

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 10. The Illinois Pension Code is amended by
5 changing Section 7-137 and by adding Section 7-137.2 as
6 follows:

7 (40 ILCS 5/7-137) (from Ch. 108 1/2, par. 7-137)

8 Sec. 7-137. Participating and covered employees.

9 (a) The persons described in this paragraph (a) shall be
10 included within and be subject to this Article and eligible to
11 benefits from this fund, beginning upon the dates hereinafter
12 specified:

13 1. Except as to the employees specifically excluded
14 under the provisions of this Article, all persons who are
15 employees of any municipality (or instrumentality thereof)
16 or participating instrumentality on the effective date of
17 participation of the municipality or participating
18 instrumentality beginning upon such effective date.

19 2. Except as to the employees specifically excluded
20 under the provisions of this Article, all persons, who
21 became employees of any participating municipality (or
22 instrumentality thereof) or participating instrumentality
23 after the effective date of participation of such

1 municipality or participating instrumentality, beginning
2 upon the date such person becomes an employee.

3 3. All persons who file notice with the board as
4 provided in paragraph (b) 2 and 3 of this Section,
5 beginning upon the date of filing such notice.

6 (b) The following described persons shall not be considered
7 participating employees eligible for benefits from this fund,
8 but shall be included within and be subject to this Article
9 (each of the descriptions is not exclusive but is cumulative):

10 1. Any person who occupies an office or is employed in
11 a position normally requiring performance of duty during
12 less than 600 hours a year for a municipality (including
13 all instrumentalities thereof) or a participating
14 instrumentality. If a school treasurer performs services
15 for more than one school district, the total number of
16 hours of service normally required for the several school
17 districts shall be considered to determine whether he
18 qualifies under this paragraph;

19 2. Except as provided in items 2.5 and 2.6, any ~~Any~~
20 person who holds elective office unless he has elected
21 while in that office in a written notice on file with the
22 board to become a participating employee;

23 2.5. Except as provided in item 2.6, any person who
24 holds elective office as a member of a county board,
25 unless:

26 (i) the person was first elected as a member of a

1 county board before the effective date of this
2 amendatory Act of the 99th General Assembly;

3 (ii) the person has elected while in that office,
4 in a written notice on file with the board, to become a
5 participating employee;

6 (iii) the county board has filed the resolution
7 required by subsection (a) of Section 7-137.2 of this
8 Article; and

9 (iv) the person has submitted the required time
10 sheets evidencing that the person has met the hourly
11 standard as required by subsection (b) of Section
12 7-137.2 of this Article;

13 2.6. Any person who is an elected member of a county
14 board and is first so elected on or after the effective
15 date of this amendatory Act of the 99th General Assembly;

16 3. Any person working for a city hospital unless any
17 such person, while in active employment, has elected in a
18 written notice on file with the board to become a
19 participating employee and notification thereof is
20 received by the board;

21 4. Any person who becomes an employee after June 30,
22 1979 as a public service employment program participant
23 under the federal Comprehensive Employment and Training
24 Act and whose wages or fringe benefits are paid in whole or
25 in part by funds provided under such Act;

26 5. Any person who is actively employed by a

1 municipality on its effective date of participation in the
2 Fund if that municipality (i) has at least 35 employees on
3 its effective date of participation; (ii) is located in a
4 county with at least 2,000,000 inhabitants; and (iii)
5 maintains an independent defined benefit pension plan for
6 the benefit of its eligible employees, unless the person
7 files with the board within 90 days after the
8 municipality's effective date of participation an
9 irrevocable election to participate.

