



## 100TH GENERAL ASSEMBLY

### State of Illinois

### 2017 and 2018

### HB4841

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.

LRB100 16328 RJF 31454 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. However, a meeting to consider an increase in  
4 compensation to a specific employee of a public body that  
5 is subject to the Local Government Wage Increase  
6 Transparency Act may not be closed and shall be open to the  
7 public and posted and held in accordance with this Act.

8 (2) Collective negotiating matters between the public  
9 body and its employees or their representatives, or  
10 deliberations concerning salary schedules for one or more  
11 classes of employees, except that any meeting required  
12 under either subsection (e) of Section 7 of the Illinois  
13 Public Labor Relations Act or subsection (d) of Section 10  
14 of the Illinois Educational Labor Relations Act shall be  
15 open to the public.

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

23 (4) Evidence or testimony presented in open hearing, or  
24 in closed hearing where specifically authorized by law, to  
25 a quasi-adjudicative body, as defined in this Act, provided  
26 that the body prepares and makes available for public

1 inspection a written decision setting forth its  
2 determinative reasoning.

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

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

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

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

18 (9) Student disciplinary cases.

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

22 (11) Litigation, when an action against, affecting or  
23 on behalf of the particular public body has been filed and  
24 is pending before a court or administrative tribunal, or  
25 when the public body finds that an action is probable or  
26 imminent, in which case the basis for the finding shall be

1 recorded and entered into the minutes of the closed  
2 meeting.

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

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

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

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

26 (16) Self evaluation, practices and procedures or

1 professional ethics, when meeting with a representative of  
2 a statewide association of which the public body is a  
3 member.

4 (17) The recruitment, credentialing, discipline or  
5 formal peer review of physicians or other health care  
6 professionals, or for the discussion of matters protected  
7 under the federal Patient Safety and Quality Improvement  
8 Act of 2005, and the regulations promulgated thereunder,  
9 including 42 C.F.R. Part 3 (73 FR 70732), or the federal  
10 Health Insurance Portability and Accountability Act of  
11 1996, and the regulations promulgated thereunder,  
12 including 45 C.F.R. Parts 160, 162, and 164, by a hospital,  
13 or other institution providing medical care, that is  
14 operated by the public body.

15 (18) Deliberations for decisions of the Prisoner  
16 Review Board.

17 (19) Review or discussion of applications received  
18 under the Experimental Organ Transplantation Procedures  
19 Act.

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

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

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

3           (23) The operation by a municipality of a municipal  
4 utility or the operation of a municipal power agency or  
5 municipal natural gas agency when the discussion involves  
6 (i) contracts relating to the purchase, sale, or delivery  
7 of electricity or natural gas or (ii) the results or  
8 conclusions of load forecast studies.

9           (24) Meetings of a residential health care facility  
10 resident sexual assault and death review team or the  
11 Executive Council under the Abuse Prevention Review Team  
12 Act.

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

15           (26) Meetings of a mortality review team appointed  
16 under the Department of Juvenile Justice Mortality Review  
17 Team Act.

18           (27) (Blank).

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

23           (29) Meetings between internal or external auditors  
24 and governmental audit committees, finance committees, and  
25 their equivalents, when the discussion involves internal  
26 control weaknesses, identification of potential fraud risk

1 areas, known or suspected frauds, and fraud interviews  
2 conducted in accordance with generally accepted auditing  
3 standards of the United States of America.

4 (30) Those meetings or portions of meetings of a  
5 fatality review team or the Illinois Fatality Review Team  
6 Advisory Council during which a review of the death of an  
7 eligible adult in which abuse or neglect is suspected,  
8 alleged, or substantiated is conducted pursuant to Section  
9 15 of the Adult Protective Services Act.

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

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

19 (33) Those meetings or portions of meetings of the  
20 advisory committee and peer review subcommittee created  
21 under Section 320 of the Illinois Controlled Substances Act  
22 during which specific controlled substance prescriber,  
23 dispenser, or patient information is discussed.

