

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 and by adding Section 7-137.2 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 item 2.5, any Any person who
19 holds elective office unless he has elected while in that
20 office in a written notice on file with the board to become
21 a participating employee;

22 2.5. Any person who holds elective office as a member
23 of the governing body of a participating municipality,
24 unless:

25 (i) the person has elected while in that office, in
26 a written notice on file with the board, to become a

1 participating employee;

2 (ii) the governing body has filed the resolution
3 required by subsection (a) of Section 7-137.2 of this
4 Article; and

5 (iii) the person has submitted to the authorized
6 agent the required logs evidencing that the person has
7 met the hourly standard as required by subsection (b)
8 of Section 7-137.2 of this Article;

9 3. Any person working for a city hospital unless any
10 such person, while in active employment, has elected in a
11 written notice on file with the board to become a
12 participating employee and notification thereof is
13 received by the board;

14 4. Any person who becomes an employee after June 30,
15 1979 as a public service employment program participant
16 under the federal Comprehensive Employment and Training
17 Act and whose wages or fringe benefits are paid in whole or
18 in part by funds provided under such Act;

19 5. Any person who is actively employed by a
20 municipality on its effective date of participation in the
21 Fund if that municipality (i) has at least 35 employees on
22 its effective date of participation; (ii) is located in a
23 county with at least 2,000,000 inhabitants; and (iii)
24 maintains an independent defined benefit pension plan for
25 the benefit of its eligible employees, unless the person
26 files with the board within 90 days after the

1 municipality's effective date of participation an
2 irrevocable election to participate.

3 (c) Any person electing to be a participating employee,
4 pursuant to paragraph (b) of this Section may not change such
5 election, except as provided in Section 7-137.1.

6 (d) Any employee who occupied the position of school nurse
7 in any participating municipality on August 8, 1961 and
8 continuously thereafter until the effective date of the
9 exercise of the option authorized by this subparagraph, who on
10 August 7, 1961 was a member of the Teachers' Retirement System
11 of Illinois, by virtue of certification by the Department of
12 Registration and Education as a public health nurse, may elect
13 to terminate participation in this Fund in order to
14 re-establish membership in such System. The election may be
15 exercised by filing written notice thereof with the Board or
16 with the Board of Trustees of said Teachers' Retirement System,
17 not later than September 30, 1963, and shall be effective on
18 the first day of the calendar month next following the month in
19 which the notice was filed. If the written notice is filed with
20 such Teachers' Retirement System, that System shall
21 immediately notify this Fund, but neither failure nor delay in
22 notification shall affect the validity of the employee's
23 election. If the option is exercised, the Fund shall notify
24 such Teachers' Retirement System of such fact and transfer to
25 that system the amounts contributed by the employee to this
26 Fund, including interest at 3% per annum, but excluding

1 contributions applicable to social security coverage during
2 the period beginning August 8, 1961 to the effective date of
3 the employee's election. Participation in this Fund as to any
4 credits on or after August 8, 1961 and up to the effective date
5 of the employee's election shall terminate on such effective
6 date.

7 (e) Any participating municipality or participating
8 instrumentality, other than a school district or special
9 education joint agreement created under Section 10-22.31 of the
10 School Code, may, by a resolution or ordinance duly adopted by
11 its governing body, elect to exclude from participation and
12 eligibility for benefits all persons who are employed after the
13 effective date of such resolution or ordinance and who occupy
14 an office or are employed in a position normally requiring
15 performance of duty for less than 1000 hours per year for the
16 participating municipality (including all instrumentalities
17 thereof) or participating instrumentality except for persons
18 employed in a position normally requiring performance of duty
19 for 600 hours or more per year (i) by such participating
20 municipality or participating instrumentality prior to the
21 effective date of the resolution or ordinance and (ii) by a
22 participating municipality or participating instrumentality,
23 which had not adopted such a resolution when the person was
24 employed, and the function served by the employee's position is
25 assumed by another participating municipality or participating
26 instrumentality. Notwithstanding the foregoing, a

1 participating municipality or participating instrumentality
2 which is formed solely to succeed to the functions of a
3 participating municipality or participating instrumentality
4 shall be considered to have adopted any such resolution or
5 ordinance which may have been applicable to the employees
6 performing such functions. The election made by the resolution
7 or ordinance shall take effect at the time specified in the
8 resolution or ordinance, and once effective shall be
9 irrevocable.

10 (Source: P.A. 96-1140, eff. 7-21-10; 97-328, eff. 8-12-11;
11 97-609, eff. 1-1-12.)

12 (40 ILCS 5/7-137.2 new)

13 Sec. 7-137.2. Participation by elected members of
14 municipal governing bodies.

15 (a) An elected member of the governing body of a
16 participating municipality is not eligible to participate in
17 the Fund with respect to that position unless the governing
18 body of the municipality has adopted a resolution, after public
19 debate and in a form acceptable to the Fund, certifying that
20 persons in the position of elected member of the governing body
21 are expected to work at least 600 hours annually (or 1000 hours
22 annually in a participating municipality that has adopted a
23 resolution pursuant to subsection (e) of Section 7-137 of this
24 Code). The resolution must be adopted and filed with the Fund
25 no more than 90 days after each general election in which a

1 member of the governing body is elected.

2 (b) An elected member of the governing body of a
3 participating municipality who participates in the Fund with
4 respect to that position must maintain a log of time worked in
5 that position and file the log with the authorized agent
6 semi-annually. To support participation in the Fund, the log
7 must show that the member works in that position at least 600
8 hours annually (or 1000 hours annually in a participating
9 municipality that has adopted a resolution pursuant to
10 subsection (e) of Section 7-137 of this Code). The log shall be
11 made available to the Fund upon request and shall be maintained
12 by the authorized agent for at least 5 years after the log is
13 filed with the authorized agent.