

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 7-139, 7-139.2, 7-142.1, 7-145.1, 7-169, 14-123,
6 14-123.1, 14-124, 14-125, 14-127, 15-158.2, 18-125, 18-126.1,
7 18-128.01, and 18-133 as follows:

8 (40 ILCS 5/7-139) (from Ch. 108 1/2, par. 7-139)

9 (Text of Section WITHOUT the changes made by P.A. 98-599,
10 which has been held unconstitutional)

11 Sec. 7-139. Credits and creditable service to employees.

12 (a) Each participating employee shall be granted credits
13 and creditable service, for purposes of determining the amount
14 of any annuity or benefit to which he or a beneficiary is
15 entitled, as follows:

16 1. For prior service: Each participating employee who
17 is an employee of a participating municipality or
18 participating instrumentality on the effective date shall
19 be granted creditable service, but no credits under
20 paragraph 2 of this subsection (a), for periods of prior
21 service for which credit has not been received under any
22 other pension fund or retirement system established under
23 this Code, as follows:

1 If the effective date of participation for the
2 participating municipality or participating
3 instrumentality is on or before January 1, 1998, creditable
4 service shall be granted for the entire period of prior
5 service with that employer without any employee
6 contribution.

7 If the effective date of participation for the
8 participating municipality or participating
9 instrumentality is after January 1, 1998, creditable
10 service shall be granted for the last 20% of the period of
11 prior service with that employer, but no more than 5 years,
12 without any employee contribution. A participating
13 employee may establish creditable service for the
14 remainder of the period of prior service with that employer
15 by making an application in writing, accompanied by payment
16 of an employee contribution in an amount determined by the
17 Fund, based on the employee contribution rates in effect at
18 the time of application for the creditable service and the
19 employee's salary rate on the effective date of
20 participation for that employer, plus interest at the
21 effective rate from the date of the prior service to the
22 date of payment. Application for this creditable service
23 may be made at any time while the employee is still in
24 service.

25 A municipality that (i) has at least 35 employees; (ii)
26 is located in a county with at least 2,000,000 inhabitants;

1 and (iii) maintains an independent defined benefit pension
2 plan for the benefit of its eligible employees may restrict
3 creditable service in whole or in part for periods of prior
4 service with the employer if the governing body of the
5 municipality adopts an irrevocable resolution to restrict
6 that creditable service and files the resolution with the
7 board before the municipality's effective date of
8 participation.

9 Any person who has withdrawn from the service of a
10 participating municipality or participating
11 instrumentality prior to the effective date, who reenters
12 the service of the same municipality or participating
13 instrumentality after the effective date and becomes a
14 participating employee is entitled to creditable service
15 for prior service as otherwise provided in this subdivision
16 (a)(1) only if he or she renders 2 years of service as a
17 participating employee after the effective date.
18 Application for such service must be made while in a
19 participating status. The salary rate to be used in the
20 calculation of the required employee contribution, if any,
21 shall be the employee's salary rate at the time of first
22 reentering service with the employer after the employer's
23 effective date of participation.

24 2. For current service, each participating employee
25 shall be credited with:

26 a. Additional credits of amounts equal to each

1 payment of additional contributions received from him
2 under Section 7-173, as of the date the corresponding
3 payment of earnings is payable to him.

4 b. Normal credits of amounts equal to each payment
5 of normal contributions received from him, as of the
6 date the corresponding payment of earnings is payable
7 to him, and normal contributions made for the purpose
8 of establishing out-of-state service credits as
9 permitted under the conditions set forth in paragraph 6
10 of this subsection (a).

11 c. Municipality credits in an amount equal to 1.4
12 times the normal credits, except those established by
13 out-of-state service credits, as of the date of
14 computation of any benefit if these credits would
15 increase the benefit.

16 d. Survivor credits equal to each payment of
17 survivor contributions received from the participating
18 employee as of the date the corresponding payment of
19 earnings is payable, and survivor contributions made
20 for the purpose of establishing out-of-state service
21 credits.

22 3. For periods of temporary and total and permanent
23 disability benefits, each employee receiving disability
24 benefits shall be granted creditable service for the period
25 during which disability benefits are payable. Normal and
26 survivor credits, based upon the rate of earnings applied

1 for disability benefits, shall also be granted if such
2 credits would result in a higher benefit to any such
3 employee or his beneficiary.

4 4. For authorized leave of absence without pay: A
5 participating employee shall be granted credits and
6 creditable service for periods of authorized leave of
7 absence without pay under the following conditions:

8 a. An application for credits and creditable
9 service is submitted to the board while the employee is
10 in a status of active employment.

11 b. Not more than 12 complete months of creditable
12 service for authorized leave of absence without pay
13 shall be counted for purposes of determining any
14 benefits payable under this Article.

15 c. Credits and creditable service shall be granted
16 for leave of absence only if such leave is approved by
17 the governing body of the municipality, including
18 approval of the estimated cost thereof to the
19 municipality as determined by the fund, and employee
20 contributions, plus interest at the effective rate
21 applicable for each year from the end of the period of
22 leave to date of payment, have been paid to the fund in
23 accordance with Section 7-173. The contributions shall
24 be computed upon the assumption earnings continued
25 during the period of leave at the rate in effect when
26 the leave began.

