



## 98TH GENERAL ASSEMBLY

### State of Illinois

#### 2013 and 2014

#### SB3370

Introduced 2/14/2014, by Sen. Kyle McCarter

#### 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 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. Makes conforming changes in the Open Meetings Act and the Freedom of Information Act. Effective immediately.

LRB098 15308 OMW 50332 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 and the use of personnel and  
10 equipment to respond to an actual, a threatened, or a  
11 reasonably potential danger to the safety of employees,  
12 students, staff, the public, or public property.

13 (9) Student disciplinary cases.

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

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

24 (12) The establishment of reserves or settlement of  
25 claims as provided in the Local Governmental and  
26 Governmental Employees Tort Immunity Act, if otherwise the

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

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

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

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

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

25 (17) The recruitment, credentialing, discipline or  
26 formal peer review of physicians or other health care

1 professionals for a hospital, or other institution  
2 providing medical care, that is operated by the public  
3 body.

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

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

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

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

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

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

24 (24) Meetings of a residential health care facility  
25 resident sexual assault and death review team or the  
26 Executive Council under the Abuse Prevention Review Team

1 Act.

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

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

7 (27) (Blank).

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

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

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

26 (31) ~~(30)~~ Meetings and deliberations for decisions of

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

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

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

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

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

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

26 (Source: P.A. 97-318, eff. 1-1-12; 97-333, eff. 8-12-11;



1 97-452, eff. 8-19-11; 97-813, eff. 7-13-12; 97-876, eff.  
2 8-1-12; 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; revised  
3 7-23-13.)

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

6 (5 ILCS 140/7) (from Ch. 116, par. 207)

7 Sec. 7. Exemptions.

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

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

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

22 (b-5) Files, documents, and other data or databases  
23 maintained by one or more law enforcement agencies and  
24 specifically designed to provide information to one or more

1 law enforcement agencies regarding the physical or mental  
2 status of one or more individual subjects.

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

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

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

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

1           (iii) create a substantial likelihood that a  
2 person will be deprived of a fair trial or an impartial  
3 hearing;

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

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

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

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

1           (d-5) A law enforcement record created for law  
2 enforcement purposes and contained in a shared electronic  
3 record management system if the law enforcement agency that  
4 is the recipient of the request did not create the record,  
5 did not participate in or have a role in any of the events  
6 which are the subject of the record, and only has access to  
7 the record through the shared electronic record management  
8 system.

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

11           (e-5) Records requested by persons committed to the  
12 Department of Corrections if those materials are available  
13 in the library of the correctional facility where the  
14 inmate is confined.

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

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

23           (f) Preliminary drafts, notes, recommendations,  
24 memoranda and other records in which opinions are  
25 expressed, or policies or actions are formulated, except  
26 that a specific record or relevant portion of a record

1 shall not be exempt when the record is publicly cited and  
2 identified by the head of the public body. The exemption  
3 provided in this paragraph (f) extends to all those records  
4 of officers and agencies of the General Assembly that  
5 pertain to the preparation of legislative documents.

6 (g) Trade secrets and commercial or financial  
7 information obtained from a person or business where the  
8 trade secrets or commercial or financial information are  
9 furnished under a claim that they are proprietary,  
10 privileged or confidential, and that disclosure of the  
11 trade secrets or commercial or financial information would  
12 cause competitive harm to the person or business, and only  
13 insofar as the claim directly applies to the records  
14 requested.

15 The information included under this exemption includes  
16 all trade secrets and commercial or financial information  
17 obtained by a public body, including a public pension fund,  
18 from a private equity fund or a privately held company  
19 within the investment portfolio of a private equity fund as  
20 a result of either investing or evaluating a potential  
21 investment of public funds in a private equity fund. The  
22 exemption contained in this item does not apply to the  
23 aggregate financial performance information of a private  
24 equity fund, nor to the identity of the fund's managers or  
25 general partners. The exemption contained in this item does  
26 not apply to the identity of a privately held company

1 within the investment portfolio of a private equity fund,  
2 unless the disclosure of the identity of a privately held  
3 company may cause competitive harm.

