



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### SB1920

Introduced 2/15/2013, by Sen. Kwame Raoul

#### SYNOPSIS AS INTRODUCED:

|                 |                              |
|-----------------|------------------------------|
| 40 ILCS 5/9-112 | from Ch. 108 1/2, par. 9-112 |
| 40 ILCS 5/9-157 | from Ch. 108 1/2, par. 9-157 |
| 40 ILCS 5/9-221 | from Ch. 108 1/2, par. 9-221 |

Amends the Cook County Article of the Illinois Pension Code. Provides that salary shall be equal to the actual salary paid as reported to the Fund, excluding overtime or extra service and subject to certain specified limitations. Eliminates the statutory addition to salary for free meals, lodging, board, and laundry service. Provides that salary at the date of disability shall be based on the percentage, not to exceed 100%, of hours paid, contributed on, and reported to the Fund during the prior 365 days divided by 2080. Provides that this amendatory Act is intended to be a restatement and clarification of existing law. Effective immediately.

LRB098 09558 EFG 39704 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 9-112, 9-157, and 9-221 as follows:

6 (40 ILCS 5/9-112) (from Ch. 108 1/2, par. 9-112)

7 Sec. 9-112. Salary. "Salary": Annual salary of an employee  
8 under this Article as follows:

9 (a) Beginning on the effective date and prior to July 1,  
10 1947 \$3000 shall be the maximum amount of annual salary of any  
11 employee to be considered for the purposes of this Article; and  
12 beginning on July 1, 1947 and prior to July 1, 1953, said  
13 maximum amount shall be \$4800; and beginning on July 1, 1953  
14 and prior to July 1, 1957 said maximum amount shall be \$6,000;  
15 and beginning on July 1, 1957, if salary or wages is  
16 appropriated, fixed or arranged on an annual basis, the actual  
17 sum payable during the year if the employee worked the full  
18 normal working time in his position, at the rate of  
19 compensation, exclusive of overtime, appropriated or fixed as  
20 salary or wages for service in the position.†

21 Salary shall be equal to the actual salary paid as reported  
22 to the Fund excluding overtime or extra service and is subject  
23 to the limitations of subsection (a) of Section 1-117 and

1 subsection (b-5) of Section 1-160. This amendatory Act of the  
2 98th General Assembly is intended to be a restatement and  
3 clarification of existing law and does not imply that salary  
4 was previously based on any amounts other than paid salary.

5 (b) Beginning July 1, 1957, if appropriated, fixed or  
6 arranged on other than an annual basis, the applicable  
7 schedules specified in Section 9-221 shall be used for  
8 conversion of the salary to an annual basis.†

9 (c) For periods prior to January 1, 2013, where ~~where~~ the  
10 county provides lodging, board and laundry service for an  
11 employee without charge, his salary shall be considered to be  
12 \$480 a year more for the period from the effective date to  
13 August 1, 1959 and thereafter \$960 more than the amount payable  
14 as salary for the year, and the salary of an employee for whom  
15 one or more daily meals are provided by the county without  
16 charge therefor shall be considered to be \$120 a year more for  
17 each such daily meal for the period from the effective date to  
18 August 1, 1959 and thereafter \$240 more for each such daily  
19 meal than the amount payable as his salary for the year.

20 (Source: P.A. 81-1536.)

21 (40 ILCS 5/9-157) (from Ch. 108 1/2, par. 9-157)

22 Sec. 9-157. Ordinary disability benefit. An employee while  
23 under age 65 and prior to January 1, 1979, or while under age  
24 70 and after January 1, 1979, but prior to January 1, 1987, and  
25 regardless of age on or after January 1, 1987, who becomes

1 disabled after becoming a contributor to the fund as the result  
2 of any cause other than injury incurred in the performance of  
3 an act of duty is entitled to ordinary disability benefit  
4 during such disability, after the first 30 days thereof.

5 No employee who becomes disabled and whose disability  
6 commences during any period of absence from duty without pay  
7 may receive ordinary disability benefit until he recovers from  
8 such disability and performs the duties of his position in the  
9 service for at least 15 consecutive days, Sundays and holidays  
10 excepted, after his recovery from such disability.

11 The benefit shall not be allowed unless application  
12 therefor is made while the disability exists, nor for any  
13 period of disability before 30 days before the application for  
14 such benefit is made. The foregoing limitations do not apply if  
15 the board finds from satisfactory evidence presented to it that  
16 there was reasonable cause for delay in filing such application  
17 within such periods of time.

18 The first payment shall be made not later than one month  
19 after the benefit is granted and each subsequent payment shall  
20 be made not later than one month after the last preceding  
21 payment.

22 The disability benefit prescribed herein shall cease when  
23 the first of the following dates shall occur and the employee,  
24 if still disabled, shall thereafter be entitled to such annuity  
25 as is otherwise provided in this Article:

26 (a) the date disability ceases.

1 (b) the date the disabled employee attains age 65 for  
2 disability commencing prior to January 1, 1979.

3 (c) the date the disabled employee attains 65 for  
4 disability commencing prior to attainment of age 60 in the  
5 service and after January 1, 1979.