24 (34) Meetings of the Tax Increment Financing Reform  
25 Task Force under Section 2505-800 of the Department of  
26 Revenue Law of the Civil Administrative Code of Illinois.



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

2 "Employee" means a person employed by a public body whose  
3 relationship with the public body constitutes an  
4 employer-employee relationship under the usual common law  
5 rules, and who is not an independent contractor.

6 "Public office" means a position created by or under the  
7 Constitution or laws of this State, the occupant of which is  
8 charged with the exercise of some portion of the sovereign  
9 power of this State. The term "public office" shall include  
10 members of the public body, but it shall not include  
11 organizational positions filled by members thereof, whether  
12 established by law or by a public body itself, that exist to  
13 assist the body in the conduct of its business.

14 "Quasi-adjudicative body" means an administrative body  
15 charged by law or ordinance with the responsibility to conduct  
16 hearings, receive evidence or testimony and make  
17 determinations based thereon, but does not include local  
18 electoral boards when such bodies are considering petition  
19 challenges.

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

24 (Source: P.A. 99-78, eff. 7-20-15; 99-235, eff. 1-1-16; 99-480,  
25 eff. 9-9-15; 99-642, eff. 7-28-16; 99-646, eff. 7-28-16;  
26 99-687, eff. 1-1-17; 100-201, eff. 8-18-17; 100-465, eff.

1 8-31-17.)

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

4 (5 ILCS 140/7) (from Ch. 116, par. 207)

5 Sec. 7. Exemptions.

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

14 (a) Information specifically prohibited from  
15 disclosure by federal or State law or rules and regulations  
16 implementing federal or State law.

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

20 (b-5) Files, documents, and other data or databases  
21 maintained by one or more law enforcement agencies and  
22 specifically designed to provide information to one or more  
23 law enforcement agencies regarding the physical or mental  
24 status of one or more individual subjects.

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

13           (d) Records in the possession of any public body  
14 created in the course of administrative enforcement  
15 proceedings, and any law enforcement or correctional  
16 agency for law enforcement purposes, but only to the extent  
17 that disclosure would:

18                 (i) interfere with pending or actually and  
19 reasonably contemplated law enforcement proceedings  
20 conducted by any law enforcement or correctional  
21 agency that is the recipient of the request;

22                 (ii) interfere with active administrative  
23 enforcement proceedings conducted by the public body  
24 that is the recipient of the request;

25                 (iii) create a substantial likelihood that a  
26 person will be deprived of a fair trial or an impartial

1 hearing;

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

14 (v) disclose unique or specialized investigative  
15 techniques other than those generally used and known or  
16 disclose internal documents of correctional agencies  
17 related to detection, observation or investigation of  
18 incidents of crime or misconduct, and disclosure would  
19 result in demonstrable harm to the agency or public  
20 body that is the recipient of the request;

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

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

25 (d-5) A law enforcement record created for law  
26 enforcement purposes and contained in a shared electronic

1 record management system if the law enforcement agency that  
2 is the recipient of the request did not create the record,  
3 did not participate in or have a role in any of the events  
4 which are the subject of the record, and only has access to  
5 the record through the shared electronic record management  
6 system.

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

9 (e-5) Records requested by persons committed to the  
10 Department of Corrections or a county jail if those  
11 materials are available in the library of the correctional  
12 facility or jail where the inmate is confined.

13 (e-6) Records requested by persons committed to the  
14 Department of Corrections or a county jail if those  
15 materials include records from staff members' personnel  
16 files, staff rosters, or other staffing assignment  
17 information.

18 (e-7) Records requested by persons committed to the  
19 Department of Corrections if those materials are available  
20 through an administrative request to the Department of  
21 Corrections.

22 (e-8) Records requested by a person committed to the  
23 Department of Corrections or a county jail, the disclosure  
24 of which would result in the risk of harm to any person or  
25 the risk of an escape from a jail or correctional  
26 institution or facility.

