

1 AN ACT in relation to 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 Sections 9-128.1, 9-170, 9-219, and 9-220 as
6 follows:

7 (40 ILCS 5/9-128.1) (from Ch. 108 1/2, par. 9-128.1)

8 Sec. 9-128.1. Annuities for members of the County Police
9 Department.

10 (a) In lieu of the regular or minimum annuity or
11 annuities for any deputy sheriff who is a member of a County
12 Police Department, he may, upon withdrawal from service
13 after not less than 20 years of service in the position of
14 deputy sheriff as defined below, upon or after attainment of
15 age 55, receive a total annuity equal to 2% for each year of
16 service based upon his highest average annual salary for any
17 4 consecutive years within the last 10 years of service
18 immediately preceding the date of withdrawal from service,
19 subject to a maximum annuity equal to 75% of such average
20 annual salary.

21 (b) Any deputy sheriff who withdraws from the service
22 after July 1, 1979, after having attained age 53 in the
23 service with 23 or more years of service credit shall be
24 entitled to an annuity computed as follows if such annuity is
25 greater than that provided in the foregoing paragraphs of
26 this Section 9-128.1: An annuity equal to 50% of the average
27 salary for the 4 highest consecutive years of the last 10
28 years of service plus additional annuity equal to 2% of such
29 average salary for each completed year of service or fraction
30 thereof rendered after his attainment of age 53 and the
31 completion of 23 years of service, plus an additional annuity

1 equal to 1% of such average salary for each completed year of
2 service or fraction thereof in excess of 23 years up to age
3 53.

4 (c) Any deputy sheriff who withdraws from the service
5 after December 31, 1987 with 20 or more years of service
6 credit, shall be entitled, upon attainment of age 50, to an
7 annuity computed as follows if such annuity is greater than
8 that provided in the foregoing paragraphs of this Section
9 9-128.1: an annuity equal to 50% of the average salary for
10 the 4 highest consecutive years of the last 10 years of
11 service, plus additional annuity equal to 2% of such average
12 salary for each completed year of service or fraction thereof
13 in excess of 20 years.

14 (c-1) A corrections officer who withdraws from service
15 after December 31, 2003 with 20 or more years of service
16 credit in that capacity shall be entitled, upon attainment of
17 age 50, to an annuity computed as follows if this annuity is
18 greater than that provided in the other provisions of this
19 Article: an annuity equal to 50% of the officer's average
20 annual salary for the 4 highest consecutive years within the
21 last 10 years of service, plus 2% of that average annual
22 salary for each completed year of service or remaining
23 fraction thereof in excess of 20 years.

24 (d) A deputy sheriff who reaches compulsory retirement
25 age and who has less than 23 years of service shall be
26 entitled to a minimum annuity equal to an amount determined
27 by the product of (1) his years of service and (2) 2% of his
28 average salary for the 4 consecutive highest years of salary
29 within the last 10 years of service immediately prior to his
30 reaching compulsory retirement age.

31 (e) Any deputy sheriff who retires after January 1, 1984
32 and elects to receive an annuity under this Section, and who
33 has credits under this Article for service not as a deputy
34 sheriff, shall be entitled to receive, in addition to the

1 amount of annuity otherwise provided under this Section, an
2 additional amount of annuity provided from the totals
3 accumulated to his credit for prior service and age and
4 service annuities for such service not as a deputy sheriff.

5 (e-1) A corrections officer who withdraws from service
6 after December 31, 2003 and elects to receive an annuity
7 under this Section, and who has credits under this Article
8 for service not as a corrections officer, shall be entitled
9 to receive, in addition to the amount of annuity otherwise
10 provided under this Section, an additional amount of annuity
11 provided from the totals accumulated to his or her credit for
12 prior service and age and service annuities for the service
13 not as a corrections officer.

14 (f) The term "deputy sheriff" means an employee charged
15 with the duty of law enforcement as a deputy sheriff as
16 specified in Section 1 of "An Act in relation to County
17 Police Departments in certain Counties, creating a County
18 Police Department Merit Board and defining its powers and
19 duties", approved August 5, 1963, who rendered service in
20 such position before and after such date.

