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FILE NO. S-1490

MEETINGS:
Collective Negotiating Exception
to the Open Meetings Act

Honorable Edwin R. Parkinson
State's Attorney, Morgan County
Morgan County Courthouse
Jacksonville, Illinois 62650

Dear Mr. Parkinson:

I have your letter wherein you inquire whether discussions by a public body on whether to extend collective bargaining rights to a federation or other representative group fall within the collective bargaining exception in section 2 of "AN ACT in relation to meetings" (Ill. Rev. Stat. 1977, ch. 102, par. 42) [Open Meetings Act]. You state in your letter that a local special education board, at a time when no collective bargaining agreement was in existence, held a closed session to discuss whether or not it would extend collective bargaining rights. You advise that it is your opinion that such a meeting does not fall within the

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collective negotiating exception to the Open Meetings Act.

I concur with your opinion.

Section 2 of the Open Meetings Act provides in pertinent part:

"All meetings of any legislative, executive, administrative or advisory bodies of the State, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue, shall be public meetings except for (a) collective negotiating matters between public employers and their employees or representatives * * *.

* * *

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Exceptions to the Open Meetings Act should be narrowly construed to avoid doing violence to the policy which the Act is intended to promote. (Ill. News Broadcasters v. City of Springfield (1974), 22 Ill. App. 3d 226, 228.) It is clear from the language of the statute that a closed meeting to consider whether or not collective bargaining rights will be extended is not within the plain meaning of section 2(a). There can be no collective negotiations between employers and employees before there has been a decision by the employer to extend negotiating rights. Therefore, it is my opinion that the collective negotiating exception of the Open

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Meetings Act does not include unilateral deliberations by the employer on the question of whether to extend negotiating rights.

Very truly yours,

A T T O R N E Y G E N E R A L