1 d. Benefits under the provisions of Sections
2 7-141, 7-146, 7-150 and 7-163 shall become payable to
3 employees on authorized leave of absence, or their
4 designated beneficiary, only if such leave of absence
5 is creditable hereunder, and if the employee has at
6 least one year of creditable service other than the
7 service granted for leave of absence. Any employee
8 contributions due may be deducted from any benefits
9 payable.

10 e. No credits or creditable service shall be
11 allowed for leave of absence without pay during any
12 period of prior service.

13 5. For military service: The governing body of a
14 municipality or participating instrumentality may elect to
15 allow creditable service to participating employees who
16 leave their employment to serve in the armed forces of the
17 United States for all periods of such service, provided
18 that the person returns to active employment within 90 days
19 after completion of full time active duty, but no
20 creditable service shall be allowed such person for any
21 period that can be used in the computation of a pension or
22 any other pay or benefit, other than pay for active duty,
23 for service in any branch of the armed forces of the United
24 States. If necessary to the computation of any benefit, the
25 board shall establish municipality credits for
26 participating employees under this paragraph on the

1 assumption that the employee received earnings at the rate
2 received at the time he left the employment to enter the
3 armed forces. A participating employee in the armed forces
4 shall not be considered an employee during such period of
5 service and no additional death and no disability benefits
6 are payable for death or disability during such period.

7 Any participating employee who left his employment
8 with a municipality or participating instrumentality to
9 serve in the armed forces of the United States and who
10 again became a participating employee within 90 days after
11 completion of full time active duty by entering the service
12 of a different municipality or participating
13 instrumentality, which has elected to allow creditable
14 service for periods of military service under the preceding
15 paragraph, shall also be allowed creditable service for his
16 period of military service on the same terms that would
17 apply if he had been employed, before entering military
18 service, by the municipality or instrumentality which
19 employed him after he left the military service and the
20 employer costs arising in relation to such grant of
21 creditable service shall be charged to and paid by that
22 municipality or instrumentality.

23 Notwithstanding the foregoing, any participating
24 employee shall be entitled to creditable service as
25 required by any federal law relating to re-employment
26 rights of persons who served in the United States Armed

1 Services. Such creditable service shall be granted upon
2 payment by the member of an amount equal to the employee
3 contributions which would have been required had the
4 employee continued in service at the same rate of earnings
5 during the military leave period, plus interest at the
6 effective rate.

7 5.1. In addition to any creditable service established
8 under paragraph 5 of this subsection (a), creditable
9 service may be granted for up to 48 months of service in
10 the armed forces of the United States.

11 In order to receive creditable service for military
12 service under this paragraph 5.1, a participating employee
13 must (1) apply to the Fund in writing and provide evidence
14 of the military service that is satisfactory to the Board;
15 (2) obtain the written approval of the current employer;
16 and (3) make contributions to the Fund equal to (i) the
17 employee contributions that would have been required had
18 the service been rendered as a member, plus (ii) an amount
19 determined by the board to be equal to the employer's
20 normal cost of the benefits accrued for that military
21 service, plus (iii) interest on items (i) and (ii) from the
22 date of first membership in the Fund to the date of
23 payment. The required interest shall be calculated at the
24 regular interest rate.

25 The changes made to this paragraph 5.1 by Public Acts
26 95-483 and 95-486 apply only to participating employees in

1 service on or after August 28, 2007 (the effective date of
2 those Public Acts).

3 6. For out-of-state service: Creditable service shall
4 be granted for service rendered to an out-of-state local
5 governmental body under the following conditions: The
6 employee had participated and has irrevocably forfeited
7 all rights to benefits in the out-of-state public employees
8 pension system; the governing body of his participating
9 municipality or instrumentality authorizes the employee to
10 establish such service; the employee has 2 years current
11 service with this municipality or participating
12 instrumentality; the employee makes a payment of
13 contributions, which shall be computed at 8% (normal) plus
14 2% (survivor) times length of service purchased times the
15 average rate of earnings for the first 2 years of service
16 with the municipality or participating instrumentality
17 whose governing body authorizes the service established
18 plus interest at the effective rate on the date such
19 credits are established, payable from the date the employee
20 completes the required 2 years of current service to date
21 of payment. In no case shall more than 120 months of
22 creditable service be granted under this provision.

23 7. For retroactive service: Any employee who could have
24 but did not elect to become a participating employee, or
25 who should have been a participant in the Municipal Public
26 Utilities Annuity and Benefit Fund before that fund was

1 superseded, may receive creditable service for the period
2 of service not to exceed 50 months; however, a current or
3 former elected or appointed official of a participating
4 municipality may establish credit under this paragraph 7
5 for more than 50 months of service as an official of that
6 municipality, if the excess over 50 months is approved by
7 resolution of the governing body of the affected
8 municipality filed with the Fund before January 1, 2002.

9 Any employee who is a participating employee on or
10 after September 24, 1981 and who was excluded from
11 participation by the age restrictions removed by Public Act
12 82-596 may receive creditable service for the period, on or
13 after January 1, 1979, excluded by the age restriction and,
14 in addition, if the governing body of the participating
15 municipality or participating instrumentality elects to
16 allow creditable service for all employees excluded by the
17 age restriction prior to January 1, 1979, for service
18 during the period prior to that date excluded by the age
19 restriction. Any employee who was excluded from
20 participation by the age restriction removed by Public Act
21 82-596 and who is not a participating employee on or after
22 September 24, 1981 may receive creditable service for
23 service after January 1, 1979. Creditable service under
24 this paragraph shall be granted upon payment of the
25 employee contributions which would have been required had
26 he participated, with interest at the effective rate for

1 each year from the end of the period of service established
2 to date of payment.

