



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0426

Introduced 2/8/2021, by Rep. Kelly M. Burke

SYNOPSIS AS INTRODUCED:

40 ILCS 5/5-214

from Ch. 108 1/2, par. 5-214

30 ILCS 805/8.45 new

Amends the Chicago Police Article of the Illinois Pension Code. Makes changes to provisions concerning credit for service while on a leave of absence from the police department and assigned or detailed to perform safety or investigative work. Provides that the changes made by the amendatory Act requiring an applicant to have been on a leave of absence from the police department of the city while assigned or detailed to perform investigative work for the department while employed as a civilian employee of the police department of the city are operative beginning January 1, 2021. Defines "investigative work". Provides that the board shall reconsider any application for credit for service for any active policeman assigned or detailed to perform safety or investigative work as an employee for the County of Cook (instead of an application for credit under the provisions), if the application was submitted between specified dates and was denied. Provides that no credit shall be granted for certain service while on a leave of absence or as a temporary police officer if the policeman has not, within 5 years after the date his application for credit has been approved, but prior to his date of retirement, made a specified contribution. Provides that it is the sole responsibility of the policeman to ensure that all sums contributed by the policeman have been received by the fund for the service credit for which the policeman has applied. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB102 05185 RPS 15206 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 5-214 as follows:

6 (40 ILCS 5/5-214) (from Ch. 108 1/2, par. 5-214)

7 Sec. 5-214. Credit for other service. Any participant in
8 this fund (other than a member of the fire department of the
9 city) who has rendered service as a member of the police
10 department of the city for a period of 3 years or more is
11 entitled to credit for the various purposes of this Article
12 for service rendered prior to becoming a member or subsequent
13 thereto for the following periods:

14 (a) While on leave of absence from the police
15 department assigned or detailed to investigative,
16 protective, security or police work for the park district
17 of the city, the department of the Port of Chicago or the
18 sanitary district in which the city is located.

19 (b) As a temporary police officer in the city or while
20 serving in the office of the mayor or in the office of the
21 corporation counsel, as a member of the city council of
22 the city, as an employee of the Policemen's Annuity and
23 Benefit Fund created by this Article, as the head of an

1 organization whose membership consists of members of the
2 police department, the Public Vehicle License Commission
3 and the board of election commissioners of the city,
4 provided that, in each of these cases and for all periods
5 specified in this item (b), including those beginning
6 before the effective date of this amendatory Act of the
7 97th General Assembly, the police officer is on leave and
8 continues to remain in sworn status, subject to the
9 professional standards of the public employer or those
10 terms established in statute.

11 (c) While on leave of absence from the police
12 department of the city and assigned or detailed to
13 perform: (1) ~~performing~~ safety or investigative work as an
14 employee for the County of Cook, the State of Illinois, or
15 the federal government; or (2) ~~county in which such city~~
16 ~~is principally located or for the State of Illinois or for~~
17 ~~the federal government, on leave of absence from the~~
18 ~~department of police, or while performing~~ investigative
19 work for the department while employed as a civilian
20 employee of the police department of the city.
21 Notwithstanding any other provision of law, the board
22 shall reconsider an application for credit for service for
23 any active policeman assigned or detailed to perform
24 safety or investigative work as an employee for the County
25 of Cook, if such application ~~under this item (c) that~~ was
26 submitted after January 1, 1992 and before April 1, 2008

1 and was denied.

2 The changes made to this item (c) by this amendatory
3 Act of the 102nd General Assembly requiring an applicant
4 to have been on a leave of absence from the police
5 department of the city in order to obtain the requested
6 service credit while assigned or detailed to perform
7 safety or investigative work as an employee for the County
8 of Cook or assigned or detailed to perform investigative
9 work for the department while employed as a civilian
10 employee of the police department of the city are
11 operative beginning January 1, 2021.

12 In this item (c), "investigative work" requires a
13 systematic inquiry into the obtainment and examination of
14 facts and evidence and does not include the simple
15 gathering of information.

16 (d) While on leave of absence from the police
17 department of the city and serving as the chief of police
18 of a police department outside the city.

19 No credit shall be granted in this fund, however, for this
20 service if (1) the policeman has credit therefor in any other
21 annuity and benefit fund, or (2) the policeman has not, within
22 5 years after the date his application has been approved, but
23 prior to his date of retirement, contributed unless he
24 ~~contributes~~ to this fund the amount he would have contributed
25 with interest had he remained an active member of the police
26 department in the position he occupied as a result of a civil

1 service competitive examination, certification and appointment
2 by the Civil Service Board; or in the case of a city operating
3 under the provisions of a personnel ordinance the position he
4 occupied as a result of a personnel ordinance competitive
5 examination certification and appointment under the authority
6 of a Municipal Personnel ordinance.

7 Concurrently with such contributions, the city shall
8 contribute the amounts provided by this Article. No credit
9 shall be allowed for any period of time for which
10 contributions by the policeman have not been paid. It is the
11 sole responsibility of the policeman to ensure that all sums
12 contributed by the policeman have been received by the fund
13 for the service credit for which the policeman has applied.

14 The period of service rendered by such policeman prior to the
15 date he became a member of the police department of the city or
16 while detailed, assigned or on leave of absence and employed
17 in any of the departments set forth hereinabove in this
18 Section for which such policeman has contributed to this fund
19 shall be credited to him as service for all the purposes of
20 this Article, except that he shall not have any of the rights
21 conferred by the provisions of Sections 5-127 and 5-162 of
22 this Article.

23 The changes in this Section made by Public Act 86-273
24 shall apply to members of the fund who have not begun receiving
25 a pension under this Article on August 23, 1989, without
26 regard to whether employment is terminated before that date.

1 (Source: P.A. 100-1173, eff. 6-1-19.)

2 Section 90. The State Mandates Act is amended by adding
3 Section 8.45 as follows:

4 (30 ILCS 805/8.45 new)

5 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and
6 8 of this Act, no reimbursement by the State is required for
7 the implementation of any mandate created by this amendatory
8 Act of the 102nd General Assembly.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.