



## 95TH GENERAL ASSEMBLY

### State of Illinois

### 2007 and 2008

### HB1310

Introduced 2/20/2007, by Rep. Jay C. Hoffman

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/7-109.3  
40 ILCS 5/7-142.1

from Ch. 108 1/2, par. 7-109.3  
from Ch. 108 1/2, par. 7-142.1

Amends the IMRF Article of the Illinois Pension Code. Makes county probation officers eligible for the sheriff's law enforcement employee (SLEP) formula; requires an affirmative resolution of the employer. Allows these probation officers to convert non-SLEP service as a probation officer into SLEP credit by paying the difference in employee contributions plus interest; waives the interest if payment is made within one year; requires an affirmative resolution by the employer. Effective immediately.

LRB095 10390 AMC 30605 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 Sections 7-109.3 and 7-142.1 as follows:

6 (40 ILCS 5/7-109.3) (from Ch. 108 1/2, par. 7-109.3)

7 Sec. 7-109.3. "Sheriff's Law Enforcement Employees".

8 (a) "Sheriff's law enforcement employee" or "SLEP" means:

9 (1) A county sheriff and all deputies, other than  
10 special deputies, employed on a full time basis in the  
11 office of the sheriff.

12 (2) A person who has elected to participate in this  
13 Fund under Section 3-109.1 of this Code, and who is  
14 employed by a participating municipality to perform police  
15 duties.

16 (3) A law enforcement officer employed on a full time  
17 basis by a Forest Preserve District, provided that such  
18 officer shall be deemed a "sheriff's law enforcement  
19 employee" for the purposes of this Article, and service in  
20 that capacity shall be deemed to be service as a sheriff's  
21 law enforcement employee, only if the board of  
22 commissioners of the District have so elected by adoption  
23 of an affirmative resolution. Such election, once made, may

1 not be rescinded.

2 (4) A person not eligible to participate in a fund  
3 established under Article 3 of this Code who is employed on  
4 a full-time basis by a participating municipality or  
5 participating instrumentality to perform police duties at  
6 an airport, but only if the governing authority of the  
7 employer has approved sheriff's law enforcement employee  
8 status for its airport police employees by adoption of an  
9 affirmative resolution. Such approval, once given, may not  
10 be rescinded.

11 (5) A person who participates in the Fund and is  
12 employed by a participating municipality as a county  
13 probation officer, but only if the governing authority of  
14 the employer has approved sheriff's law enforcement  
15 employee status for its county probation officer employees  
16 by adoption of an affirmative resolution. Such approval,  
17 once given, may not be rescinded.

18 (b) An employee who is a sheriff's law enforcement employee  
19 and is granted military leave or authorized leave of absence  
20 shall receive service credit in that capacity. Sheriff's law  
21 enforcement employees shall not be entitled to out-of-State  
22 service credit under Section 7-139.

23 (Source: P.A. 92-16, eff. 6-28-01.)

24 (40 ILCS 5/7-142.1) (from Ch. 108 1/2, par. 7-142.1)  
25 Sec. 7-142.1. Sheriff's law enforcement employees.

1 (a) In lieu of the retirement annuity provided by  
2 subparagraph 1 of paragraph (a) of Section 7-142:

3 Any sheriff's law enforcement employee who has 20 or more  
4 years of service in that capacity and who terminates service  
5 prior to January 1, 1988 shall be entitled at his option to  
6 receive a monthly retirement annuity for his service as a  
7 sheriff's law enforcement employee computed by multiplying 2%  
8 for each year of such service up to 10 years, 2 1/4% for each  
9 year of such service above 10 years and up to 20 years, and 2  
10 1/2% for each year of such service above 20 years, by his  
11 annual final rate of earnings and dividing by 12.

12 Any sheriff's law enforcement employee who has 20 or more  
13 years of service in that capacity and who terminates service on  
14 or after January 1, 1988 and before July 1, 2004 shall be  
15 entitled at his option to receive a monthly retirement annuity  
16 for his service as a sheriff's law enforcement employee  
17 computed by multiplying 2.5% for each year of such service up  
18 to 20 years, 2% for each year of such service above 20 years  
19 and up to 30 years, and 1% for each year of such service above  
20 30 years, by his annual final rate of earnings and dividing by  
21 12.

22 Any sheriff's law enforcement employee who has 20 or more  
23 years of service in that capacity and who terminates service on  
24 or after July 1, 2004 shall be entitled at his or her option to  
25 receive a monthly retirement annuity for service as a sheriff's  
26 law enforcement employee computed by multiplying 2.5% for each

1 year of such service by his annual final rate of earnings and  
2 dividing by 12.

3 If a sheriff's law enforcement employee has service in any  
4 other capacity, his retirement annuity for service as a  
5 sheriff's law enforcement employee may be computed under this  
6 Section and the retirement annuity for his other service under  
7 Section 7-142.

8 In no case shall the total monthly retirement annuity for  
9 persons who retire before July 1, 2004 exceed 75% of the  
10 monthly final rate of earnings. In no case shall the total  
11 monthly retirement annuity for persons who retire on or after  
12 July 1, 2004 exceed 80% of the monthly final rate of earnings.

13 (b) Whenever continued group insurance coverage is elected  
14 in accordance with the provisions of Section 367h of the  
15 Illinois Insurance Code, as now or hereafter amended, the total  
16 monthly premium for such continued group insurance coverage or  
17 such portion thereof as is not paid by the municipality shall,  
18 upon request of the person electing such continued group  
19 insurance coverage, be deducted from any monthly pension  
20 benefit otherwise payable to such person pursuant to this  
21 Section, to be remitted by the Fund to the insurance company or  
22 other entity providing the group insurance coverage.

23 (c) A sheriff's law enforcement employee who has service in  
24 any other capacity may convert up to 10 years of that service  
25 into service as a sheriff's law enforcement employee by paying  
26 to the Fund an amount equal to (1) the additional employee

1 contribution required under Section 7-173.1, plus (2) the  
2 additional employer contribution required under Section 7-172,  
3 plus (3) interest on items (1) and (2) at the prescribed rate  
4 from the date of the service to the date of payment.

5 (d) The changes to subsections (a) and (b) of this Section  
6 made by this amendatory Act of the 94th General Assembly apply  
7 only to persons in service on or after July 1, 2004. In the  
8 case of such a person who begins to receive a retirement  
9 annuity before the effective date of this amendatory Act of the  
10 94th General Assembly, the annuity shall be recalculated  
11 prospectively to reflect those changes, with the resulting  
12 increase beginning to accrue on the first annuity payment date  
13 following the effective date of this amendatory Act.

14 (e) A sheriff's law enforcement employee who is employed as  
15 a county probation officer may convert his or her non-SLEP  
16 service credits for previous employment as a county probation  
17 officer into service as a sheriff's law enforcement employee by  
18 paying to the Fund an amount equal to the additional  
19 contribution required under Section 7-173.1, plus interest at  
20 the prescribed rate from the date of the service to the date of  
21 payment. The interest is waived if payment is made to the Fund  
22 within one year of the date that the applicant becomes a  
23 sheriff's law enforcement employee based on employment as a  
24 county probation officer. Conversion of credit under this  
25 subsection is available only if the governing authority of the  
26 employer has approved conversion of prior service for its

1 county probation officer employees by adoption of an  
2 affirmative resolution. This approval, once given, may not be  
3 rescinded.

4 (Source: P.A. 94-712, eff. 6-1-06.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.