3 8. For accumulated unused sick leave: A participating
4 employee who is applying for a retirement annuity shall be
5 entitled to creditable service for that portion of the
6 employee's accumulated unused sick leave for which payment
7 is not received, as follows:

8 a. Sick leave days shall be limited to those
9 accumulated under a sick leave plan established by a
10 participating municipality or participating
11 instrumentality which is available to all employees or
12 a class of employees.

13 b. Except as provided in item b-1, only sick leave
14 days accumulated with a participating municipality or
15 participating instrumentality with which the employee
16 was in service within 60 days of the effective date of
17 his retirement annuity shall be credited; If the
18 employee was in service with more than one employer
19 during this period only the sick leave days with the
20 employer with which the employee has the greatest
21 number of unpaid sick leave days shall be considered.

22 b-1. If the employee was in the service of more
23 than one employer as defined in item (2) of paragraph
24 (a) of subsection (A) of Section 7-132, then the sick
25 leave days from all such employers shall be credited,
26 as long as the creditable service attributed to those

1 sick leave days does not exceed the limitation in item
2 f of this paragraph 8. In calculating the creditable
3 service under this item b-1, the sick leave days from
4 the last employer shall be considered first, then the
5 remaining sick leave days shall be considered until
6 there are no more days or the maximum creditable sick
7 leave threshold under item f of this paragraph 8 has
8 been reached.

9 c. The creditable service granted shall be
10 considered solely for the purpose of computing the
11 amount of the retirement annuity and shall not be used
12 to establish any minimum service period required by any
13 provision of the Illinois Pension Code, the effective
14 date of the retirement annuity, or the final rate of
15 earnings.

16 d. The creditable service shall be at the rate of
17 1/20 of a month for each full sick day, provided that
18 no more than 12 months may be credited under this
19 subdivision 8.

20 e. Employee contributions shall not be required
21 for creditable service under this subdivision 8.

22 f. Each participating municipality and
23 participating instrumentality with which an employee
24 has service within 60 days of the effective date of his
25 retirement annuity shall certify to the board the
26 number of accumulated unpaid sick leave days credited

1 to the employee at the time of termination of service.

2 9. For service transferred from another system:
3 Credits and creditable service shall be granted for service
4 under Article 4, 5, 8, 14, or 16 of this Act, to any active
5 member of this Fund, and to any inactive member who has
6 been a county sheriff, upon transfer of such credits
7 pursuant to Section 4-108.3, 5-235, 8-226.7, 14-105.6, or
8 16-131.4, and payment by the member of the amount by which
9 (1) the employer and employee contributions that would have
10 been required if he had participated in this Fund as a
11 sheriff's law enforcement employee during the period for
12 which credit is being transferred, plus interest thereon at
13 the effective rate for each year, compounded annually, from
14 the date of termination of the service for which credit is
15 being transferred to the date of payment, exceeds (2) the
16 amount actually transferred to the Fund. Such transferred
17 service shall be deemed to be service as a sheriff's law
18 enforcement employee for the purposes of Section 7-142.1.

19 10. (Blank).

20 11. For service transferred from an Article 3 system
21 under Section 3-110.3: Credits and creditable service
22 shall be granted for service under Article 3 of this Act as
23 provided in Section 3-110.3, to any active member of this
24 Fund, upon transfer of such credits pursuant to Section
25 3-110.3. If the board determines that the amount
26 transferred is less than the true cost to the Fund of

1 allowing that creditable service to be established, then in
2 order to establish that creditable service, the member must
3 pay to the Fund an additional contribution equal to the
4 difference, as determined by the board in accordance with
5 the rules and procedures adopted under this paragraph. If
6 the member does not make the full additional payment as
7 required by this paragraph prior to termination of his
8 participation with that employer, then his or her
9 creditable service shall be reduced by an amount equal to
10 the difference between the amount transferred under
11 Section 3-110.3, including any payments made by the member
12 under this paragraph prior to termination, and the true
13 cost to the Fund of allowing that creditable service to be
14 established, as determined by the board in accordance with
15 the rules and procedures adopted under this paragraph.

16 The board shall establish by rule the manner of making
17 the calculation required under this paragraph 11, taking
18 into account the appropriate actuarial assumptions; the
19 member's service, age, and salary history, and any other
20 factors that the board determines to be relevant.

21 12. For omitted service: Any employee who was employed
22 by a participating employer in a position that required
23 participation, but who was not enrolled in the Fund, may
24 establish such credits under the following conditions:

25 a. Application for such credits is received by the
26 Board while the employee is an active participant of

1 the Fund or a reciprocal retirement system.

2 b. Eligibility for participation and earnings are
3 verified by the Authorized Agent of the participating
4 employer for which the service was rendered.

5 Creditable service under this paragraph shall be
6 granted upon payment of the employee contributions that
7 would have been required had he participated, which shall
8 be calculated by the Fund using the member contribution
9 rate in effect during the period that the service was
10 rendered.

11 (b) Creditable service - amount:

12 1. One month of creditable service shall be allowed for
13 each month for which a participating employee made
14 contributions as required under Section 7-173, or for which
15 creditable service is otherwise granted hereunder. Not
16 more than 1 month of service shall be credited and counted
17 for 1 calendar month, and not more than 1 year of service
18 shall be credited and counted for any calendar year. A
19 calendar month means a nominal month beginning on the first
20 day thereof, and a calendar year means a year beginning
21 January 1 and ending December 31.

