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AN ACT concerning public employee benefits.

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

Section 1. Short title. This Act may be cited as the Local
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 Pension14 Code also apply to this Section.

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

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

(2) would have the effect of increasing the employee'sreportable monthly earnings from that employer by more than

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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.

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

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

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

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Section 90. The Open Meetings Act is amended by changing
 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:

appointment, employment, compensation, 17 (1)The 18 discipline, performance, or dismissal of specific employees of the public body or legal counsel for the 19 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 is subject to the Local Government Wage Increase 25

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Transparency Act may not be closed and shall be open to the
 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.

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

24 (6) The setting of a price for sale or lease of25 property owned by the public body.

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

investment contracts. This exception shall not apply to the
 investment of assets or income of funds deposited into the
 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.

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(9) Student disciplinary cases.

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

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

(12) The establishment of reserves or settlement of 20 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 public body or any intergovernmental risk management association or self insurance pool of which the public body 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.

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

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(18) Deliberations for decisions of the Prisoner

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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.

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(26) Meetings of a mortality review team appointed

under the Department of Juvenile Justice Mortality Review
 Team Act.

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(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.

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

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

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

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

4 (33) Those <u>meetings</u> 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.

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(d) Definitions. For purposes of this Section:

"Employee" means a person employed by a public body whose relationship with the public body constitutes an employer-employee relationship under the usual common law 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 power of this State. The term "public office" shall include 18 members of the public body, but it shall not 19 include 20 organizational positions filled by members thereof, whether established by law or by a public body itself, that exist to 21 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 HB5684 Enrolled - 10 - LRB099 19522 EFG 43916 b

electoral boards when such bodies are considering petition 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, eff. 7-16-14; 98-1027, eff. 1-1-15; 98-1039, eff. 8-25-14; 8 99-78, eff. 7-20-15; 99-235, eff. 1-1-16; 99-480, eff. 9-9-15; 9 10 revised 10-14-15.)

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