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

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

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

18 (115 ILCS 5/10) (from Ch. 48, par. 1710)

19 Sec. 10. Duty to bargain. (a) An educational employer and
20 the exclusive representative have the authority and the duty to
21 bargain collectively as set forth in this Section. Collective
22 bargaining is the performance of the mutual obligations of the
23 educational employer and the representative of the educational

1 employees to meet at reasonable times and confer in good faith
2 with respect to wages, hours and other terms and conditions of
3 employment, and to execute a written contract incorporating any
4 agreement reached by such obligation, provided such obligation
5 does not compel either party to agree to a proposal or require
6 the making of a concession.

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

1 privileges provided in an Illinois statute or statutes shall be
2 void and unenforceable, but shall not affect the validity,
3 enforceability and implementation of other permissible
4 provisions of the collective bargaining agreement.

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

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

1 website and holds an open public meeting on ratification of the
2 agreement as required under this subsection (d). Upon
3 ratification, the agreement shall be signed by the parties.
4 Rejection of an agreement by the educational employer or by the
5 exclusive representative of the educational employees shall
6 not constitute an unfair labor practice.

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

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

13 (115 ILCS 5/18) (from Ch. 48, par. 1718)

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

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

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.