

HB2748



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2748

by Rep. Thomas Morrison

SYNOPSIS AS INTRODUCED:

40 ILCS 5/7-137

from Ch. 108 1/2, par. 7-137

Amends the Illinois Municipal Retirement Fund Article of the Illinois Pension Code. Provides that a person who holds part-time elective office is not a participating employee with respect to that office, unless he or she (i) was elected to that office before the effective date of the amendatory Act and (ii) has elected while in that office to become a contributor. Provides that an elective office shall be presumed to be part-time in the absence of an official job description or determination by the legal advisor of the applicable unit of local government, filed with the Board of the Fund every 4 years, declaring the elective office to be full-time.

LRB101 09155 RPS 54249 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

A BILL FOR

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by changing
5 Section 7-137 as follows:

6 (40 ILCS 5/7-137) (from Ch. 108 1/2, par. 7-137)

7 Sec. 7-137. Participating and covered employees.

8 (a) The persons described in this paragraph (a) shall be
9 included within and be subject to this Article and eligible to
10 benefits from this fund, beginning upon the dates hereinafter
11 specified:

12 1. Except as to the employees specifically excluded
13 under the provisions of this Article, all persons who are
14 employees of any municipality (or instrumentality thereof)
15 or participating instrumentality on the effective date of
16 participation of the municipality or participating
17 instrumentality beginning upon such effective date.

18 2. Except as to the employees specifically excluded
19 under the provisions of this Article, all persons, who
20 became employees of any participating municipality (or
21 instrumentality thereof) or participating instrumentality
22 after the effective date of participation of such
23 municipality or participating instrumentality, beginning

1 upon the date such person becomes an employee.

2 3. All persons who file notice with the board as
3 provided in paragraph (b) 2 and 3 of this Section,
4 beginning upon the date of filing such notice.

5 (b) The following described persons shall not be considered
6 participating employees eligible for benefits from this fund,
7 but shall be included within and be subject to this Article
8 (each of the descriptions is not exclusive but is cumulative):

9 1. Any person who occupies an office or is employed in
10 a position normally requiring performance of duty during
11 less than 600 hours a year for a municipality (including
12 all instrumentalities thereof) or a participating
13 instrumentality. If a school treasurer performs services
14 for more than one school district, the total number of
15 hours of service normally required for the several school
16 districts shall be considered to determine whether he
17 qualifies under this paragraph;

18 2. Except as provided in items 2.5, 2.6, ~~and~~ 2.7, and
19 2.8 any person who holds elective office, unless he or she
20 has elected while in that office in a written notice on
21 file with the board to become a participating employee;

22 2.5. Except as provided in item 2.6, any person who
23 holds elective office as a member of a county board,
24 unless:

25 (i) the person was first elected as a member of a
26 county board before the effective date of this

1 amendatory Act of the 99th General Assembly;

2 (ii) the person has elected while in that office,
3 in a written notice on file with the board, to become a
4 participating employee;

5 (iii) the county board has filed the resolution
6 required by subsection (a) of Section 7-137.2 of this
7 Article; and

8 (iv) the person has submitted the required time
9 sheets evidencing that the person has met the hourly
10 standard as required by subsection (b) of Section
11 7-137.2 of this Article;

12 2.6. Any person who is an elected member of a county
13 board and is first so elected on or after the effective
14 date of this amendatory Act of the 99th General Assembly;

15 2.7. Any person who holds part-time office as a member
16 of a governing body, whether he or she is elected or
17 appointed, unless he or she (i) was elected or appointed to
18 that office before the effective date of this amendatory
19 Act of the 100th General Assembly and (ii) has elected
20 while in that office in a written notice on file with the
21 board to become a participating employee. An office as a
22 member of a governing body shall be deemed to be part-time
23 if it normally requires the performance of duty during less
24 than 1000 hours a year for the governing body of the
25 participating municipality or instrumentality;

