

Operational Services

Exhibit - Checklist for Third Party Non-Instructional Emergency Contracts

Use this procedure to document that the requirements of 105 ILCS 5/10-22.34c(b), amended by P.A. 104-393, eff. 7-1-26, have been fulfilled, allowing the Board to approve an emergency contract for third party non-instructional services currently performed by any employee or bargaining unit member for the purpose of augmenting the current workforce in an emergency situation. **Consult with the Board Attorney before proceeding with an emergency contract.**

Name of proposed emergency contractor: _____

Name and description of proposed emergency contract for third party non-instructional services: _____

Effective date of proposed emergency contract: _____

- ☐ There is an *emergency situation*, meaning a sudden and unforeseen event or change in circumstances that would result in a near-term interruption of non-instructional services that calls for immediate action. Explain and attach any supporting documentation: _____
- ☐ The emergency threatens the safety or health of the District's students or staff. Explain and attach any supporting documentation: _____
- ☐ The proposed emergency contract is limited to three months' duration.
- ☐ The Board has met its obligations under the Illinois Educational Labor Relations Act (consult the Board Attorney).

The vacant positions used for augmenting the current workforce will be posted on:

- ☐ The District's website, in a manner that is easily accessible to the affected bargaining unit and the general public (attach copy once posted).
- ☐ All other platforms on which the District advertises its vacancies (e.g., online job portal, databases, social media sites) (attach copies once posted).
- ☐ The vacancy postings will remain active for the entirety of the emergency contract and any renewed emergency contract until it expires. Dates postings were maintained, once posted: _____

If the Board, for any reason, seeks to renew or enter into a new emergency contract (of any type) to augment the workforce for the same group of employees **two** times following the initial emergency contract, **one** of the following has occurred:¹

- ☐ The Board conducted a minimum of one public hearing, prior to a regularly scheduled Board meeting, to discuss the proposed emergency contract before the Board renewed or entered such contract.

¹ The law does not specify that contract renewals or new contracts entered into after the initial emergency contract must be consecutive for these additional conditions to apply for the same emergency situation. Consult the board attorney for guidance on this issue.

Date of hearing: _____

The Board provided notice to the public of the date, time, and location of the first public hearing on or before the initial date that bids to provide the non-instructional services are solicited or a minimum of 30 days prior to entering into such a contract, whichever provides a greater period of notice.

Date and manner of notice (attach copies): _____

OR

- ☐ The Board obtained mutual agreement with the affected bargaining unit, codified in a memorandum of understanding (MOU) that includes the development of a recruitment and retention plan. **Note:** The mutual agreement may not be used by the affected bargaining unit as a means to compel the Board to reopen the existing collective bargaining agreement. The recruitment and retention plan may also consider a timeline for the use of the third party, the rationale for the use of the third party, a clear job description, a targeted advertising plan, comparable pay and benefits, and additional incentives (attach copy of MOU).

If the Board, for any reason, seeks to renew or enter into a new emergency contract (of any type) to augment the workforce for the same group of employees **three** times following the initial emergency contract:²

- ☐ The Board obtained mutual agreement with the affected bargaining unit, codified in a memorandum of understanding (MOU) that includes the development of a recruitment and retention plan. (attach copy of MOU).

² See f/n 1, above.