



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB1149

Introduced 2/11/2009, by Rep. Susana A Mendoza

SYNOPSIS AS INTRODUCED:

40 ILCS 5/9-128.1
30 ILCS 805/8.33 new

from Ch. 108 1/2, par. 9-128.1

Amends the Cook County Article of the Illinois Pension Code. Adds corrections officers with the County Department of Corrections and County probation officers who withdraw or retire after December 31, 2009 to provisions concerning annuities for members of the County Police Department. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB096 04069 AMC 14108 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 9-128.1 as follows:

6 (40 ILCS 5/9-128.1) (from Ch. 108 1/2, par. 9-128.1)

7 Sec. 9-128.1. Annuities for members of the County Police
8 Department and the County Department of Corrections and County
9 probation officers.

10 (a) In lieu of the regular or minimum annuity or annuities
11 for any deputy sheriff who is a member of a County Police
12 Department, he may, upon withdrawal from service after not less
13 than 20 years of service in the position of deputy sheriff as
14 defined below, upon or after attainment of age 55, receive a
15 total annuity equal to 2% for each year of service based upon
16 his highest average annual salary for any 4 consecutive years
17 within the last 10 years of service immediately preceding the
18 date of withdrawal from service, subject to a maximum annuity
19 equal to 75% of such average annual salary.

20 (b) Any deputy sheriff who withdraws from the service after
21 July 1, 1979, after having attained age 53 in the service with
22 23 or more years of service credit shall be entitled to an
23 annuity computed as follows if such annuity is greater than

1 that provided in the foregoing paragraphs of this Section
2 9-128.1: An annuity equal to 50% of the average salary for the
3 4 highest consecutive years of the last 10 years of service
4 plus additional annuity equal to 2% of such average salary for
5 each completed year of service or fraction thereof rendered
6 after his attainment of age 53 and the completion of 23 years
7 of service, plus an additional annuity equal to 1% of such
8 average salary for each completed year of service or fraction
9 thereof in excess of 23 years up to age 53.

10 (c) Any deputy sheriff who withdraws from the service after
11 December 31, 1987, any corrections officer with the County
12 Department of Corrections who withdraws from service after
13 December 31, 2009, and any County probation officer who
14 withdraws from service after December 31, 2009 with 20 or more
15 years of service credit, shall be entitled, upon attainment of
16 age 50, to an annuity computed as follows if such annuity is
17 greater than that provided in the foregoing paragraphs of this
18 Section 9-128.1: An annuity equal to 50% of the average salary
19 for the 4 highest consecutive years of the last 10 years of
20 service, plus additional annuity equal to 2% of such average
21 salary for each completed year of service or fraction thereof
22 in excess of 20 years.

23 (d) A deputy sheriff who reaches compulsory retirement age,
24 a corrections officer with the County Department of Corrections
25 who reaches compulsory retirement age after December 31, 2009,
26 or a County probation officer who reaches compulsory retirement

1 age after December 31, 2009 ~~and~~ who has less than 23 years of
2 service shall be entitled to a minimum annuity equal to an
3 amount determined by the product of (1) his years of service
4 and (2) 2% of his average salary for the 4 consecutive highest
5 years of salary within the last 10 years of service immediately
6 prior to his reaching compulsory retirement age.

7 (e) Any deputy sheriff who retires after January 1, 1984, and
8 any corrections officer with the County Department of
9 Corrections who retires after December 31, 2009, or any County
10 probation officer who retires after December 31, 2009 who ~~and~~
11 elects to receive an annuity under this Section, and who has
12 credits under this Article for service not as a deputy sheriff, and
13 a corrections officer with the County Department of
14 Corrections, or a County probation officer, shall be entitled
15 to receive, in addition to the amount of annuity otherwise
16 provided under this Section, an additional amount of annuity
17 provided from the totals accumulated to his credit for prior
18 service and age and service annuities for such service not as a
19 deputy sheriff, a corrections officer with the County
20 Department of Corrections, or a County probation officer.

21 (f) The term "deputy sheriff" means an employee charged
22 with the duty of law enforcement as a deputy sheriff as
23 specified in Section 1 of "An Act in relation to County Police
24 Departments in certain Counties, creating a County Police
25 Department Merit Board and defining its powers and duties",
26 approved August 5, 1963, who rendered service in such position

1 before and after such date.

