



Rep. Kelly M. Burke

Filed: 3/5/2020

10100HB5167ham001

LRB101 18810 RPS 71259 a

1 AMENDMENT TO HOUSE BILL 5167

2 AMENDMENT NO. _____. Amend House Bill 5167 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Pension Code is amended by
5 changing Section 5-214 as follows:

6 (40 ILCS 5/5-214) (from Ch. 108 1/2, par. 5-214)

7 Sec. 5-214. Credit for other service. Any participant in
8 this fund (other than a member of the fire department of the
9 city) who has rendered service as a member of the police
10 department of the city for a period of 3 years or more is
11 entitled to credit for the various purposes of this Article for
12 service rendered prior to becoming a member or subsequent
13 thereto for the following periods:

14 (a) While on leave of absence from the police
15 department assigned or detailed to investigative,
16 protective, security or police work for the park district

1 of the city, the department of the Port of Chicago or the
2 sanitary district in which the city is located.

3 (b) As a temporary police officer in the city or while
4 serving in the office of the mayor or in the office of the
5 corporation counsel, as a member of the city council of the
6 city, as an employee of the Policemen's Annuity and Benefit
7 Fund created by this Article, as the head of an
8 organization whose membership consists of members of the
9 police department, the Public Vehicle License Commission
10 and the board of election commissioners of the city,
11 provided that, in each of these cases and for all periods
12 specified in this item (b), including those beginning
13 before the effective date of this amendatory Act of the
14 97th General Assembly, the police officer is on leave and
15 continues to remain in sworn status, subject to the
16 professional standards of the public employer or those
17 terms established in statute.

18 (c) While on leave of absence from the police
19 department of the city and assigned or detailed to perform:
20 (1) performing safety or investigative work as an employee
21 for the County of Cook, the State of Illinois, or the
22 federal government; or (2) county in which such city is
23 principally located or for the State of Illinois or for the
24 federal government, on leave of absence from the department
25 of police, or while performing investigative work for the
26 department while employed as a civilian employee of the

1 police department of the city. Notwithstanding any other
2 provision of law, the board shall reconsider an application
3 for credit for service for any active policeman assigned or
4 detailed to perform safety or investigative work as an
5 employee for the County of Cook, if such application ~~under~~
6 ~~this item (c) that~~ was submitted after January 1, 1992 and
7 before April 1, 2008 and was denied.

8 The changes made to this item (c) by this amendatory
9 Act of the 101st General Assembly requiring an applicant to
10 have been on a leave of absence from the police department
11 of the city in order to obtain the requested service credit
12 while assigned or detailed to perform safety or
13 investigative work as an employee for the County of Cook or
14 assigned or detailed to perform investigative work for the
15 department while employed as a civilian employee of the
16 police department of the city are operative beginning
17 January 1, 2021.

18 In this item (c), "investigative work" requires a
19 systematic inquiry into the obtainment and examination of
20 facts and evidence and does not include the simple
21 gathering of information.

22 (d) While on leave of absence from the police
23 department of the city and serving as the chief of police
24 of a police department outside the city.

25 No credit shall be granted in this fund, however, for this
26 service if (1) the policeman has credit therefor in any other

1 annuity and benefit fund, or (2) the policeman has not, within
2 5 years after the date his application has been approved, but
3 prior to his date of retirement, contributed unless he
4 ~~contributes~~ to this fund the amount he would have contributed
5 with interest had he remained an active member of the police
6 department in the position he occupied as a result of a civil
7 service competitive examination, certification and appointment
8 by the Civil Service Board; or in the case of a city operating
9 under the provisions of a personnel ordinance the position he
10 occupied as a result of a personnel ordinance competitive
11 examination certification and appointment under the authority
12 of a Municipal Personnel ordinance.

13 Concurrently with such contributions, the city shall
14 contribute the amounts provided by this Article. No credit
15 shall be allowed for any period of time for which contributions
16 by the policeman have not been paid. It is the sole
17 responsibility of the policeman to ensure that all sums
18 contributed by the policeman have been received by the fund for
19 the service credit for which the policeman has applied. The
20 period of service rendered by such policeman prior to the date
21 he became a member of the police department of the city or
22 while detailed, assigned or on leave of absence and employed in
23 any of the departments set forth hereinabove in this Section
24 for which such policeman has contributed to this fund shall be
25 credited to him as service for all the purposes of this
26 Article, except that he shall not have any of the rights

1 conferred by the provisions of Sections 5-127 and 5-162 of this
2 Article.

3 The changes in this Section made by Public Act 86-273 shall
4 apply to members of the fund who have not begun receiving a
5 pension under this Article on August 23, 1989, without regard
6 to whether employment is terminated before that date.

7 (Source: P.A. 100-1173, eff. 6-1-19.)

8 Section 90. The State Mandates Act is amended by adding
9 Section 8.44 as follows:

10 (30 ILCS 805/8.44 new)

11 Sec. 8.44. Exempt mandate. Notwithstanding Sections 6 and 8
12 of this Act, no reimbursement by the State is required for the
13 implementation of any mandate created by this amendatory Act of
14 the 101st General Assembly.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."