1           (e-9) Records requested by a person in a county jail or  
2 committed to the Department of Corrections containing  
3 personal information pertaining to the person's victim or  
4 the victim's family, including, but not limited to, a  
5 victim's home address, home telephone number, work or  
6 school address, work telephone number, social security  
7 number, or any other identifying information, except as may  
8 be relevant to a requester's current or potential case or  
9 claim.

10           (e-10) Law enforcement records of other persons  
11 requested by a person committed to the Department of  
12 Corrections or a county jail, including, but not limited  
13 to, arrest and booking records, mug shots, and crime scene  
14 photographs, except as these records may be relevant to the  
15 requester's current or potential case or claim.

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

25           (g) Trade secrets and commercial or financial  
26 information obtained from a person or business where the

1 trade secrets or commercial or financial information are  
2 furnished under a claim that they are proprietary,  
3 privileged or confidential, and that disclosure of the  
4 trade secrets or commercial or financial information would  
5 cause competitive harm to the person or business, and only  
6 insofar as the claim directly applies to the records  
7 requested.

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

23 Nothing contained in this paragraph (g) shall be  
24 construed to prevent a person or business from consenting  
25 to disclosure.

26 (h) Proposals and bids for any contract, grant, or

1 agreement, including information which if it were  
2 disclosed would frustrate procurement or give an advantage  
3 to any person proposing to enter into a contractor  
4 agreement with the body, until an award or final selection  
5 is made. Information prepared by or for the body in  
6 preparation of a bid solicitation shall be exempt until an  
7 award or final selection is made.

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

19 (j) The following information pertaining to  
20 educational matters:

21 (i) test questions, scoring keys and other  
22 examination data used to administer an academic  
23 examination;

24 (ii) information received by a primary or  
25 secondary school, college, or university under its  
26 procedures for the evaluation of faculty members by



1           their academic peers;

2           (iii) information concerning a school or  
3           university's adjudication of student disciplinary  
4           cases, but only to the extent that disclosure would  
5           unavoidably reveal the identity of the student; and

6           (iv) course materials or research materials used  
7           by faculty members.

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

20          (1) Minutes of meetings of public bodies closed to the  
21          public as provided in the Open Meetings Act until the  
22          public body makes the minutes available to the public under  
23          Section 2.06 of the Open Meetings Act.

24          (m) Communications between a public body and an  
25          attorney or auditor representing the public body that would  
26          not be subject to discovery in litigation, and materials

1 prepared or compiled by or for a public body in  
2 anticipation of a criminal, civil or administrative  
3 proceeding upon the request of an attorney advising the  
4 public body, and materials prepared or compiled with  
5 respect to internal audits of public bodies.

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

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

20 (p) Records relating to collective negotiating matters  
21 between public bodies and their employees or  
22 representatives, except that any final contract or  
23 agreement and any agreement that is the subject of a public  
24 meeting held under subsection (e) of Section 7 of the  
25 Illinois Public Labor Relations Act or subsection (d) of  
26 Section 10 of the Illinois Educational Labor Relations Act

1 shall be subject to inspection and copying.

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

5 (r) The records, documents, and information relating  
6 to real estate purchase negotiations until those  
7 negotiations have been completed or otherwise terminated.  
8 With regard to a parcel involved in a pending or actually  
9 and reasonably contemplated eminent domain proceeding  
10 under the Eminent Domain Act, records, documents and  
11 information relating to that parcel shall be exempt except  
12 as may be allowed under discovery rules adopted by the  
13 Illinois Supreme Court. The records, documents and  
14 information relating to a real estate sale shall be exempt  
15 until a sale is consummated.

16 (s) Any and all proprietary information and records  
17 related to the operation of an intergovernmental risk  
18 management association or self-insurance pool or jointly  
19 self-administered health and accident cooperative or pool.  
20 Insurance or self insurance (including any  
21 intergovernmental risk management association or self  
22 insurance pool) claims, loss or risk management  
23 information, records, data, advice or communications.

