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Naming Names: PAC Issues an Opinion Requiring Employee Names in Board Actions

The Office of the Illinois Attorney General's Public Access Counselor (PAC) has issued a decision finding that a school board violated the Open Meetings Act (OMA) when it took final action on an employment matter without identifying the employee by name.

In the case reviewed by the PAC, the school board held a dismissal hearing in closed session and then went back into open session to vote on the recommendation for the "dismissal of Employee A". The local media filed a request for review when the board refused to release the name of the employee. The PAC explained that the OMA requires a public recital of the nature of the matter being considered *and* other information that will inform the public of the business being conducted prior to any final action by the public body. The PAC indicated that the recital must provide sufficient information for the public to

understand the effect of the board's action before it votes on the employee discipline or dismissal. The PAC found that the board deprived the public of meaningful information concerning the practical effect of its decision by identifying only "Employee A" and by failing to provide even basic information as to whether the board was dismissing a support staff member, a teacher, a principal, or the superintendent. This opinion is consistent with a non-binding opinion issued by the PAC in 2011, wherein the PAC found that a school board was required to identify the specific names of employees who had submitted resignations in order to provide a sufficient description of the matter being considered and the action to be taken by the board.

Because Illinois courts have yet to address this issue directly, the PAC's interpretation of the OMA is the only guidance for school districts and special education joint agreements. Therefore, we recommend that an employee's name be included in the recitation when a board takes final action concerning employee discipline, resignation, or dismissal. Also, the PAC's decisions imply that a board may be required to name employees in other final actions that directly impact specific employees, such as hiring decisions, reclassifications, and leave

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requests. If you have any questions or would like to discuss this further, contact one of our attorneys at the Flossmoor (708-799-6766) or Oak Brook (630-928-1200) office.