22 2. A seasonal employee shall be given 12 months of
23 creditable service if he renders the number of months of
24 service normally required by the position in a 12-month
25 period and he remains in service for the entire 12-month
26 period. Otherwise a fractional year of service in the

1 number of months of service rendered shall be credited.

2 3. An intermittent employee shall be given creditable
3 service for only those months in which a contribution is
4 made under Section 7-173.

5 (c) No application for correction of credits or creditable
6 service shall be considered unless the board receives an
7 application for correction while (1) the applicant is a
8 participating employee and in active employment with a
9 participating municipality or instrumentality, or (2) while
10 the applicant is actively participating in a pension fund or
11 retirement system which is a participating system under the
12 Retirement Systems Reciprocal Act. A participating employee or
13 other applicant shall not be entitled to credits or creditable
14 service unless the required employee contributions are made in
15 a lump sum or in installments made in accordance with board
16 rule. Payments made to establish service credit under paragraph
17 1, 4, 5, 5.1, 6, 7, or 12 of subsection (a) of this Section must
18 be received by the Board while the applicant is an active
19 participant in the Fund or a reciprocal retirement system,
20 except that an applicant may make one payment after termination
21 of active participation in the Fund or a reciprocal retirement
22 system.

23 (d) Upon the granting of a retirement, surviving spouse or
24 child annuity, a death benefit or a separation benefit, on
25 account of any employee, all individual accumulated credits
26 shall thereupon terminate. Upon the withdrawal of additional

1 contributions, the credits applicable thereto shall thereupon
2 terminate. Terminated credits shall not be applied to increase
3 the benefits any remaining employee would otherwise receive
4 under this Article.

5 (Source: P.A. 97-415, eff. 8-16-11; 98-439, eff. 8-16-13;
6 98-932, eff. 8-15-14.)

7 (40 ILCS 5/7-139.2) (from Ch. 108 1/2, par. 7-139.2)

8 Sec. 7-139.2. Validation of service credits. An active
9 member of the General Assembly having no service credits or
10 creditable service in the Fund, may establish service credit
11 and creditable service for periods during which he was an
12 employee of a municipality in an elective office and could have
13 elected to participate in the Fund but did not so elect.
14 Service credits and creditable service may be established by
15 payment to the Fund of an amount equal to the contributions he
16 would have made if he had elected to participate plus interest
17 to the date of payment, together with the applicable
18 municipality credits including interest, but the total period
19 of such creditable service that may be validated shall not
20 exceed 8 years. Payments made to establish such service credit
21 must be received by the Board while the member is an active
22 participant in the General Assembly Retirement System, except
23 that one payment will be permitted after the member terminates
24 such service.

25 (Source: P.A. 81-1536.)

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

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

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

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

14 Any sheriff's law enforcement employee who has 20 or more
15 years of service in that capacity and who terminates service on
16 or after January 1, 1988 and before July 1, 2004 shall be
17 entitled at his option to receive a monthly retirement annuity
18 for his service as a sheriff's law enforcement employee
19 computed by multiplying 2.5% for each year of such service up
20 to 20 years, 2% for each year of such service above 20 years
21 and up to 30 years, and 1% for each year of such service above
22 30 years, by his annual final rate of earnings and dividing by
23 12.

24 Any sheriff's law enforcement employee who has 20 or more
25 years of service in that capacity and who terminates service on

1 or after July 1, 2004 shall be entitled at his or her option to
2 receive a monthly retirement annuity for service as a sheriff's
3 law enforcement employee computed by multiplying 2.5% for each
4 year of such service by his annual final rate of earnings and
5 dividing by 12.

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

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

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

26 (c) A sheriff's law enforcement employee who began service

1 in that capacity prior to the effective date of this amendatory
2 Act of the 97th General Assembly and who has service in any
3 other capacity may convert up to 10 years of that service into
4 service as a sheriff's law enforcement employee by paying to
5 the Fund an amount equal to (1) the additional employee
6 contribution required under Section 7-173.1, plus (2) the
7 additional employer contribution required under Section 7-172,
8 plus (3) interest on items (1) and (2) at the prescribed rate
9 from the date of the service to the date of payment.
10 Application must be received by the Board while the employee is
11 an active participant in the Fund. Payment must be received
12 while the member is an active participant, except that one
13 payment will be permitted after termination of participation.

14 (d) The changes to subsections (a) and (b) of this Section
15 made by this amendatory Act of the 94th General Assembly apply
16 only to persons in service on or after July 1, 2004. In the
17 case of such a person who begins to receive a retirement
18 annuity before the effective date of this amendatory Act of the
19 94th General Assembly, the annuity shall be recalculated
20 prospectively to reflect those changes, with the resulting
21 increase beginning to accrue on the first annuity payment date
22 following the effective date of this amendatory Act.

23 (e) Any elected county officer who was entitled to receive
24 a stipend from the State on or after July 1, 2009 and on or
25 before June 30, 2010 may establish earnings credit for the
26 amount of stipend not received, if the elected county official

1 applies in writing to the fund within 6 months after the
2 effective date of this amendatory Act of the 96th General
3 Assembly and pays to the fund an amount equal to (i) employee
4 contributions on the amount of stipend not received, (ii)
5 employer contributions determined by the Board equal to the
6 employer's normal cost of the benefit on the amount of stipend
7 not received, plus (iii) interest on items (i) and (ii) at the
8 actuarially assumed rate.