24 (t) Information contained in or related to  
25 examination, operating, or condition reports prepared by,  
26 on behalf of, or for the use of a public body responsible

1 for the regulation or supervision of financial  
2 institutions or insurance companies, unless disclosure is  
3 otherwise required by State law.

4 (u) Information that would disclose or might lead to  
5 the disclosure of secret or confidential information,  
6 codes, algorithms, programs, or private keys intended to be  
7 used to create electronic or digital signatures under the  
8 Electronic Commerce Security Act.

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

23 (w) (Blank).

24 (x) Maps and other records regarding the location or  
25 security of generation, transmission, distribution,  
26 storage, gathering, treatment, or switching facilities

1 owned by a utility, by a power generator, or by the  
2 Illinois Power Agency.

3 (y) Information contained in or related to proposals,  
4 bids, or negotiations related to electric power  
5 procurement under Section 1-75 of the Illinois Power Agency  
6 Act and Section 16-111.5 of the Public Utilities Act that  
7 is determined to be confidential and proprietary by the  
8 Illinois Power Agency or by the Illinois Commerce  
9 Commission.

10 (z) Information about students exempted from  
11 disclosure under Sections 10-20.38 or 34-18.29 of the  
12 School Code, and information about undergraduate students  
13 enrolled at an institution of higher education exempted  
14 from disclosure under Section 25 of the Illinois Credit  
15 Card Marketing Act of 2009.

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

18 (bb) Records and information provided to a mortality  
19 review team and records maintained by a mortality review  
20 team appointed under the Department of Juvenile Justice  
21 Mortality Review Team Act.

22 (cc) Information regarding interments, entombments, or  
23 inurnments of human remains that are submitted to the  
24 Cemetery Oversight Database under the Cemetery Care Act or  
25 the Cemetery Oversight Act, whichever is applicable.

26 (dd) Correspondence and records (i) that may not be

1 disclosed under Section 11-9 of the Illinois Public Aid  
2 Code or (ii) that pertain to appeals under Section 11-8 of  
3 the Illinois Public Aid Code.

4 (ee) The names, addresses, or other personal  
5 information of persons who are minors and are also  
6 participants and registrants in programs of park  
7 districts, forest preserve districts, conservation  
8 districts, recreation agencies, and special recreation  
9 associations.

10 (ff) The names, addresses, or other personal  
11 information of participants and registrants in programs of  
12 park districts, forest preserve districts, conservation  
13 districts, recreation agencies, and special recreation  
14 associations where such programs are targeted primarily to  
15 minors.

16 (gg) Confidential information described in Section  
17 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

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

22 (ii) Records requested by persons committed to or  
23 detained by the Department of Human Services under the  
24 Sexually Violent Persons Commitment Act or committed to the  
25 Department of Corrections under the Sexually Dangerous  
26 Persons Act if those materials: (i) are available in the

1 library of the facility where the individual is confined;  
2 (ii) include records from staff members' personnel files,  
3 staff rosters, or other staffing assignment information;  
4 or (iii) are available through an administrative request to  
5 the Department of Human Services or the Department of  
6 Corrections.

7 (jj) Confidential information described in Section  
8 5-535 of the Civil Administrative Code of Illinois.

9 (1.5) Any information exempt from disclosure under the  
10 Judicial Privacy Act shall be redacted from public records  
11 prior to disclosure under this Act.

12 (2) A public record that is not in the possession of a  
13 public body but is in the possession of a party with whom the  
14 agency has contracted to perform a governmental function on  
15 behalf of the public body, and that directly relates to the  
16 governmental function and is not otherwise exempt under this  
17 Act, shall be considered a public record of the public body,  
18 for purposes of this Act.

19 (3) This Section does not authorize withholding of  
20 information or limit the availability of records to the public,  
21 except as stated in this Section or otherwise provided in this  
22 Act.