21 The terms "deputy sheriff" and "member of a County Police
22 Department" shall also include an elected sheriff of the
23 county who has elected to become a contributor and who has
24 submitted to the board his written election to be included
25 within the provisions of this Section. With respect to any
26 such sheriff, service as the elected sheriff of the county
27 shall be deemed to be service in the position of deputy
28 sheriff for the purposes of this Section provided that the
29 employee contributions therefor are made at the rate
30 prescribed for members of the County Police Department. A
31 sheriff electing to be included under this Section may also
32 elect to have his service as sheriff of the county before the
33 date of such election included as service as a deputy sheriff
34 for the purposes of this Section, by making an additional

1 contribution for each year of such service, equal to the
2 difference between the amount he would have contributed to
3 the Fund during such year had he been contributing at the
4 rate then in effect for members of the County Police
5 Department and the amount actually contributed, plus interest
6 thereon at the rate of 6% per annum from the end of such year
7 to the date of payment.

8 (f-1) The term "corrections officer" means (i) an
9 employee of the county department of corrections who serves
10 in a position that requires the employee to have daily
11 contact with prisoners or inmates or (ii) an adult or
12 juvenile probation officer who works for the chief judge of
13 the circuit court of the county.

14 (g) In no case shall an annual annuity provided in this
15 Section 9-128.1 exceed 80% of the average annual salary for
16 any 4 consecutive years within the last 10 years of service
17 immediately preceding the date of withdrawal from service.

18 A deputy sheriff or corrections officer may, in addition,
19 be entitled to the benefits provided by Section 9-133 or
20 9-133.1 if he or she so qualifies under those such Sections.

21 (h) A deputy sheriff may elect, between January 1 and
22 January 15, 1983, to transfer his creditable service as a
23 member of the State Employees' Retirement System of Illinois
24 to any Fund established under this Article of which he is a
25 member, and such transferred creditable service shall be
26 included as service for the purpose of calculating his
27 benefits under this Article to the extent that the payment
28 specified in Section 14-105.3 has been received by such Fund.

29 (i) An active deputy sheriff who has at least 15 years
30 of service credit in that capacity may elect to have any or
31 all of his credits under this Article for service not as a
32 deputy sheriff deemed to be credits for service as a deputy
33 sheriff, by filing a written election with the Board,
34 accompanied by payment of an amount to be determined by the

1 Board, equal to (1) the difference between the amount of
2 employee contributions actually contributed by the applicant
3 for such service not as a deputy sheriff, and the amounts
4 that would have been contributed had such contributions been
5 made at the rates applicable to service as a deputy sheriff,
6 plus (2) interest thereon at the rate of 3% per annum,
7 compounded annually, from the date of service to the date of
8 payment.

9 (i-1) An active corrections officer who has at least 15
10 years of service credit in that capacity may elect to have
11 any or all of his credits under this Article for service not
12 as a corrections officer deemed to be credits for service as
13 a corrections officer by filing a written election with the
14 Board, accompanied by payment of an amount to be determined
15 by the Board, equal to (1) the difference between the amount
16 of employee contributions actually contributed by the
17 applicant for that service not as a corrections officer and
18 the amounts that would have been contributed had those
19 contributions been made at the rates applicable to service as
20 a corrections officer, plus (2) interest thereon at the rate
21 of 3% per annum, compounded annually, from the date of
22 service to the date of payment.

23 (j) Beginning on the effective date of this amendatory
24 Act of 1996, the terms "deputy sheriff" and "member of a
25 County Police Department" shall also include any chief of the
26 County Police Department or undersheriff of the County
27 Sheriff's Department who has submitted to the board his or
28 her written election to be included within the provisions of
29 this Section. With respect to any such police chief or
30 undersheriff, service as a chief of the County Police
31 Department or an undersheriff of the County Sheriff's
32 Department shall be deemed to be service in the position of
33 deputy sheriff for the purposes of this Section, provided
34 that the employee contributions therefor are made at the rate

1 prescribed for members of the County Police Department.

2 A chief of the County Police Department or undersheriff
3 of the County Sheriff's Department electing to be included
4 under this Section may also elect to have his or her service
5 as chief of the County Police Department or undersheriff of
6 the County Sheriff's Department before the date of the
7 election included as service as a deputy sheriff for the
8 purposes of this Section, by making an additional
9 contribution for each year of such service, equal to the
10 difference between the amount that he or she would have
11 contributed to the Fund during that year at the rate then in
12 effect for members of the County Police Department and the
13 amount actually contributed, plus interest thereon at the
14 rate of 6% per year, compounded annually, from the end of
15 that year to the date of payment.