4 Nothing contained in this paragraph (g) shall be  
5 construed to prevent a person or business from consenting  
6 to disclosure.

7 (h) Proposals and bids for any contract, grant, or  
8 agreement, including information which if it were  
9 disclosed would frustrate procurement or give an advantage  
10 to any person proposing to enter into a contractor  
11 agreement with the body, until an award or final selection  
12 is made. Information prepared by or for the body in  
13 preparation of a bid solicitation shall be exempt until an  
14 award or final selection is made.

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

26 (j) The following information pertaining to

1 educational matters:

2 (i) test questions, scoring keys and other  
3 examination data used to administer an academic  
4 examination;

5 (ii) information received by a primary or  
6 secondary school, college, or university under its  
7 procedures for the evaluation of faculty members by  
8 their academic peers;

9 (iii) information concerning a school or  
10 university's adjudication of student disciplinary  
11 cases, but only to the extent that disclosure would  
12 unavoidably reveal the identity of the student; and

13 (iv) course materials or research materials used  
14 by faculty members.

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

1           (1) Minutes of meetings of public bodies closed to the  
2 public as provided in the Open Meetings Act until the  
3 public body makes the minutes available to the public under  
4 Section 2.06 of the Open Meetings Act.

5           (m) Communications between a public body and an  
6 attorney or auditor representing the public body that would  
7 not be subject to discovery in litigation, and materials  
8 prepared or compiled by or for a public body in  
9 anticipation of a criminal, civil or administrative  
10 proceeding upon the request of an attorney advising the  
11 public body, and materials prepared or compiled with  
12 respect to internal audits of public bodies.

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

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



1           (p) Records relating to collective negotiating matters  
2           between public bodies and their employees or  
3           representatives, except that any final contract or  
4           agreement and any agreement that is the subject of a  
5           meeting held pursuant to either subsection (e) of Section 7  
6           of the Illinois Public Labor Relations Act or subsection  
7           (d) of Section 10 of the Illinois Educational Labor  
8           Relations Act shall be subject to inspection and copying.

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

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

23          (s) Any and all proprietary information and records  
24          related to the operation of an intergovernmental risk  
25          management association or self-insurance pool or jointly  
26          self-administered health and accident cooperative or pool.

1 Insurance or self insurance (including any  
2 intergovernmental risk management association or self  
3 insurance pool) claims, loss or risk management  
4 information, records, data, advice or communications.

5 (t) Information contained in or related to  
6 examination, operating, or condition reports prepared by,  
7 on behalf of, or for the use of a public body responsible  
8 for the regulation or supervision of financial  
9 institutions or insurance companies, unless disclosure is  
10 otherwise required by State law.

11 (u) Information that would disclose or might lead to  
12 the disclosure of secret or confidential information,  
13 codes, algorithms, programs, or private keys intended to be  
14 used to create electronic or digital signatures under the  
15 Electronic Commerce Security Act.

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

1 mobilization or deployment of personnel or equipment, to  
2 the operation of communication systems or protocols, or to  
3 tactical operations.

4 (w) (Blank).

5 (x) Maps and other records regarding the location or  
6 security of generation, transmission, distribution,  
7 storage, gathering, treatment, or switching facilities  
8 owned by a utility, by a power generator, or by the  
9 Illinois Power Agency.

10 (y) Information contained in or related to proposals,  
11 bids, or negotiations related to electric power  
12 procurement under Section 1-75 of the Illinois Power Agency  
13 Act and Section 16-111.5 of the Public Utilities Act that  
14 is determined to be confidential and proprietary by the  
15 Illinois Power Agency or by the Illinois Commerce  
16 Commission.

17 (z) Information about students exempted from  
18 disclosure under Sections 10-20.38 or 34-18.29 of the  
19 School Code, and information about undergraduate students  
20 enrolled at an institution of higher education exempted  
21 from disclosure under Section 25 of the Illinois Credit  
22 Card Marketing Act of 2009.