6 (d) the date the disabled employee attains the age of 70  
7 for disability commencing after attainment of age 60 in the  
8 service and after January 1, 1979.

9 (e) the date the payments of the benefit shall exceed in  
10 the aggregate, throughout the employee's service, a period  
11 equal to 1/4 of the total service rendered prior to the date of  
12 disability but in no event more than 5 years. In computing such  
13 total service any period during which the employee received  
14 ordinary disability benefit and any period of absence from duty  
15 other than paid vacation shall be excluded.

16 Any employee whose duty disability benefit was terminated  
17 on or after January 1, 1979 by reason of his attainment of age  
18 65 and who continues to be disabled after age 65 may elect  
19 before July 1, 1986 to have such benefits resumed beginning at  
20 the time of such termination and continuing until termination  
21 is required under this Section as amended by this amendatory  
22 Act of 1985. The amount payable to any employee for such  
23 resumed benefit for any period shall be reduced by the amount  
24 of any retirement annuity paid to such employee under this  
25 Article for the same period of time or by any refund paid in  
26 lieu of annuity.

1 Any employee whose disability benefit was terminated on or  
2 after January 1, 1987 by reason of his attainment of age 70,  
3 and who continues to be disabled after age 70, may elect before  
4 March 31, 1988, to have such benefits resumed beginning at the  
5 time of such termination and continuing until termination is  
6 required under this Section as amended by this amendatory Act  
7 of 1987. The amount payable to any employee for such resumed  
8 benefit for any period shall be reduced by the amount of any  
9 retirement annuity paid to such employee under this Article for  
10 the same period of time or by any refund paid in lieu of  
11 annuity.

12 Ordinary disability benefit shall be 50% of the employee's  
13 salary at the date of disability. The salary at the date of  
14 disability shall be based on the percentage, not to exceed  
15 100%, of hours paid, contributed on, and reported to the Fund  
16 during the prior 365 days divided by 2080. Instead of all  
17 amounts ordinarily contributed by an employee and by the county  
18 for age and service annuity and widow's annuity based on the  
19 salary at date of disability, the county shall contribute sums  
20 equal to such amounts for any period during which the employee  
21 receives ordinary disability and such is deemed for annuity and  
22 refund purposes as amounts contributed by him. The county shall  
23 also contribute 1/2 of 1% salary deductions required as a  
24 contribution from the employee under Section 9-133. This  
25 amendatory Act of the 98th General Assembly is intended to be a  
26 restatement and clarification of existing law.

1           An employee who has withdrawn from service or was laid off  
2 for any reason, who is absent from service thereafter for 60  
3 days or more who re-enters the service subsequent to such  
4 absence is not entitled to ordinary disability benefit unless  
5 he renders at least 6 months of service subsequent to the date  
6 of such last re-entry.

7           (Source: P.A. 96-1466, eff. 8-20-10.)

8           (40 ILCS 5/9-221) (from Ch. 108 1/2, par. 9-221)

9           Sec. 9-221. Basis of annual salary.

10          (a) For the purpose of this Article, annual salary of an  
11 employee whose salary or wages is arranged upon other than a  
12 yearly basis, shall be determined according to the months,  
13 weeks, days, or hours, for which the position held by the  
14 employee is appropriated for or as the employee in such  
15 position, normally and regularly works, as follows:

16           Monthly Basis:--Not less than 9 nor more than 12 times such  
17 monthly salary, unless the appropriation for such position is  
18 for a shorter period;

19           Weekly Basis:--Not less than 39 nor more than 52 times such  
20 weekly salary, unless the appropriation for such position is  
21 for a shorter period;

22           Daily Basis:--Not less than 260 nor more than 300 times  
23 such daily wage, unless the appropriation for such position is  
24 for a shorter period;

25           Hourly Basis:--Not less than 2080 nor more than 2400 times

1 such hourly wage, unless the appropriation for such position is  
2 for a shorter period.

3 Any computation hereunder shall exclude all overtime or  
4 extra service.

5 (b) For the purposes of this Article, where a definite  
6 annual, monthly, daily or hourly salary scale is not  
7 established in the annual county appropriation ordinance, the  
8 amount of annual salary, wages or other compensation shall be  
9 the highest average annual salary for any 5 consecutive years  
10 within the last 10 years of service immediately preceding the  
11 date of determination of benefits of each such employee subject  
12 to the maximum annual salary prescribed herein and such annual  
13 salary divided by 12 shall be taken as the monthly salary for  
14 purposes of the Article; provided, no amount of salary in  
15 excess of an amount equal to 1/12 of such average annual salary  
16 for service rendered in any one month shall be considered. In  
17 such a case the board shall fix by appropriate rules and  
18 regulations how much service in any year is equivalent to one  
19 year of service.

20 Salary shall be equal to the actual salary paid as reported  
21 to the Fund excluding overtime or extra service and is subject  
22 to the limitations of subsection (a) of Section 1-117 and  
23 subsection (b-5) of Section 1-160. This amendatory Act of the  
24 98th General Assembly is intended to be a restatement and  
25 clarification of existing law and does not imply that salary  
26 was previously based on any amounts other than paid salary.



1 (Source: Laws 1963, p. 161.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.