26 2.8. Any person who holds part-time elective office,

1 unless he or she (i) was elected to that office before the
2 effective date of this amendatory Act of the 101st General
3 Assembly and (ii) has elected while in that office in a
4 written notice on file with the board to become a
5 participating employee. An elective office shall be
6 presumed to be part-time in the absence of an official job
7 description or determination by the legal advisor of the
8 applicable participating municipality or participating
9 instrumentality, filed with the Board every 4 years,
10 declaring the elective position to be full-time;

11 3. Any person working for a city hospital unless any
12 such person, while in active employment, has elected in a
13 written notice on file with the board to become a
14 participating employee and notification thereof is
15 received by the board;

16 4. Any person who becomes an employee after June 30,
17 1979 as a public service employment program participant
18 under the federal Comprehensive Employment and Training
19 Act and whose wages or fringe benefits are paid in whole or
20 in part by funds provided under such Act;

21 5. Any person who is actively employed by a
22 municipality on its effective date of participation in the
23 Fund if that municipality (i) has at least 35 employees on
24 its effective date of participation; (ii) is located in a
25 county with at least 2,000,000 inhabitants; and (iii)
26 maintains an independent defined benefit pension plan for

1 the benefit of its eligible employees, unless the person
2 files with the board within 90 days after the
3 municipality's effective date of participation an
4 irrevocable election to participate.

5 (c) Any person electing to be a participating employee,
6 pursuant to paragraph (b) of this Section may not change such
7 election, except as provided in Section 7-137.1.

8 (d) Any employee who occupied the position of school nurse
9 in any participating municipality on August 8, 1961 and
10 continuously thereafter until the effective date of the
11 exercise of the option authorized by this subparagraph, who on
12 August 7, 1961 was a member of the Teachers' Retirement System
13 of Illinois, by virtue of certification by the Department of
14 Registration and Education as a public health nurse, may elect
15 to terminate participation in this Fund in order to
16 re-establish membership in such System. The election may be
17 exercised by filing written notice thereof with the Board or
18 with the Board of Trustees of said Teachers' Retirement System,
19 not later than September 30, 1963, and shall be effective on
20 the first day of the calendar month next following the month in
21 which the notice was filed. If the written notice is filed with
22 such Teachers' Retirement System, that System shall
23 immediately notify this Fund, but neither failure nor delay in
24 notification shall affect the validity of the employee's
25 election. If the option is exercised, the Fund shall notify
26 such Teachers' Retirement System of such fact and transfer to

1 that system the amounts contributed by the employee to this
2 Fund, including interest at 3% per annum, but excluding
3 contributions applicable to social security coverage during
4 the period beginning August 8, 1961 to the effective date of
5 the employee's election. Participation in this Fund as to any
6 credits on or after August 8, 1961 and up to the effective date
7 of the employee's election shall terminate on such effective
8 date.

9 (e) Any participating municipality or participating
10 instrumentality, other than a school district or special
11 education joint agreement created under Section 10-22.31 of the
12 School Code, may, by a resolution or ordinance duly adopted by
13 its governing body, elect to exclude from participation and
14 eligibility for benefits all persons who are employed after the
15 effective date of such resolution or ordinance and who occupy
16 an office or are employed in a position normally requiring
17 performance of duty for less than 1000 hours per year for the
18 participating municipality (including all instrumentalities
19 thereof) or participating instrumentality except for persons
20 employed in a position normally requiring performance of duty
21 for 600 hours or more per year (i) by such participating
22 municipality or participating instrumentality prior to the
23 effective date of the resolution or ordinance and (ii) by a
24 participating municipality or participating instrumentality,
25 which had not adopted such a resolution when the person was
26 employed, and the function served by the employee's position is

1 assumed by another participating municipality or participating
2 instrumentality. Notwithstanding the foregoing, a
3 participating municipality or participating instrumentality
4 which is formed solely to succeed to the functions of a
5 participating municipality or participating instrumentality
6 shall be considered to have adopted any such resolution or
7 ordinance which may have been applicable to the employees
8 performing such functions. The election made by the resolution
9 or ordinance shall take effect at the time specified in the
10 resolution or ordinance, and once effective shall be
11 irrevocable.

12 (Source: P.A. 99-900, eff. 8-26-16; 100-274, eff. 1-1-18.)