16 A chief of the County Police Department or undersheriff
17 of the County Sheriff's Department who has elected to be
18 included within the provisions of this Section may transfer
19 to this Fund credits and creditable service accumulated under
20 any pension fund or retirement system established under
21 Article 3, 7, 8, 14, or 15, upon payment to the Fund of (1)
22 the amount by which the employee contributions that would
23 have been required if he or she had participated in this Fund
24 during the period for which credit is being transferred, plus
25 interest, plus an equal amount for employer contributions,
26 exceeds the amounts actually transferred from that other fund
27 or system to this Fund, plus (2) interest thereon at 6% per
28 year, compounded annually, from the date of transfer to the
29 date of payment.

30 A chief of the County Police Department or undersheriff
31 of the County Sheriff's Department may purchase credits and
32 creditable service for up to 2 years of public employment
33 rendered to an out-of-state public agency. Payment for that
34 service shall be at the applicable rates in effect for

1 employee and employer contributions during the period for
2 which credit is being purchased, plus interest at the rate of
3 6% per year, compounded annually, from the date of service
4 until the date of payment.

5 (Source: P.A. 89-643, eff. 8-9-96.)

6 (40 ILCS 5/9-170) (from Ch. 108 1/2, par. 9-170)

7 Sec. 9-170. Contributions for age and service annuities
8 for present employees, future entrants and re-entrants.

9 (a) Beginning on the effective date as to a present
10 employee in paragraph (a) or (c) of Section 9-109, or as to a
11 future entrant in paragraph (a) of Section 9-110, and
12 beginning on September 1, 1935 as to a present employee in
13 paragraph (b) (1) of Section 9-109 or as to a future entrant
14 in paragraph (b) or (d) of Section 9-110, and beginning from
15 the date of becoming a contributor as to any present employee
16 in paragraph (b)(2) or (d) of Section 9-109, or any future
17 entrant in paragraph (c) or (e) of Section 9-110, there shall
18 be deducted and contributed to this fund 3 1/4% of each
19 payment of salary for age and service annuity until July 1,
20 1947. Beginning July 1, 1947 and prior to July 1, 1953, 5%
21 and beginning July 1, 1953, and prior to September 1, 1971,
22 6%; and beginning September 1, 1971, 6 1/2% of each payment
23 of salary of such employees shall be deducted and contributed
24 for such purpose.

25 From and after January 1, 1966, each deputy sheriff as
26 defined in Section 9-128.1 who is a member of the County
27 Police Department and a participant of this fund shall
28 contribute 7% of salary for age and service annuity. At the
29 time of retirement on annuity, a deputy sheriff who is a
30 member of the County Police Department, who chooses to retire
31 under provisions of this Article other than Section 9-128.1,
32 may receive a refund of the difference between the
33 contributions made as a deputy sheriff who is a member of the

1 County Police Department and the contributions that would
2 have been made for such service not as a deputy sheriff who
3 is a member of the County Police Department, including
4 interest earned.

5 Beginning January 1, 2004, each corrections officer as
6 defined in Section 9-128.1 who is a participant of this fund
7 shall contribute 7% of salary for age and service annuity.
8 At the time of retirement on annuity, a corrections officer
9 who chooses to retire under provisions of this Article other
10 than Section 9-128.1 may receive a refund of the difference
11 between the contributions made as a corrections officer and
12 the contributions that would have been made for that service
13 if it were not as a corrections officer, including interest
14 earned.

15 Such deductions beginning on the effective date and prior
16 to July 1, 1947 shall be made and continued for a future
17 entrant while he is in the service until he attains age 65,
18 and beginning on the effective date and prior to July 1, 1953
19 for a present employee while he is in the service until the
20 amount so deducted from his salary or paid by him according
21 to law to any county pension fund in force on the effective
22 date, with interest on both such amounts at 4% per annum,
23 equals the sum that would have been to his credit from sums
24 deducted from his salary if deductions at the rate herein
25 stated had been made during his entire service until he
26 attained age 65, with interest at 4% per annum for the period
27 subsequent to his attainment of age 65. Such deductions
28 beginning July 1, 1947 for future entrants and beginning July
29 1, 1953 for present employees shall be made and continued
30 while such future entrant or present employee is in the
31 service.

32 (b) Concurrently with each employee contribution, the
33 county shall contribute beginning on the effective date and
34 prior to July 1, 1947, 5 3/4%, and beginning on July 1, 1947

1 and prior to July 1, 1953, 7%; and beginning on July 1, 1953,
2 6% of each payment of such salary until the employee attains
3 age 65.

4 (c) Each present employee contribution made prior to the
5 date the age and service annuity for such employee is fixed,
6 each future entrant contribution, and each corresponding
7 county contribution shall be allocated to the account of and
8 credited to the employee for whose benefit it is made.