23 (Source: P.A. 99-298, eff. 8-6-15; 99-346, eff. 1-1-16; 99-642,  
24 eff. 7-28-16; 100-26, eff. 8-4-17; 100-201, eff. 8-18-17.)

25 Section 15. The Illinois Public Labor Relations Act is

1 amended by changing Sections 7 and 24 as follows:

2 (5 ILCS 315/7) (from Ch. 48, par. 1607)

3 Sec. 7. Duty to bargain.

4 (a) A public employer and the exclusive representative have  
5 the authority and the duty to bargain collectively set forth in  
6 this Section.

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

19 The duty "to bargain collectively" shall also include an  
20 obligation to negotiate over any matter with respect to wages,  
21 hours and other conditions of employment, not specifically  
22 provided for in any other law or not specifically in violation  
23 of the provisions of any law. If any other law pertains, in  
24 part, to a matter affecting the wages, hours and other  
25 conditions of employment, such other law shall not be construed



1 as limiting the duty "to bargain collectively" and to enter  
2 into collective bargaining agreements containing clauses which  
3 either supplement, implement, or relate to the effect of such  
4 provisions in other laws.

5 The duty "to bargain collectively" shall also include  
6 negotiations as to the terms of a collective bargaining  
7 agreement. The parties may, by mutual agreement, provide for  
8 arbitration of impasses resulting from their inability to agree  
9 upon wages, hours and terms and conditions of employment to be  
10 included in a collective bargaining agreement. Such  
11 arbitration provisions shall be subject to the Illinois  
12 "Uniform Arbitration Act" unless agreed by the parties.

13 The duty "to bargain collectively" shall also mean that no  
14 party to a collective bargaining contract shall terminate or  
15 modify such contract, unless the party desiring such  
16 termination or modification:

17 (1) serves a written notice upon the other party to the  
18 contract of the proposed termination or modification 60  
19 days prior to the expiration date thereof, or in the event  
20 such contract contains no expiration date, 60 days prior to  
21 the time it is proposed to make such termination or  
22 modification;

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

26 (3) notifies the Board within 30 days after such notice

1 of the existence of a dispute, provided no agreement has  
2 been reached by that time; and

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

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

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

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

6       (d) Notwithstanding any other provision of this Section,  
7 whenever collective bargaining is for the purpose of  
8 establishing an initial agreement following original  
9 certification of units with fewer than 35 employees, with  
10 respect to public employees other than peace officers, fire  
11 fighters, and security employees, the following apply:

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

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

1           (3) If after the expiration of the 30-day period  
2 beginning on the date on which mediation commenced, or such  
3 additional period as the parties may agree upon, the  
4 mediator is not able to bring the parties to agreement by  
5 conciliation, either the exclusive representative of the  
6 employees or the employer may request of the other, in  
7 writing, arbitration and shall submit a copy of the request  
8 to the board. Upon submission of the request for  
9 arbitration, the parties shall be required to participate  
10 in the impasse arbitration procedures set forth in Section  
11 14 of this Act, except the right to strike shall not be  
12 considered waived pursuant to Section 17 of this Act, until  
13 the actual convening of the arbitration hearing.

14           (e) Notwithstanding any other provision of this Act, once  
15 an agreement is reached between a public employer and the  
16 exclusive representative of a bargaining unit concerning all of  
17 the terms of a collective bargaining agreement, that agreement  
18 shall be reduced to writing and published on the website of the  
19 public employer. Not less than 14 days after publication of the  
20 agreement on its website, the public employer shall hold an  
21 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 public 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 (e). Upon

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

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

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

16 If a public contract requires board approval before it may  
17 take effect, then not less than 14 days after publication of  
18 the contract on its website, the public employer shall hold an  
19 open public meeting on the contract. No contract shall take  
20 effect until after the public employer publishes the contract  
21 on its website and holds an open public meeting on the contract  
22 as required under this subsection (g).