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

25 (bb) Records and information provided to a mortality  
26 review team and records maintained by a mortality review

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

3 (cc) Information regarding interments, entombments, or  
4 inurnments of human remains that are submitted to the  
5 Cemetery Oversight Database under the Cemetery Care Act or  
6 the Cemetery Oversight Act, whichever is applicable.

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

11 (ee) The names, addresses, or other personal  
12 information of persons who are minors and are also  
13 participants and registrants in programs of park  
14 districts, forest preserve districts, conservation  
15 districts, recreation agencies, and special recreation  
16 associations.

17 (ff) The names, addresses, or other personal  
18 information of participants and registrants in programs of  
19 park districts, forest preserve districts, conservation  
20 districts, recreation agencies, and special recreation  
21 associations where such programs are targeted primarily to  
22 minors.

23 (gg) Confidential information described in Section  
24 1-100 of the Illinois Independent Tax Tribunal Act of 2012.

25 (hh) The report submitted to the State Board of  
26 Education by the School Security and Standards Task Force

1 under item (8) of subsection (d) of Section 2-3.157 of the  
2 School Code and any information contained in that report.

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

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

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

17 (Source: P.A. 97-333, eff. 8-12-11; 97-385, eff. 8-15-11;  
18 97-452, eff. 8-19-11; 97-783, eff. 7-13-12; 97-813, eff.  
19 7-13-12; 97-847, eff. 9-22-12; 97-1065, eff. 8-24-12; 97-1129,  
20 eff. 8-28-12; 98-463, eff. 8-16-13; 98-578, eff. 8-27-13.)

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

23 (5 ILCS 315/7) (from Ch. 48, par. 1607)

24 Sec. 7. Duty to bargain.

1           (a) A public employer and the exclusive representative have  
2 the authority and the duty to bargain collectively set forth in  
3 this Section.

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

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

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

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

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

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

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

25           (4) continues in full force and effect, without  
26 resorting to strike or lockout, all the terms and

1 conditions of the existing contract for a period of 60 days  
2 after such notice is given to the other party or until the  
3 expiration date of such contract, whichever occurs later.

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

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

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



1 General Assembly.

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

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

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

23 (3) If after the expiration of the 30-day period  
24 beginning on the date on which mediation commenced, or such  
25 additional period as the parties may agree upon, the  
26 mediator is not able to bring the parties to agreement by

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

10 (e) Notwithstanding any other provision of this Act, once  
11 an agreement is reached between a public employer and the  
12 exclusive representative of a bargaining unit concerning all of  
13 the terms of a collective bargaining agreement, that agreement  
14 shall be reduced to writing and published on the website of the  
15 public employer. Not less than 14 days after publication of the  
16 agreement on its website, the public employer shall hold an  
17 open public meeting on ratification of the agreement. No  
18 agreement shall be ratified by the parties until after the  
19 public employer publishes the agreement on its website and  
20 holds an open public meeting on ratification of the agreement  
21 as required under this subsection (e). Upon ratification, the  
22 agreement shall be signed by the parties.

23 (f) No collective bargaining agreement shall be binding on  
24 any government agency until it has been ratified by a majority  
25 vote of the agency's governing body, with that vote taking  
26 place after the public meeting described in subsection (e) of

1 this Section.

2 (Source: P.A. 96-598, eff. 1-1-10; 97-1158, eff. 1-29-13.)

3 (5 ILCS 315/24) (from Ch. 48, par. 1624)

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

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

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

11 (115 ILCS 5/10) (from Ch. 48, par. 1710)

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

23 (b) The parties to the collective bargaining process shall

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

24 (c) The collective bargaining agreement negotiated between  
25 representatives of the educational employees and the  
26 educational employer shall contain a grievance resolution

1 procedure which shall apply to all employees in the unit and  
2 shall provide for binding arbitration of disputes concerning  
3 the administration or interpretation of the agreement. The  
4 agreement shall also contain appropriate language prohibiting  
5 strikes for the duration of the agreement. The costs of such  
6 arbitration shall be borne equally by the educational employer  
7 and the employee organization.

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

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

1 Section.

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

3 (115 ILCS 5/18) (from Ch. 48, par. 1718)

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

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

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