



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0291

by Rep. David S. Olsen

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.

LRB100 05238 RPS 15248 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

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 and 2.6, any person
19 who holds full-time elective office, unless he or she has
20 elected while in that office in a written notice on file
21 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 elective office,
16 unless he or she (i) was elected to that office before the
17 effective date of this amendatory Act of the 100th General
18 Assembly and (ii) has elected while in that office in a
19 written notice on file with the board to become a
20 participating employee. An elective office shall be
21 presumed to be part-time in the absence of an official job
22 description or determination by the legal advisor of the
23 applicable participating municipality or participating
24 instrumentality, filed with the Board every 4 years,
25 declaring the elective position to be full-time;

26 3. Any person working for a city hospital unless any

1 such person, while in active employment, has elected in a
2 written notice on file with the board to become a
3 participating employee and notification thereof is
4 received by the board;

5 4. Any person who becomes an employee after June 30,
6 1979 as a public service employment program participant
7 under the federal Comprehensive Employment and Training
8 Act and whose wages or fringe benefits are paid in whole or
9 in part by funds provided under such Act;

10 5. Any person who is actively employed by a
11 municipality on its effective date of participation in the
12 Fund if that municipality (i) has at least 35 employees on
13 its effective date of participation; (ii) is located in a
14 county with at least 2,000,000 inhabitants; and (iii)
15 maintains an independent defined benefit pension plan for
16 the benefit of its eligible employees, unless the person
17 files with the board within 90 days after the
18 municipality's effective date of participation an
19 irrevocable election to participate.

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

23 (d) Any employee who occupied the position of school nurse
24 in any participating municipality on August 8, 1961 and
25 continuously thereafter until the effective date of the
26 exercise of the option authorized by this subparagraph, who on

1 August 7, 1961 was a member of the Teachers' Retirement System
2 of Illinois, by virtue of certification by the Department of
3 Registration and Education as a public health nurse, may elect
4 to terminate participation in this Fund in order to
5 re-establish membership in such System. The election may be
6 exercised by filing written notice thereof with the Board or
7 with the Board of Trustees of said Teachers' Retirement System,
8 not later than September 30, 1963, and shall be effective on
9 the first day of the calendar month next following the month in
10 which the notice was filed. If the written notice is filed with
11 such Teachers' Retirement System, that System shall
12 immediately notify this Fund, but neither failure nor delay in
13 notification shall affect the validity of the employee's
14 election. If the option is exercised, the Fund shall notify
15 such Teachers' Retirement System of such fact and transfer to
16 that system the amounts contributed by the employee to this
17 Fund, including interest at 3% per annum, but excluding
18 contributions applicable to social security coverage during
19 the period beginning August 8, 1961 to the effective date of
20 the employee's election. Participation in this Fund as to any
21 credits on or after August 8, 1961 and up to the effective date
22 of the employee's election shall terminate on such effective
23 date.

24 (e) Any participating municipality or participating
25 instrumentality, other than a school district or special
26 education joint agreement created under Section 10-22.31 of the

1 School Code, may, by a resolution or ordinance duly adopted by
2 its governing body, elect to exclude from participation and
3 eligibility for benefits all persons who are employed after the
4 effective date of such resolution or ordinance and who occupy
5 an office or are employed in a position normally requiring
6 performance of duty for less than 1000 hours per year for the
7 participating municipality (including all instrumentalities
8 thereof) or participating instrumentality except for persons
9 employed in a position normally requiring performance of duty
10 for 600 hours or more per year (i) by such participating
11 municipality or participating instrumentality prior to the
12 effective date of the resolution or ordinance and (ii) by a
13 participating municipality or participating instrumentality,
14 which had not adopted such a resolution when the person was
15 employed, and the function served by the employee's position is
16 assumed by another participating municipality or participating
17 instrumentality. Notwithstanding the foregoing, a
18 participating municipality or participating instrumentality
19 which is formed solely to succeed to the functions of a
20 participating municipality or participating instrumentality
21 shall be considered to have adopted any such resolution or
22 ordinance which may have been applicable to the employees
23 performing such functions. The election made by the resolution
24 or ordinance shall take effect at the time specified in the
25 resolution or ordinance, and once effective shall be
26 irrevocable.

1 (Source: P.A. 99-900, eff. 8-26-16.)