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

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

25 Sec. 24. Meetings. Except as provided in Section 7 of this

1 Act, the ~~The~~ provisions of the Open Meetings Act shall not  
2 apply to collective bargaining negotiations and grievance  
3 arbitration conducted pursuant to this Act.

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

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

7 (115 ILCS 5/10) (from Ch. 48, par. 1710)

8 Sec. 10. Duty to bargain. (a) An educational employer and  
9 the exclusive representative have the authority and the duty to  
10 bargain collectively as set forth in this Section. Collective  
11 bargaining is the performance of the mutual obligations of the  
12 educational employer and the representative of the educational  
13 employees to meet at reasonable times and confer in good faith  
14 with respect to wages, hours and other terms and conditions of  
15 employment, and to execute a written contract incorporating any  
16 agreement reached by such obligation, provided such obligation  
17 does not compel either party to agree to a proposal or require  
18 the making of a concession.

19 (b) The parties to the collective bargaining process shall  
20 not effect or implement a provision in a collective bargaining  
21 agreement if the implementation of that provision would be in  
22 violation of, or inconsistent with, or in conflict with any  
23 statute or statutes enacted by the General Assembly of  
24 Illinois. The parties to the collective bargaining process may

1 effect or implement a provision in a collective bargaining  
2 agreement if the implementation of that provision has the  
3 effect of supplementing any provision in any statute or  
4 statutes enacted by the General Assembly of Illinois pertaining  
5 to wages, hours or other conditions of employment; provided  
6 however, no provision in a collective bargaining agreement may  
7 be effected or implemented if such provision has the effect of  
8 negating, abrogating, replacing, reducing, diminishing, or  
9 limiting in any way any employee rights, guarantees or  
10 privileges pertaining to wages, hours or other conditions of  
11 employment provided in such statutes. Any provision in a  
12 collective bargaining agreement which has the effect of  
13 negating, abrogating, replacing, reducing, diminishing or  
14 limiting in any way any employee rights, guarantees or  
15 privileges provided in an Illinois statute or statutes shall be  
16 void and unenforceable, but shall not affect the validity,  
17 enforceability and implementation of other permissible  
18 provisions of the collective bargaining agreement.

19 (c) The collective bargaining agreement negotiated between  
20 representatives of the educational employees and the  
21 educational employer shall contain a grievance resolution  
22 procedure which shall apply to all employees in the unit and  
23 shall provide for binding arbitration of disputes concerning  
24 the administration or interpretation of the agreement. The  
25 agreement shall also contain appropriate language prohibiting  
26 strikes for the duration of the agreement. The costs of such

1 arbitration shall be borne equally by the educational employer  
2 and the employee organization.

3 (d) Notwithstanding any other provision of this Act, once  
4 ~~Once~~ an agreement is reached between representatives of the  
5 educational employees and the educational employer concerning  
6 the terms of a collective bargaining agreement, that ~~and is~~  
7 ~~ratified by both parties,~~ the agreement shall be reduced to  
8 writing and published on the website of the educational  
9 employer. Not less than 14 days after publication of the  
10 agreement on its website, the educational employer shall hold  
11 an open public meeting on ratification of the agreement. No  
12 agreement concerning all of the terms of a collective  
13 bargaining agreement shall be ratified by the parties until  
14 after the educational employer publishes the agreement on its  
15 website and holds an open public meeting on ratification of the  
16 agreement as required under this subsection (d). Upon  
17 ratification, the agreement shall be signed by the parties.  
18 Rejection of an agreement by the educational employer or by the  
19 exclusive representative of the educational employees shall  
20 not constitute an unfair labor practice.

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

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



1 (115 ILCS 5/18) (from Ch. 48, par. 1718)

2 Sec. 18. Meetings. Except as provided in Section 10 of this  
3 Act, the ~~The~~ provisions of the Open Meetings Act shall not  
4 apply to collective bargaining negotiations and grievance  
5 arbitrations conducted pursuant to this Act.

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

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