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

13 (d) Any employee who occupied the position of school nurse
14 in any participating municipality on August 8, 1961 and
15 continuously thereafter until the effective date of the
16 exercise of the option authorized by this subparagraph, who on
17 August 7, 1961 was a member of the Teachers' Retirement System
18 of Illinois, by virtue of certification by the Department of
19 Registration and Education as a public health nurse, may elect
20 to terminate participation in this Fund in order to
21 re-establish membership in such System. The election may be
22 exercised by filing written notice thereof with the Board or
23 with the Board of Trustees of said Teachers' Retirement System,
24 not later than September 30, 1963, and shall be effective on
25 the first day of the calendar month next following the month in
26 which the notice was filed. If the written notice is filed with

1 such Teachers' Retirement System, that System shall
2 immediately notify this Fund, but neither failure nor delay in
3 notification shall affect the validity of the employee's
4 election. If the option is exercised, the Fund shall notify
5 such Teachers' Retirement System of such fact and transfer to
6 that system the amounts contributed by the employee to this
7 Fund, including interest at 3% per annum, but excluding
8 contributions applicable to social security coverage during
9 the period beginning August 8, 1961 to the effective date of
10 the employee's election. Participation in this Fund as to any
11 credits on or after August 8, 1961 and up to the effective date
12 of the employee's election shall terminate on such effective
13 date.

14 (e) Any participating municipality or participating
15 instrumentality, other than a school district or special
16 education joint agreement created under Section 10-22.31 of the
17 School Code, may, by a resolution or ordinance duly adopted by
18 its governing body, elect to exclude from participation and
19 eligibility for benefits all persons who are employed after the
20 effective date of such resolution or ordinance and who occupy
21 an office or are employed in a position normally requiring
22 performance of duty for less than 1000 hours per year for the
23 participating municipality (including all instrumentalities
24 thereof) or participating instrumentality except for persons
25 employed in a position normally requiring performance of duty
26 for 600 hours or more per year (i) by such participating

1 municipality or participating instrumentality prior to the
2 effective date of the resolution or ordinance and (ii) by a
3 participating municipality or participating instrumentality,
4 which had not adopted such a resolution when the person was
5 employed, and the function served by the employee's position is
6 assumed by another participating municipality or participating
7 instrumentality. Notwithstanding the foregoing, a
8 participating municipality or participating instrumentality
9 which is formed solely to succeed to the functions of a
10 participating municipality or participating instrumentality
11 shall be considered to have adopted any such resolution or
12 ordinance which may have been applicable to the employees
13 performing such functions. The election made by the resolution
14 or ordinance shall take effect at the time specified in the
15 resolution or ordinance, and once effective shall be
16 irrevocable.

17 (Source: P.A. 96-1140, eff. 7-21-10; 97-328, eff. 8-12-11;
18 97-609, eff. 1-1-12.)

19 (40 ILCS 5/7-137.2 new)

20 Sec. 7-137.2. Participation by elected members of county
21 boards.

22 (a) An elected member of a county board is not eligible to
23 participate in the Fund with respect to that position unless
24 the county board has adopted a resolution, after public debate
25 and in a form acceptable to the Fund, certifying that persons

1 in the position of elected member of the county board are
2 expected to work at least 600 hours annually (or 1000 hours
3 annually in a county that has adopted a resolution pursuant to
4 subsection (e) of Section 7-137 of this Code). The resolution
5 must be adopted and filed with the Fund no more than 90 days
6 after each general election in which a member of the county
7 board is elected.

8 (b) An elected member of a county board that participates
9 in the Fund with respect to that position shall monthly submit,
10 to the county fiscal officer, time sheets documenting the time
11 spent on official government business as an elected member of
12 the county board. The time sheets shall be (1) submitted on
13 paper or electronically, or both, and (2) maintained by the
14 county board for 5 years. An elected member of a county board
15 who fails to submit time sheets or fails to conduct official
16 government business with respect to that position for either
17 600 hours or 1000 hours (whichever is applicable) annually
18 shall not be permitted to continue participation in the Fund as
19 an elected member of a county board. The Fund may request that
20 the governing body certify that an elected member of a county
21 board is permitted to continue participation with respect to
22 that position.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.