



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5167

by Rep. Kelly M. Burke

SYNOPSIS AS INTRODUCED:

40 ILCS 5/5-214

from Ch. 108 1/2, par. 5-214

30 ILCS 805/8.44 new

Amends the Chicago Police Article of the Illinois Pension Code. Makes changes to provisions concerning credit for service while on leave of absence from the police department and assigned or detailed to perform safety or investigative work. Defines "investigative work". Provides that the board may (instead of shall) reconsider any application for credit for service for any active policeman assigned or detailed to perform safety or investigative work as an employee for the County of Cook (instead of an application for credit under the provisions), if the application was submitted between specified dates and was denied. Provides that no credit shall be granted for certain service while on a leave of absence or as a temporary police officer if the policeman has not, within 5 years after the date his application for credit has been approved, but prior to his date of retirement, made a specified contribution. Provides that it is the sole responsibility of the policeman to ensure that all sums contributed by the policeman have been received by the fund for the service credit for which the policeman has applied. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB101 18810 RPS 68267 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 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
17 of the city, the department of the Port of Chicago or the
18 sanitary district in which the city is located.

19 (b) As a temporary police officer in the city or while
20 serving in the office of the mayor or in the office of the
21 corporation counsel, as a member of the city council of the
22 city, as an employee of the Policemen's Annuity and Benefit
23 Fund created by this Article, as the head of an

1 organization whose membership consists of members of the
2 police department, the Public Vehicle License Commission
3 and the board of election commissioners of the city,
4 provided that, in each of these cases and for all periods
5 specified in this item (b), including those beginning
6 before the effective date of this amendatory Act of the
7 97th General Assembly, the police officer is on leave and
8 continues to remain in sworn status, subject to the
9 professional standards of the public employer or those
10 terms established in statute.

11 (c) While on leave of absence from the police
12 department of the city and assigned or detailed to perform
13 ~~performing~~ safety or investigative work as an employee for
14 the County of Cook, the State of Illinois, or the federal
15 government ~~county in which such city is principally located~~
16 ~~or for the State of Illinois or for the federal government,~~
17 ~~on leave of absence from the department of police,~~ or while
18 employed as a civilian employee of the police department of
19 the city and assigned or detailed to perform ~~performing~~
20 investigative work for the department ~~as a civilian~~
21 ~~employee of the department~~. Notwithstanding any other
22 provision of law, the board may ~~shall~~ reconsider an
23 application for credit for service for any active policeman
24 assigned or detailed to perform safety or investigative
25 work as an employee for the County of Cook, if such
26 application ~~under this item (c) that~~ was submitted after

1 January 1, 1992 and before April 1, 2008 and was denied.

2 The changes made to this item (c) by this amendatory
3 Act of the 101st General Assembly requiring an applicant to
4 have been on a leave of absence from the police department
5 of the city in order to obtain the requested service credit
6 while assigned or detailed to perform safety or
7 investigative work as an employee for the County of Cook
8 are effective beginning January 1, 2021.

9 In this item (c), "investigative work" requires a
10 systematic inquiry into the obtainment and examination of
11 facts and evidence and does not include the simple
12 gathering of information.

13 (d) While on leave of absence from the police
14 department of the city and serving as the chief of police
15 of a police department outside the city.

16 No credit shall be granted in this fund, however, for this
17 service if (1) the policeman has credit therefor in any other
18 annuity and benefit fund, or (2) the policeman has not, within
19 5 years after the date his application has been approved, but
20 prior to his date of retirement, contributed ~~unless he~~
21 ~~contributes~~ to this fund the amount he would have contributed
22 with interest had he remained an active member of the police
23 department in the position he occupied as a result of a civil
24 service competitive examination, certification and appointment
25 by the Civil Service Board; or in the case of a city operating
26 under the provisions of a personnel ordinance the position he

1 occupied as a result of a personnel ordinance competitive
2 examination certification and appointment under the authority
3 of a Municipal Personnel ordinance.

4 Concurrently with such contributions, the city shall
5 contribute the amounts provided by this Article. No credit
6 shall be allowed for any period of time for which contributions
7 by the policeman have not been paid. It is the sole
8 responsibility of the policeman to ensure that all sums
9 contributed by the policeman have been received by the fund for
10 the service credit for which the policeman has applied. The
11 period of service rendered by such policeman prior to the date
12 he became a member of the police department of the city or
13 while detailed, assigned or on leave of absence and employed in
14 any of the departments set forth hereinabove in this Section
15 for which such policeman has contributed to this fund shall be
16 credited to him as service for all the purposes of this
17 Article, except that he shall not have any of the rights
18 conferred by the provisions of Sections 5-127 and 5-162 of this
19 Article.

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

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

25 Section 90. The State Mandates Act is amended by adding

1 Section 8.44 as follows:

2 (30 ILCS 805/8.44 new)

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

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.