



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2356

Introduced 2/27/2009, by Sen. Kirk W. Dillard

SYNOPSIS AS INTRODUCED:

40 ILCS 5/7-109.3	from Ch. 108 1/2, par. 7-109.3
40 ILCS 5/7-142.1	from Ch. 108 1/2, par. 7-142.1
30 ILCS 805/8.33 new	

Amends the IMRF Article of the Illinois Pension Code. Changes the definition of "sheriff's law enforcement employee" to include a State's attorney who does not elect or is ineligible to participate in an alternative annuity for county officers and all special investigators employed on a full-time basis in the office of the State's attorney. Limits the provisions to persons employed on or after the effective date of the amendatory Act in such a position. Allows for conversion of employment before the effective date of the amendatory Act. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB096 08955 AMC 19093 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 7-109.3 and 7-142.1 as follows:

6 (40 ILCS 5/7-109.3) (from Ch. 108 1/2, par. 7-109.3)

7 Sec. 7-109.3. "Sheriff's Law Enforcement Employees".

8 (a) "Sheriff's law enforcement employee" or "SLEP" means:

9 (1) A county sheriff and all deputies, other than
10 special deputies, employed on a full time basis in the
11 office of the sheriff.

12 (2) A person who has elected to participate in this
13 Fund under Section 3-109.1 of this Code, and who is
14 employed by a participating municipality to perform police
15 duties.

16 (3) A law enforcement officer employed on a full time
17 basis by a Forest Preserve District, provided that such
18 officer shall be deemed a "sheriff's law enforcement
19 employee" for the purposes of this Article, and service in
20 that capacity shall be deemed to be service as a sheriff's
21 law enforcement employee, only if the board of
22 commissioners of the District have so elected by adoption
23 of an affirmative resolution. Such election, once made, may

1 not be rescinded.

2 (4) A person not eligible to participate in a fund
3 established under Article 3 of this Code who is employed on
4 a full-time basis by a participating municipality or
5 participating instrumentality to perform police duties at
6 an airport, but only if the governing authority of the
7 employer has approved sheriff's law enforcement employee
8 status for its airport police employees by adoption of an
9 affirmative resolution. Such approval, once given, may not
10 be rescinded.

11 (5) A State's attorney who does not elect or is
12 ineligible to participate in an alternative annuity for
13 county officers under Section 7-145.1 and all special
14 investigators employed on a full-time basis in the office
15 of the State's attorney. This paragraph (5) only applies to
16 a person employed on or after the effective date of this
17 amendatory Act of the 96th General Assembly in such a
18 position.

19 (b) An employee who is a sheriff's law enforcement employee
20 and is granted military leave or authorized leave of absence
21 shall receive service credit in that capacity. Sheriff's law
22 enforcement employees shall not be entitled to out-of-State
23 service credit under Section 7-139.

24 (Source: P.A. 92-16, eff. 6-28-01.)

25 (40 ILCS 5/7-142.1) (from Ch. 108 1/2, par. 7-142.1)

1 Sec. 7-142.1. Sheriff's law enforcement employees.

2 (a) In lieu of the retirement annuity provided by
3 subparagraph 1 of paragraph (a) of Section 7-142:

4 Any sheriff's law enforcement employee who has 20 or more
5 years of service in that capacity and who terminates service
6 prior to January 1, 1988 shall be entitled at his option to
7 receive a monthly retirement annuity for his service as a
8 sheriff's law enforcement employee computed by multiplying 2%
9 for each year of such service up to 10 years, 2 1/4% for each
10 year of such service above 10 years and up to 20 years, and 2
11 1/2% for each year of such service above 20 years, by his
12 annual final rate of earnings and dividing by 12.

13 Any sheriff's law enforcement employee who has 20 or more
14 years of service in that capacity and who terminates service on
15 or after January 1, 1988 and before July 1, 2004 shall be
16 entitled at his option to receive a monthly retirement annuity
17 for his service as a sheriff's law enforcement employee
18 computed by multiplying 2.5% for each year of such service up
19 to 20 years, 2% for each year of such service above 20 years
20 and up to 30 years, and 1% for each year of such service above
21 30 years, by his annual final rate of earnings and dividing by
22 12.

23 Any sheriff's law enforcement employee who has 20 or more
24 years of service in that capacity and who terminates service on
25 or after July 1, 2004 shall be entitled at his or her option to
26 receive a monthly retirement annuity for service as a sheriff's

1 law enforcement employee computed by multiplying 2.5% for each
2 year of such service by his annual final rate of earnings and
3 dividing by 12.

4 If a sheriff's law enforcement employee has service in any
5 other capacity, his retirement annuity for service as a
6 sheriff's law enforcement employee may be computed under this
7 Section and the retirement annuity for his other service under
8 Section 7-142.

9 In no case shall the total monthly retirement annuity for
10 persons who retire before July 1, 2004 exceed 75% of the
11 monthly final rate of earnings. In no case shall the total
12 monthly retirement annuity for persons who retire on or after
13 July 1, 2004 exceed 80% of the monthly final rate of earnings.

14 (b) Whenever continued group insurance coverage is elected
15 in accordance with the provisions of Section 367h of the
16 Illinois Insurance Code, as now or hereafter amended, the total
17 monthly premium for such continued group insurance coverage or
18 such portion thereof as is not paid by the municipality shall,
19 upon request of the person electing such continued group
20 insurance coverage, be deducted from any monthly pension
21 benefit otherwise payable to such person pursuant to this
22 Section, to be remitted by the Fund to the insurance company or
23 other entity providing the group insurance coverage.

24 (c) A sheriff's law enforcement employee who has service in
25 any other capacity may convert up to 10 years of that service
26 into service as a sheriff's law enforcement employee by paying

1 to the Fund an amount equal to (1) the additional employee
2 contribution required under Section 7-173.1, plus (2) the
3 additional employer contribution required under Section 7-172,
4 plus (3) interest on items (1) and (2) at the prescribed rate
5 from the date of the service to the date of payment.

6 (d) The changes to subsections (a) and (b) of this Section
7 made by this amendatory Act of the 94th General Assembly apply
8 only to persons in service on or after July 1, 2004. In the
9 case of such a person who begins to receive a retirement
10 annuity before the effective date of this amendatory Act of the
11 94th General Assembly, the annuity shall be recalculated
12 prospectively to reflect those changes, with the resulting
13 increase beginning to accrue on the first annuity payment date
14 following the effective date of this amendatory Act.

15 (a) A person who is employed in a position described in
16 paragraph (5) of Section 7-109.3 may convert his or her
17 creditable service for such employment before the effective
18 date of this amendatory Act of the 96th General Assembly into
19 creditable service as a sheriff's law enforcement employee by
20 applying in writing to the System within 6 months after the
21 effective date of this amendatory Act and paying to the System
22 the additional contributions required of sheriff's law
23 enforcement employees under Section 7-173.1 for the period of
24 service being established.

25 (Source: P.A. 94-712, eff. 6-1-06.)

1 Section 90. The State Mandates Act is amended by adding
2 Section 8.33 as follows:

3 (30 ILCS 805/8.33 new)

4 Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8
5 of this Act, no reimbursement by the State is required for the
6 implementation of any mandate created by this amendatory Act of
7 the 96th General Assembly.

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