



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0167

Introduced 1/11/2005, by Rep. Michael P. McAuliffe

SYNOPSIS AS INTRODUCED:

40 ILCS 5/17-131

from Ch. 108 1/2, par. 17-131

30 ILCS 805/8.29 new

Amends the Chicago Teacher Article of the Pension Code. Provides that salary received on or after July 1, 1999 for overtime, summer school, and other optional service shall be included in the calculation of salary for pension purposes. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

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FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 changing
5 Section 17-131 as follows:

6 (40 ILCS 5/17-131) (from Ch. 108 1/2, par. 17-131)

7 Sec. 17-131. Administration of payroll deductions. During
8 any period on or after July 1, 1999 in which salaries are paid,
9 payroll ~~such~~ deductions by an Employer or the Board shall be
10 made for all salary paid ~~on the basis of the full salary rates,~~
11 ~~exclusive of salaries for overtime, special services or any~~
12 ~~employment on an optional basis, such as in summer school.~~ If
13 salaries represent adjustments on account of error, deductions
14 by the Employer or the Board shall be at the rates in force
15 during the applicable payroll period. If teachers receive
16 salaries for the school year, as established by an Employer, or
17 if they receive salaries for more than 10 calendar months, the
18 amount required for each year of service shall be deducted by
19 such Employer in installments. On or after July 1, 1999, the
20 total amounts for each semimonthly payroll period, or bi-weekly
21 payroll period, as the case may be, shall be deducted for all
22 salary paid ~~only when salary payments represent 5 days' pay or~~
23 ~~more.~~ If, on or after July 1, 1999, an Employer or the Board
24 pays salaries to members of the teaching force for vacation
25 periods, the salary shall be considered part of the teacher's
26 annual salary, shall be subject to the standard deductions for
27 pension contributions, and shall be considered to represent
28 additional service credit for each day paid ~~pay for 5 or more~~
29 ~~days' employment in a bi-weekly or semi-monthly payroll period~~
30 ~~for purposes set forth in this Section.~~ If deductions from
31 salaries result in amounts of less than one cent, the
32 fractional sums shall be increased to the next higher cent. Any

1 excess of these fractional increases over the prescribed annual
2 contributions shall be credited to the teachers' accounts.

3 Any person who retires on or after July 1, 1999 and before
4 the effective date of this amendatory Act of the 94th General
5 Assembly shall be paid a lump sum equal to the amount of
6 pension that he or she would have received for that period if
7 salary received for overtime, summer school, and other optional
8 service had been included in the calculation of salary for
9 pension purposes minus the amount of pension he or she actually
10 received for that period.

11 In the event that, pursuant to Section 17-130.1, employee
12 contributions are picked up or made by the Board of Education
13 on behalf of its employees from the proceeds of the tax levied
14 under Section 34-60 of the School Code, then the amount of the
15 employee contributions which are picked up or made in that
16 manner shall not be deducted from the salaries of such
17 employees.

18 (Source: P.A. 90-566, eff. 1-2-98.)

19 Section 90. The State Mandates Act is amended by adding
20 Section 8.29 as follows:

21 (30 ILCS 805/8.29 new)

22 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
23 of this Act, no reimbursement by the State is required for the
24 implementation of any mandate created by this amendatory Act of
25 the 94th General Assembly.

26 Section 99. Effective date. This Act takes effect upon
27 becoming law.