9 (f) Notwithstanding any other provision of this Article,
10 the provisions of this subsection (f) apply to a person who
11 first becomes a sheriff's law enforcement employee under this
12 Article on or after January 1, 2011.

13 A sheriff's law enforcement employee age 55 or more who has
14 10 or more years of service in that capacity shall be entitled
15 at his option to receive a monthly retirement annuity for his
16 or her service as a sheriff's law enforcement employee computed
17 by multiplying 2.5% for each year of such service by his or her
18 final rate of earnings.

19 The retirement annuity of a sheriff's law enforcement
20 employee who is retiring after attaining age 50 with 10 or more
21 years of creditable service shall be reduced by one-half of 1%
22 for each month that the sheriff's law enforcement employee's
23 age is under age 55.

24 The maximum retirement annuity under this subsection (f)
25 shall be 75% of final rate of earnings.

26 For the purposes of this subsection (f), "final rate of

1 earnings" means the average monthly earnings obtained by
2 dividing the total salary of the sheriff's law enforcement
3 employee during the 96 consecutive months of service within the
4 last 120 months of service in which the total earnings was the
5 highest by the number of months of service in that period.

6 Notwithstanding any other provision of this Article,
7 beginning on January 1, 2011, for all purposes under this Code
8 (including without limitation the calculation of benefits and
9 employee contributions), the annual earnings of a sheriff's law
10 enforcement employee to whom this Section applies shall not
11 include overtime and shall not exceed \$106,800; however, that
12 amount shall annually thereafter be increased by the lesser of
13 (i) 3% of that amount, including all previous adjustments, or
14 (ii) one-half the annual unadjusted percentage increase (but
15 not less than zero) in the consumer price index-u for the 12
16 months ending with the September preceding each November 1,
17 including all previous adjustments.

18 (g) Notwithstanding any other provision of this Article,
19 the monthly annuity of a person who first becomes a sheriff's
20 law enforcement employee under this Article on or after January
21 1, 2011 shall be increased on the January 1 occurring either on
22 or after the attainment of age 60 or the first anniversary of
23 the annuity start date, whichever is later. Each annual
24 increase shall be calculated at 3% or one-half the annual
25 unadjusted percentage increase (but not less than zero) in the
26 consumer price index-u for the 12 months ending with the

1 September preceding each November 1, whichever is less, of the
2 originally granted retirement annuity. If the annual
3 unadjusted percentage change in the consumer price index-u for
4 a 12-month period ending in September is zero or, when compared
5 with the preceding period, decreases, then the annuity shall
6 not be increased.

7 (h) Notwithstanding any other provision of this Article,
8 for a person who first becomes a sheriff's law enforcement
9 employee under this Article on or after January 1, 2011, the
10 annuity to which the surviving spouse, children, or parents are
11 entitled under this subsection (h) shall be in the amount of $66\frac{2}{3}\%$
12 of the sheriff's law enforcement employee's earned annuity
13 at the date of death.

14 (i) Notwithstanding any other provision of this Article,
15 the monthly annuity of a survivor of a person who first becomes
16 a sheriff's law enforcement employee under this Article on or
17 after January 1, 2011 shall be increased on the January 1 after
18 attainment of age 60 by the recipient of the survivor's annuity
19 and each January 1 thereafter by 3% or one-half the annual
20 unadjusted percentage increase in the consumer price index-u
21 for the 12 months ending with the September preceding each
22 November 1, whichever is less, of the originally granted
23 pension. If the annual unadjusted percentage change in the
24 consumer price index-u for a 12-month period ending in
25 September is zero or, when compared with the preceding period,
26 decreases, then the annuity shall not be increased.

1 (j) For the purposes of this Section, "consumer price
2 index-u" means the index published by the Bureau of Labor
3 Statistics of the United States Department of Labor that
4 measures the average change in prices of goods and services
5 purchased by all urban consumers, United States city average,
6 all items, 1982-84 = 100. The new amount resulting from each
7 annual adjustment shall be determined by the Public Pension
8 Division of the Department of Insurance and made available to
9 the boards of the pension funds.

10 (Source: P.A. 96-961, eff. 7-2-10; 96-1495, eff. 1-1-11;
11 97-272, eff. 8-8-11; 97-609, eff. 8-26-11.)

12 (40 ILCS 5/7-145.1)

13 Sec. 7-145.1. Alternative annuity for county officers.

14 (a) The benefits provided in this Section and Section
15 7-145.2 are available only if, prior to the effective date of
16 this amendatory Act of the 97th General Assembly, the county
17 board has filed with the Board of the Fund a resolution or
18 ordinance expressly consenting to the availability of these
19 benefits for its elected county officers. The county board's
20 consent is irrevocable with respect to persons participating in
21 the program, but may be revoked at any time with respect to
22 persons who have not paid an additional optional contribution
23 under this Section before the date of revocation.

24 An elected county officer may elect to establish
25 alternative credits for an alternative annuity by electing in

1 writing before the effective date of this amendatory Act of the
2 97th General Assembly to make additional optional
3 contributions in accordance with this Section and procedures
4 established by the board. These alternative credits are
5 available only for periods of service as an elected county
6 officer. The elected county officer may discontinue making the
7 additional optional contributions by notifying the Fund in
8 writing in accordance with this Section and procedures
9 established by the board.