2 The terms "deputy sheriff" and "member of a County Police
3 Department" shall also include an elected sheriff of the county
4 who has elected to become a contributor and who has submitted
5 to the board his written election to be included within the
6 provisions of this Section. With respect to any such sheriff,
7 service as the elected sheriff of the county shall be deemed to
8 be service in the position of deputy sheriff for the purposes
9 of this Section provided that the employee contributions
10 therefor are made at the rate prescribed for members of the
11 County Police Department. A sheriff electing to be included
12 under this Section may also elect to have his service as
13 sheriff of the county before the date of such election included
14 as service as a deputy sheriff for the purposes of this
15 Section, by making an additional contribution for each year of
16 such service, equal to the difference between the amount he
17 would have contributed to the Fund during such year had he been
18 contributing at the rate then in effect for members of the
19 County Police Department and the amount actually contributed,
20 plus interest thereon at the rate of 6% per annum from the end
21 of such year to the date of payment.

22 (g) In no case shall an annual annuity provided in this
23 Section 9-128.1 exceed 80% of the average annual salary for any
24 4 consecutive years within the last 10 years of service
25 immediately preceding the date of withdrawal from service.

26 A deputy sheriff may in addition, be entitled to the

1 benefits provided by Section 9-133 or 9-133.1 if he so
2 qualifies under such Sections.

3 (h) A deputy sheriff may elect, between January 1 and
4 January 15, 1983, to transfer his creditable service as a
5 member of the State Employees' Retirement System of Illinois to
6 any Fund established under this Article of which he is a
7 member, and such transferred creditable service shall be
8 included as service for the purpose of calculating his benefits
9 under this Article to the extent that the payment specified in
10 Section 14-105.3 has been received by such Fund.

11 (i) An active deputy sheriff who has at least 15 years of
12 service credit in that capacity may elect to have any or all of
13 his credits under this Article for service not as a deputy
14 sheriff deemed to be credits for service as a deputy sheriff,
15 by filing a written election with the Board, accompanied by
16 payment of an amount to be determined by the Board, equal to
17 (1) the difference between the amount of employee contributions
18 actually contributed by the applicant for such service not as a
19 deputy sheriff, and the amounts that would have been
20 contributed had such contributions been made at the rates
21 applicable to service as a deputy sheriff, plus (2) interest
22 thereon at the rate of 3% per annum, compounded annually, from
23 the date of service to the date of payment.

24 (j) Beginning on the effective date of this amendatory Act
25 of 1996, the terms "deputy sheriff" and "member of a County
26 Police Department" shall also include any chief of the County

1 Police Department or undersheriff of the County Sheriff's
2 Department who has submitted to the board his or her written
3 election to be included within the provisions of this Section.
4 With respect to any such police chief or undersheriff, service
5 as a chief of the County Police Department or an undersheriff
6 of the County Sheriff's Department shall be deemed to be
7 service in the position of deputy sheriff for the purposes of
8 this Section, provided that the employee contributions
9 therefor are made at the rate prescribed for members of the
10 County Police Department.

11 A chief of the County Police Department or undersheriff of
12 the County Sheriff's Department electing to be included under
13 this Section may also elect to have his or her service as chief
14 of the County Police Department or undersheriff of the County
15 Sheriff's Department before the date of the election included
16 as service as a deputy sheriff for the purposes of this
17 Section, by making an additional contribution for each year of
18 such service, equal to the difference between the amount that
19 he or she would have contributed to the Fund during that year
20 at the rate then in effect for members of the County Police
21 Department and the amount actually contributed, plus interest
22 thereon at the rate of 6% per year, compounded annually, from
23 the end of that year to the date of payment.

24 A chief of the County Police Department or undersheriff of
25 the County Sheriff's Department who has elected to be included
26 within the provisions of this Section may transfer to this Fund

1 credits and creditable service accumulated under any pension
2 fund or retirement system established under Article 3, 7, 8,
3 14, or 15, upon payment to the Fund of (1) the amount by which
4 the employee contributions that would have been required if he
5 or she had participated in this Fund during the period for
6 which credit is being transferred, plus interest, plus an equal
7 amount for employer contributions, exceeds the amounts
8 actually transferred from that other fund or system to this
9 Fund, plus (2) interest thereon at 6% per year, compounded
10 annually, from the date of transfer to the date of payment.

11 A chief of the County Police Department or undersheriff of
12 the County Sheriff's Department may purchase credits and
13 creditable service for up to 2 years of public employment
14 rendered to an out-of-state public agency. Payment for that
15 service shall be at the applicable rates in effect for employee
16 and employer contributions during the period for which credit
17 is being purchased, plus interest at the rate of 6% per year,
18 compounded annually, from the date of service until the date of
19 payment.

20 (Source: P.A. 89-643, eff. 8-9-96.)

21 Section 90. The State Mandates Act is amended by adding
22 Section 8.33 as follows:

23 (30 ILCS 805/8.33 new)

24 Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8

1 of this Act, no reimbursement by the State is required for the
2 implementation of any mandate created by this amendatory Act of
3 the 96th General Assembly.

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