

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,~~ and 2.7,  
19 any person who holds 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 office as a member  
16          of a governing body, whether he or she is elected or  
17          appointed, unless he or she (i) was elected or appointed to  
18          that office before the effective date of this amendatory  
19          Act of the 100th General Assembly and (ii) has elected  
20          while in that office in a written notice on file with the  
21          board to become a participating employee. An office as a  
22          member of a governing body shall be deemed to be part-time  
23          if it normally requires the performance of duty during less  
24          than 1000 hours a year for the governing body of the  
25          participating municipality or instrumentality;

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.)