9 (Source: P.A. 86-1488.)

10 (40 ILCS 5/9-219) (from Ch. 108 1/2, par. 9-219)

11 Sec. 9-219. Computation of service.

12 (1) In computing the term of service of an employee
13 prior to the effective date, the entire period beginning on
14 the date he was first appointed and ending on the day before
15 the effective date, except any intervening period during
16 which he was separated by withdrawal from service, shall be
17 counted for all purposes of this Article.

18 (2) In computing the term of service of any employee on
19 or after the effective date, the following periods of time
20 shall be counted as periods of service for age and service,
21 widow's and child's annuity purposes:

22 (a) The time during which he performed the duties
23 of his position.

24 (b) Vacations, leaves of absence with whole or part
25 pay, and leaves of absence without pay not longer than 90
26 days.

27 (c) For an employee who is a member of a county
28 police department or a correctional officer with the
29 county department of corrections, approved leaves of
30 absence without pay during which the employee serves as a
31 full-time officer or employee of an employee association,
32 the membership of which consists of other participants in
33 the Fund, provided that the employee contributes to the

1 Fund (1) the amount that he would have contributed had he
2 remained an active employee in the position he occupied
3 at the time the leave of absence was granted, (2) an
4 amount calculated by the Board representing employer
5 contributions, and (3) regular interest thereon from the
6 date of service to the date of payment. However, if the
7 employee's application to establish credit under this
8 subsection is received by the Fund on or after July 1,
9 2002 and before July 1, 2003, the amount representing
10 employer contributions specified in item (2) shall be
11 waived.

12 For a former member of a county police department
13 who has received a refund under Section 9-164, periods
14 during which the employee serves as head of an employee
15 association, the membership of which consists of other
16 police officers, provided that the employee contributes
17 to the Fund (1) the amount that he would have contributed
18 had he remained an active member of the county police
19 department in the position he occupied at the time he
20 left service, (2) an amount calculated by the Board
21 representing employer contributions, and (3) regular
22 interest thereon from the date of service to the date of
23 payment. However, if the former member of the county
24 police department retires on or after January 1, 1993 but
25 no later than March 1, 1993, the amount representing
26 employer contributions specified in item (2) shall be
27 waived.

28 (d) Any period of disability for which he received
29 disability benefit or whole or part pay.

30 (e) Accumulated vacation or other time for which an
31 employee who retires on or after November 1, 1990
32 receives a lump sum payment at the time of retirement,
33 provided that contributions were made to the fund at the
34 time such lump sum payment was received. The service

1 granted for the lump sum payment shall not change the
2 employee's date of withdrawal for computing the effective
3 date of the annuity.

4 (f) An employee may receive service credit for
5 annuity purposes for accumulated sick leave as of the
6 date of the employee's withdrawal from service, not to
7 exceed a total of 180 days, provided that the amount of
8 such accumulated sick leave is certified by the County
9 Comptroller to the Board and the employee pays an amount
10 equal to 8.5% (9% for members of--the--County--Police
11 Department who are eligible to receive an annuity under
12 Section 9-128.1) of the amount that would have been paid
13 had such accumulated sick leave been paid at the
14 employee's final rate of salary. Such payment shall be
15 made within 30 days after the date of withdrawal and
16 prior to receipt of the first annuity check. The service
17 credit granted for such accumulated sick leave shall not
18 change the employee's date of withdrawal for the purpose
19 of computing the effective date of the annuity.

20 (3) In computing the term of service of an employee on
21 or after the effective date for ordinary disability benefit
22 purposes, the following periods of time shall be counted as
23 periods of service:

24 (a) Unless otherwise specified in Section 9-157,
25 the time during which he performed the duties of his
26 position.

27 (b) Paid vacations and leaves of absence with whole
28 or part pay.

29 (c) Any period for which he received duty
30 disability benefit.

31 (d) Any period of disability for which he received
32 whole or part pay.

33 (4) For an employee who on January 1, 1958, was
34 transferred by Act of the 70th General Assembly from his

1 position in a department of welfare of any city located in
2 the county in which this Article is in force and effect to a
3 similar position in a department of such county, service
4 shall also be credited for ordinary disability benefit and
5 child's annuity for such period of department of welfare
6 service during which period he was a contributor to a
7 statutory annuity and benefit fund in such city and for which
8 purposes service credit would otherwise not be credited by
9 virtue of such involuntary transfer.