10 Additional optional contributions for the alternative
11 annuity shall be as follows:

12 (1) For service as an elected county officer after the
13 option is elected, an additional contribution of 3% of
14 salary shall be contributed to the Fund on the same basis
15 and under the same conditions as contributions required
16 under Section 7-173.

17 (2) For service as an elected county officer before the
18 option is elected, an additional contribution of 3% of the
19 salary for the applicable period of service, plus interest
20 at the effective rate from the date of service to the date
21 of payment, plus any additional amount required by the
22 county board under paragraph (3). All payments for past
23 service must be paid in full before credit is given.
24 Payment must be received by the Board while the member is
25 an active participant, except that one payment will be
26 permitted after termination of participation.

1 (3) With respect to service as an elected county
2 officer before the option is elected, if payment is made
3 after the county board has filed with the Board of the Fund
4 a resolution or ordinance requiring an additional
5 contribution under this paragraph, then the contribution
6 required under paragraph (2) shall include an amount to be
7 determined by the Fund, equal to the actuarial present
8 value of the additional employer cost that would otherwise
9 result from the alternative credits being established for
10 that service. A county board's resolution or ordinance
11 requiring additional contributions under this paragraph
12 (3) is irrevocable. Payment must be received by the Board
13 while the member is an active participant, except that one
14 payment will be permitted after termination of
15 participation.

16 No additional optional contributions may be made for any
17 period of service for which credit has been previously
18 forfeited by acceptance of a refund, unless the refund is
19 repaid in full with interest at the effective rate from the
20 date of refund to the date of repayment.

21 (b) In lieu of the retirement annuity otherwise payable
22 under this Article, an elected county officer who (1) has
23 elected to participate in the Fund and make additional optional
24 contributions in accordance with this Section, (2) has held and
25 made additional optional contributions with respect to the same
26 elected county office for at least 8 years, and (3) has

1 attained age 55 with at least 8 years of service credit (or has
2 attained age 50 with at least 20 years of service as a
3 sheriff's law enforcement employee) may elect to have his
4 retirement annuity computed as follows: 3% of the participant's
5 salary for each of the first 8 years of service credit, plus 4%
6 of that salary for each of the next 4 years of service credit,
7 plus 5% of that salary for each year of service credit in
8 excess of 12 years, subject to a maximum of 80% of that salary.

9 This formula applies only to service in an elected county
10 office that the officer held for at least 8 years, and only to
11 service for which additional optional contributions have been
12 paid under this Section. If an elected county officer qualifies
13 to have this formula applied to service in more than one
14 elected county office, the qualifying service shall be
15 accumulated for purposes of determining the applicable accrual
16 percentages, but the salary used for each office shall be the
17 separate salary calculated for that office, as defined in
18 subsection (g).

19 To the extent that the elected county officer has service
20 credit that does not qualify for this formula, his retirement
21 annuity will first be determined in accordance with this
22 formula with respect to the service to which this formula
23 applies, and then in accordance with the remaining Sections of
24 this Article with respect to the service to which this formula
25 does not apply.

26 (c) In lieu of the disability benefits otherwise payable

1 under this Article, an elected county officer who (1) has
2 elected to participate in the Fund, and (2) has become
3 permanently disabled and as a consequence is unable to perform
4 the duties of his office, and (3) was making optional
5 contributions in accordance with this Section at the time the
6 disability was incurred, may elect to receive a disability
7 annuity calculated in accordance with the formula in subsection
8 (b). For the purposes of this subsection, an elected county
9 officer shall be considered permanently disabled only if: (i)
10 disability occurs while in service as an elected county officer
11 and is of such a nature as to prevent him from reasonably
12 performing the duties of his office at the time; and (ii) the
13 board has received a written certification by at least 2
14 licensed physicians appointed by it stating that the officer is
15 disabled and that the disability is likely to be permanent.

16 (d) Refunds of additional optional contributions shall be
17 made on the same basis and under the same conditions as
18 provided under Section 7-166, 7-167 and 7-168. Interest shall
19 be credited at the effective rate on the same basis and under
20 the same conditions as for other contributions.

21 If an elected county officer fails to hold that same
22 elected county office for at least 8 years, he or she shall be
23 entitled after leaving office to receive a refund of the
24 additional optional contributions made with respect to that
25 office, plus interest at the effective rate.

26 (e) The plan of optional alternative benefits and

1 contributions shall be available to persons who are elected
2 county officers and active contributors to the Fund on or after
3 November 15, 1994 and elected to establish alternative credit
4 before the effective date of this amendatory Act of the 97th
5 General Assembly. A person who was an elected county officer
6 and an active contributor to the Fund on November 15, 1994 but
7 is no longer an active contributor may apply to make additional
8 optional contributions under this Section at any time within 90
9 days after the effective date of this amendatory Act of 1997;
10 if the person is an annuitant, the resulting increase in
11 annuity shall begin to accrue on the first day of the month
12 following the month in which the required payment is received
13 by the Fund.

14 (f) For the purposes of this Section and Section 7-145.2,
15 the terms "elected county officer" and "elected county office"
16 include, but are not limited to: (1) the county clerk,
17 recorder, treasurer, coroner, assessor (if elected), auditor,
18 sheriff, and State's Attorney; members of the county board; and
19 the clerk of the circuit court; and (2) a person who has been
20 appointed to fill a vacancy in an office that is normally
21 filled by election on a countywide basis, for the duration of
22 his or her service in that office. The terms "elected county
23 officer" and "elected county office" do not include any officer
24 or office of a county that has not consented to the
25 availability of benefits under this Section and Section
26 7-145.2.

