

**HB0079**



**104TH GENERAL ASSEMBLY**

**State of Illinois**

**2025 and 2026**

**HB0079**

Introduced 1/9/2025, by Rep. Jackie Haas

**SYNOPSIS AS INTRODUCED:**

40 ILCS 5/7-144

from Ch. 108 1/2, par. 7-144

Amends the Illinois Municipal Retirement Fund (IMRF) Article of the Illinois Pension Code. In a provision concerning suspensions of retirement annuities during employment with a participating employer, provides that an annuitant receiving a sheriff's law enforcement employee annuity shall be considered a participating employee if the annuitant returns to work as a school security guard employed by a participating employer and works more than 999 hours annually. Effective immediately.

LRB104 03202 RPS 13223 b

**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  
5 changing Section 7-144 as follows:

6           (40 ILCS 5/7-144) (from Ch. 108 1/2, par. 7-144)

7           Sec. 7-144. Retirement annuities; suspended during  
8 employment.

9           (a) If any person receiving any annuity again becomes an  
10 employee and receives earnings from employment in a position  
11 requiring him, or entitling him to elect, to become a  
12 participating employee, then the annuity payable to such  
13 employee shall be suspended as of the first day of the month  
14 coincidental with or next following the date upon which such  
15 person becomes such an employee, unless the person is  
16 authorized under subsection (b) of Section 7-137.1 of this  
17 Code to continue receiving a retirement annuity during that  
18 period. Upon proper qualification of the participating  
19 employee payment of such annuity may be resumed on the first  
20 day of the month following such qualification and upon proper  
21 application therefor. The participating employee in such case  
22 shall be entitled to a supplemental annuity arising from  
23 service and credits earned subsequent to such re-entry as a

1 participating employee.

2 Notwithstanding any other provision of this Article, an  
3 annuitant shall be considered a participating employee if he  
4 or she returns to work as an employee with a participating  
5 employer and works more than 599 hours annually (or 999 hours  
6 annually with a participating employer that has adopted a  
7 resolution pursuant to subsection (e) of Section 7-137 of this  
8 Code). Each of these annual periods shall commence on the  
9 month and day upon which the annuitant is first employed with  
10 the participating employer following the effective date of the  
11 annuity.

12 Notwithstanding any other provision of this Article, an  
13 annuitant receiving an annuity under Section 7-142.1 shall be  
14 considered a participating employee if the annuitant returns  
15 to work as a school security guard employed by a participating  
16 employer and works more than 999 hours annually.

17 (a-5) If any annuitant under this Article must be  
18 considered a participating employee per the provisions of  
19 subsection (a) of this Section, and the participating  
20 municipality or participating instrumentality that employs or  
21 re-employs that annuitant knowingly fails to notify the Board  
22 to suspend the annuity, the participating municipality or  
23 participating instrumentality may be required to reimburse the  
24 Fund for an amount up to one-half of the total of any annuity  
25 payments made to the annuitant after the date the annuity  
26 should have been suspended, as determined by the Board. In no

1 case shall the total amount repaid by the annuitant plus any  
2 amount reimbursed by the employer to the Fund be more than the  
3 total of all annuity payments made to the annuitant after the  
4 date the annuity should have been suspended. This subsection  
5 shall not apply if the annuitant returned to work for the  
6 employer for less than 12 months.

7 The Fund shall notify all annuitants that they must notify  
8 the Fund immediately if they return to work for any  
9 participating employer. The notification by the Fund shall  
10 occur upon retirement and no less than annually thereafter in  
11 a format determined by the Fund. The Fund shall also develop  
12 and maintain a system to track annuitants who have returned to  
13 work and notify the participating employer and annuitant at  
14 least annually of the limitations on returning to work under  
15 this Section.

16 (b) Supplemental annuities to persons who return to  
17 service for less than 48 months shall be computed under the  
18 provisions of Sections 7-141, 7-142, and 7-143. In determining  
19 whether an employee is eligible for an annuity which requires  
20 a minimum period of service, his entire period of service  
21 shall be taken into consideration but the supplemental annuity  
22 shall be based on earnings and service in the supplemental  
23 period only. The effective date of the suspended and  
24 supplemental annuity for the purpose of increases after  
25 retirement shall be considered to be the effective date of the  
26 suspended annuity.

(c) Supplemental annuities to persons who return to service for 48 months or more shall be a monthly amount determined as follows:

(1) An amount shall be computed under subparagraph b of paragraph (1) of subsection (a) of Section 7-142, considering all of the service credits of the employee.

(2) The actuarial value in monthly payments for life of the annuity payments made before suspension shall be determined and subtracted from the amount determined in paragraph (1) above.

(3) The monthly amount of the suspended annuity, with any applicable increases after retirement computed from the effective date to the date of reinstatement, shall be subtracted from the amount determined in paragraph (2) above and the remainder shall be the amount of the supplemental annuity provided that this amount shall not be less than the amount computed under subsection (b) of this Section.

(4) The suspended annuity shall be reinstated at an amount including any increases after retirement from the effective date to date of reinstatement.

(5) The effective date of the combined suspended and supplemental annuities for the purposes of increases after retirement shall be considered to be the effective date of the supplemental annuity.

(d) If a Tier 2 regular employee becomes a member or

1 participant under any other system or fund created by this  
2 Code and is employed on a full-time basis, except for those  
3 members or participants exempted from the provisions of  
4 subsection (a) of Section 1-160 of this Code (other than a  
5 participating employee under this Article), then the person's  
6 retirement annuity shall be suspended during that employment.  
7 Upon termination of that employment, the person's retirement  
8 annuity shall resume and be recalculated as required by this  
9 Section.

10 (e) If a Tier 2 regular employee first began participation  
11 on or after January 1, 2012 and is receiving a retirement  
12 annuity and accepts on a contractual basis a position to  
13 provide services to a governmental entity from which he or she  
14 has retired, then that person's annuity or retirement pension  
15 shall be suspended during that contractual service,  
16 notwithstanding the provisions of any other Section in this  
17 Article. Such annuitant shall notify the Fund, as well as his  
18 or her contractual employer, of his or her retirement status  
19 before accepting contractual employment. A person who fails to  
20 submit such notification shall be guilty of a Class A  
21 misdemeanor and required to pay a fine of \$1,000. Upon  
22 termination of that contractual employment, the person's  
23 retirement annuity shall resume and be recalculated as  
24 required by this Section.

25 (Source: P.A. 102-210, eff. 1-1-22; 103-154, eff. 6-30-23.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.