

HB2761



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2761

by Rep. Joe Sosnowski

SYNOPSIS AS INTRODUCED:

40 ILCS 5/14-103.10

from Ch. 108 1/2, par. 14-103.10

Amends the State Employee Article of the Illinois Pension Code. Provides that, for service on or after July 1, 2017, "compensation" does not include any overtime pay payable to an employee for personal services performed in excess of the full normal working period for his or her position. Effective immediately.

LRB100 05867 RPS 15892 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

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 changing
5 Section 14-103.10 as follows:

6 (40 ILCS 5/14-103.10) (from Ch. 108 1/2, par. 14-103.10)

7 (Text of Section WITHOUT the changes made by P.A. 98-599,
8 which has been held unconstitutional)

9 Sec. 14-103.10. Compensation.

10 (a) For periods of service prior to January 1, 1978, the
11 full rate of salary or wages payable to an employee for
12 personal services performed if he worked the full normal
13 working period for his position, subject to the following
14 maximum amounts: (1) prior to July 1, 1951, \$400 per month or
15 \$4,800 per year; (2) between July 1, 1951 and June 30, 1957
16 inclusive, \$625 per month or \$7,500 per year; (3) beginning
17 July 1, 1957, no limitation.

18 In the case of service of an employee in a position
19 involving part-time employment, compensation shall be
20 determined according to the employees' earnings record.

21 (b) For periods of service on and after January 1, 1978,
22 all remuneration for personal services performed defined as
23 "wages" under the Social Security Enabling Act, including that

1 part of such remuneration which is in excess of any maximum
2 limitation provided in such Act, and including any benefits
3 received by an employee under a sick pay plan in effect before
4 January 1, 1981, but excluding lump sum salary payments:

- 5 (1) for vacation,
- 6 (2) for accumulated unused sick leave,
- 7 (3) upon discharge or dismissal,
- 8 (4) for approved holidays.

9 (c) For periods of service on or after December 16, 1978,
10 compensation also includes any benefits, other than lump sum
11 salary payments made at termination of employment, which an
12 employee receives or is eligible to receive under a sick pay
13 plan authorized by law.

14 (d) For periods of service after September 30, 1985,
15 compensation also includes any remuneration for personal
16 services not included as "wages" under the Social Security
17 Enabling Act, which is deducted for purposes of participation
18 in a program established pursuant to Section 125 of the
19 Internal Revenue Code or its successor laws.

20 (e) For members for which Section 1-160 applies for periods
21 of service on and after January 1, 2011, all remuneration for
22 personal services performed defined as "wages" under the Social
23 Security Enabling Act, excluding remuneration that is in excess
24 of the annual earnings, salary, or wages of a member or
25 participant, as provided in subsection (b-5) of Section 1-160,
26 but including any benefits received by an employee under a sick

1 pay plan in effect before January 1, 1981. Compensation shall
2 exclude lump sum salary payments:

- 3 (1) for vacation;
4 (2) for accumulated unused sick leave;
5 (3) upon discharge or dismissal; and
6 (4) for approved holidays.

7 (f) Notwithstanding the other provisions of this Section,
8 for service on or after July 1, 2013, "compensation" does not
9 include any stipend payable to an employee for service on a
10 board or commission.

11 (g) Notwithstanding the other provisions of this Section,
12 for service on or after July 1, 2017, "compensation" does not
13 include any overtime pay payable to an employee for personal
14 services performed in excess of the full normal working period
15 for his or her position.

16 (Source: P.A. 98-449, eff. 8-16-13.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.