1 (g) For the purposes of this Section and Section 7-145.2,
2 the term "salary" means the final rate of earnings for the
3 elected county office held, calculated in a manner consistent
4 with Section 7-116, but for that office only. If an elected
5 county officer qualifies to have the formula in subsection (b)
6 applied to service in more than one elected county office, a
7 separate salary shall be calculated and applied with respect to
8 each such office.

9 (h) The changes to this Section made by this amendatory Act
10 of the 91st General Assembly apply to persons who first make an
11 additional optional contribution under this Section on or after
12 the effective date of this amendatory Act.

13 (i) Any elected county officer who was entitled to receive
14 a stipend from the State on or after July 1, 2009 and on or
15 before June 30, 2010 may establish earnings credit for the
16 amount of stipend not received, if the elected county official
17 applies in writing to the fund within 6 months after the
18 effective date of this amendatory Act of the 96th General
19 Assembly and pays to the fund an amount equal to (i) employee
20 contributions on the amount of stipend not received, (ii)
21 employer contributions determined by the Board equal to the
22 employer's normal cost of the benefit on the amount of stipend
23 not received, plus (iii) interest on items (i) and (ii) at the
24 actuarially assumed rate.

25 (Source: P.A. 96-961, eff. 7-2-10; 97-272, eff. 8-8-11; 97-609,
26 eff. 8-26-11.)

1 (40 ILCS 5/7-169) (from Ch. 108 1/2, par. 7-169)

2 Sec. 7-169. Separation benefits; repayments.

3 (a) If an employee who has received a separation benefit
4 subsequently becomes a participating employee, and renders at
5 least 2 years of contributing service from the date of such
6 re-entry, he may pay to the fund the amount of the separation
7 benefit, plus interest at the effective rate for each year from
8 the date of payment of the separation benefit to the date of
9 repayment. Upon payment his creditable service shall be
10 reinstated and the payment shall be credited to his account as
11 normal contributions. Application must be received by the Board
12 while the employee is an active participant in the Fund or a
13 reciprocal retirement system. Payment must be received while
14 the member is an active participant, except that one payment
15 will be permitted after termination of participation in the
16 Fund or a reciprocal retirement system.

17 (b) Beginning July 1, 2004, the requirement of returning
18 to service for at least 2 years does not apply to persons who
19 return to service as a sheriff's law enforcement employee. This
20 subsection applies only to persons in service on or after July
21 1, 2004. In the case of such a person who begins to receive a
22 retirement annuity before the effective date of this amendatory
23 Act of the 94th General Assembly, the annuity shall be
24 recalculated prospectively to reflect any credits reinstated
25 as a result of this subsection, with the resulting increase in

1 annuity beginning to accrue on the first annuity payment date
2 following the effective date of this amendatory Act, but not
3 earlier than the date the repayment is received by the Fund.

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

5 (40 ILCS 5/14-123) (from Ch. 108 1/2, par. 14-123)

6 Sec. 14-123. Occupational disability benefits. A member
7 who becomes incapacitated to perform the duties of his position
8 as the proximate result of bodily injuries sustained or a
9 hazard undergone while in the performance and within the scope
10 of the member's duties, shall receive an occupational
11 disability benefit; provided:

12 (a) application is made within 12 months after the date
13 that such disability results in the loss of pay, or 12
14 months after the date that the Illinois Workers'
15 Compensation Commission rules on the application for an
16 occupational disability, or 12 months after the occurrence
17 of disablement if an occupational disease; ~~and~~

18 (b) proper proof is received from one or more licensed
19 healthcare practitioners ~~physicians~~ designated by the
20 Board certifying that the member is mentally or physically
21 incapacitated; ~~and-~~

22 (c) the Board may waive the application deadline
23 requirement as prescribed under item (a) of this Section
24 and the benefit shall be payable retroactive to the date
25 that the participant attained the eligibility criteria for

1 the benefit provided by this Section.

2 The benefit shall be 75% of the member's final average
3 compensation at date of disability and shall be payable until
4 the first of the following dates occurs:

5 (1) the date on which disability ceases;

6 (2) the date on which the member engages in gainful
7 employment;

8 (3) the end of the month in which the member attains
9 age 65, in the case of benefits commencing prior to
10 attainment of age 60;

11 (4) the end of the month following the fifth
12 anniversary of the effective date of the benefit, or of the
13 temporary disability benefit if one was received, in the
14 case of benefits commencing on or after attainment of age
15 60; or

16 (5) the end of the month in which the death of the
17 member occurs.

18 At the end of the month in which the benefits cease as
19 prescribed in paragraphs (3) or (4) above, if the member is
20 still disabled, he shall become entitled to a retirement
21 annuity and the minimum period of service prescribed for the
22 receipt of such annuity shall be waived.

23 In the event that a temporary disability benefit has been
24 received, the benefit paid under this Section shall be subject
25 to adjustment by the Board under Section 14-123.1.

26 The Board shall prescribe rules and regulations governing

1 the filing of claims for occupational disability benefits, and
2 the investigation, control and supervision of such claims.

3 (Source: P.A. 93-721, eff. 1-1-05.)