10 (5) An employee described in subsection (e) of Section
11 9-108 shall receive credit for child's annuity and ordinary
12 disability benefit for the period of time for which he was
13 credited with service in the fund from which he was
14 involuntarily separated through class or group transfer;
15 provided, that no such credit shall be allowed to the extent
16 that it results in a duplication of credits or benefits, and
17 neither shall such credit be allowed to the extent that it
18 was or may be forfeited by the application for and acceptance
19 of a refund from the fund from which the employee was
20 transferred.

21 (6) Overtime or extra service shall not be included in
22 computing service. Not more than 1 year of service shall be
23 allowed for service rendered during any calendar year.

24 (Source: P.A. 92-599, eff. 6-28-02.)

25 (40 ILCS 5/9-220) (from Ch. 108 1/2, par. 9-220)

26 Sec. 9-220. Basis of service credit.

27 (a) In computing the period of service of any employee
28 for annuity purposes under Section 9-134, the following
29 provisions shall govern:

30 (1) All periods prior to the effective date shall
31 be computed in accordance with the provisions governing
32 the computation of such service.

33 (2) Service on or after the effective date shall

1 include:

2 (i) The actual period of time the employee
3 contributes or has contributed to the fund for
4 service rendered to age 65 plus the actual period of
5 time after age 65 for which the employee performs
6 the duties of his position or performs such duties
7 and is given a county contribution for age and
8 service annuity or minimum annuity purposes.

9 (ii) Leaves of absence from duty, or vacation,
10 for which an employee receives all or part of his
11 salary.

12 (iii) Accumulated vacation or other time for
13 which an employee who retires on or after November
14 1, 1990 receives a lump sum payment at the time of
15 retirement, provided that contributions were made to
16 the fund at the time such lump sum payment was
17 received. The service granted for the lump sum
18 payment shall not change the employee's date of
19 withdrawal for computing the effective date of the
20 annuity.

21 (iv) Accumulated sick leave as of the date of
22 the employee's withdrawal from service, not to
23 exceed a total of 180 days, provided that the amount
24 of such accumulated sick leave is certified by the
25 County Comptroller to the Board and the employee
26 pays an amount equal to 8.5% (9% for members of--the
27 ~~County-Police-Department~~ who are eligible to receive
28 an annuity under Section 9-128.1) of the amount that
29 would have been paid had such accumulated sick leave
30 been paid at the employee's final rate of salary.
31 Such payment shall be made within 30 days after the
32 date of withdrawal and prior to receipt of the first
33 annuity check. The service credit granted for such
34 accumulated sick leave shall not change the

1 employee's date of withdrawal for the purpose of
2 computing the effective date of the annuity.

3 (v) Periods during which the employee has had
4 contributions for annuity purposes made for him in
5 accordance with law while on military leave of
6 absence during World War II.

7 (vi) Periods during which the employee
8 receives a disability benefit under this Article.

9 (3) The right to have certain periods of time
10 considered as service as stated in paragraph (2) of
11 Section 9-164 shall not apply for annuity purposes unless
12 the refunds shall have been repaid in accordance with
13 this Article.

14 (4) All service shall be computed in whole calendar
15 months, and at least 15 days of service in any one
16 calendar month shall constitute one calendar month of
17 service, and 1 year of service shall be equal to the
18 number of months, days or hours for which an
19 appropriation was made in the annual appropriation
20 ordinance for the position held by the employee.

21 (b) For all other annuity purposes of this Article the
22 following schedule shall govern the computation of a year of
23 service of an employee whose salary or wages is on the basis
24 stated, and any fractional part of a year of service shall be
25 determined according to said schedule:

26 Annual or Monthly Basis: Service during 4 months in any 1
27 calendar year;

28 Weekly Basis: Service during any 17 weeks of any 1
29 calendar year, and service during any week shall constitute a
30 week of service;

31 Daily Basis: Service during 100 days in any 1 calendar
32 year, and service during any day shall constitute a day of
33 service;

34 Hourly Basis: Service during 800 hours in any 1 calendar

1 year, and service during any hour shall constitute an hour of
2 service.

3 (Source: P.A. 86-1488; 87-794.)

4 Section 90. The State Mandates Act is amended by adding
5 Section 8.27 as follows:

6 (30 ILCS 805/8.27 new)

7 Sec. 8.27. Exempt mandate. Notwithstanding Sections 6
8 and 8 of this Act, no reimbursement by the State is required
9 for the implementation of any mandate created by this
10 amendatory Act of the 93rd General Assembly.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.