



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4658

Introduced 2/1/2012, by Rep. John D. Cavaletto

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, 2012, "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.

LRB097 17192 EFG 62392 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 14-103.10 as follows:

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

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

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

19 (b) For periods of service on and after January 1, 1978,
20 all remuneration for personal services performed defined as
21 "wages" under the Social Security Enabling Act, including that
22 part of such remuneration which is in excess of any maximum
23 limitation provided in such Act, and including any benefits

1 received by an employee under a sick pay plan in effect before
2 January 1, 1981, but excluding lump sum salary payments:

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

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

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

18 (e) For members for which Section 1-160 applies for periods
19 of service on and after January 1, 2011, all remuneration for
20 personal services performed defined as "wages" under the Social
21 Security Enabling Act, excluding remuneration that is in excess
22 of the annual earnings, salary, or wages of a member or
23 participant, as provided in subsection (b-5) of Section 1-160,
24 but including any benefits received by an employee under a sick
25 pay plan in effect before January 1, 1981. Compensation shall
26 exclude lump sum salary payments:

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

5 (f) Notwithstanding the other provisions of this Section,
6 for service on or after July 1, 2012, "compensation" does not
7 include any overtime pay payable to an employee for personal
8 services performed in excess of the full normal working period
9 for his or her position.

10 (Source: P.A. 96-1490, eff. 1-1-11.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.