4 (40 ILCS 5/14-123.1) (from Ch. 108 1/2, par. 14-123.1)

5 Sec. 14-123.1. Temporary disability benefit.

6 (a) A member who has at least 18 months of creditable
7 service and who becomes physically or mentally incapacitated to
8 perform the duties of his position shall receive a temporary
9 disability benefit, provided that:

10 (1) the agency responsible for determining the
11 liability of the State (i) has formally denied all
12 employer-paid temporary total disability benefits under
13 the Workers' Compensation Act or the Workers' Occupational
14 Diseases Act and an appeal of that denial is pending before
15 the Illinois Workers' Compensation Commission, or (ii) has
16 granted and then terminated for any reason an employer-paid
17 temporary total disability benefit and the member has filed
18 a petition for a ~~emergency~~ hearing under Section 19(b) or
19 Section 19(b-1) of the Workers' Compensation Act or Section
20 19(b) or Section 19(b-1) of the Workers' Occupational
21 Diseases Act; ~~and~~

22 (2) application is made not later than (i) 12 months
23 after the date that the disability results in loss of pay,
24 (ii) 12 months after the date the agency responsible for
25 determining the liability of the State under the Workers'

1 Compensation Act or Workers' Occupational Diseases Act has
2 formally denied or terminated the employer-paid temporary
3 total disability benefit, or (iii) in the case of
4 termination of an employer-paid temporary total disability
5 benefit, 12 months after the effective date of this
6 amendatory Act of 1995, whichever occurs last; ~~and~~

7 (3) proper proof is received from one or more licensed
8 healthcare practitioners ~~physicians~~ designated by the
9 Board certifying that the member is mentally or physically
10 incapacitated; ~~and~~.

11 (4) the Board may waive the application deadline
12 requirement as prescribed under item (2) of this subsection
13 and the benefit shall be payable retroactive to the date
14 that the participant attained the eligibility criteria for
15 the benefit provided by this Section.

16 (b) In the case of a denial of benefits, the temporary
17 disability benefit shall begin to accrue on the 31st day of
18 absence from work on account of disability, but the benefit
19 shall not become actually payable to the member until the
20 expiration of 31 days from the day upon which the member last
21 received or had a right to receive any compensation.

22 In the case of termination of an employer-paid temporary
23 total disability benefit, the temporary disability benefit
24 under this Section shall be calculated from the day following
25 the date of termination of the employer-paid benefit or the
26 31st day of absence from work on account of disability,

1 whichever is later, but shall not become payable to the member
2 until (i) the member's right to an employer-paid temporary
3 total disability benefit is denied as a result of the ~~emergency~~
4 hearing held under Section 19(b) or Section 19(b-1) of the
5 Workers' Compensation Act or Section 19(b) or Section 19(b-1)
6 of the Workers' Occupational Diseases Act or (ii) the
7 expiration of 150 days from the date of termination of the
8 employer-paid benefit, whichever occurs first. If a terminated
9 employer-paid temporary total disability benefit is resumed or
10 replaced with another employer-paid disability benefit and the
11 resumed or replacement benefit is later terminated and the
12 member again files a petition for a ~~emergency~~ hearing under
13 Section 19(b) or Section 19(b-1) of the Workers' Compensation
14 Act or Section 19(b) or Section 19(b-1) of the Workers'
15 Occupational Diseases Act, the member may again become eligible
16 to receive a temporary disability benefit under this Section.
17 The waiting period before the temporary disability benefit
18 under this Section becomes payable applies each time that the
19 benefit is reinstated.

20 The benefit shall continue to accrue until the first of the
21 following events occurs:

- 22 (1) the disability ceases;
- 23 (2) the member engages in gainful employment;
- 24 (3) the end of the month in which the member attains
25 age 65, in the case of benefits commencing prior to
26 attainment of age 60;

1 (4) the end of the month following the fifth
2 anniversary of the effective date of the benefit in the
3 case of benefits commencing on or after attainment of age
4 60;

5 (5) the end of the month in which the death of the
6 member occurs;

7 (6) the end of the month in which the aggregate period
8 for which temporary disability payments have been made
9 becomes equal to 1/2 of the member's total period of
10 creditable service, not including the time for which he has
11 received a temporary disability benefit or nonoccupational
12 disability benefit; for purposes of this item (6) only, in
13 the case of a member to whom Section 14-108.2a or 14-108.2b
14 applies and who, at the time disability commences, is
15 performing services for the Illinois Department of Public
16 Health or the Department of State Police relating to the
17 transferred functions referred to in that Section and has
18 less than 10 years of creditable service under this
19 Article, the member's "total period of creditable service"
20 shall be augmented by an amount equal to (i) one half of
21 the member's period of creditable service in the Fund
22 established under Article 8 (excluding any creditable
23 service over 20 years), minus (ii) the amount of the
24 member's creditable service under this Article;

25 (7) a payment is made on the member's claim pursuant to
26 a determination made by the agency responsible for

1 determining the liability of the State under the Workers'
2 Compensation Act or the Workers' Occupational Diseases
3 Act;

4 (8) a final determination is made on the member's claim
5 by the Illinois Workers' Compensation Commission.

6 (c) The temporary disability benefit shall be 50% of the
7 member's final average compensation at the date of disability.

8 If a covered employee is eligible under the Social Security
9 Act for a disability benefit before attaining the Social
10 Security full retirement age ~~65~~, or a retirement benefit on or
11 after attaining the Social Security full retirement age ~~65~~,
12 then the amount of the member's temporary disability benefit
13 shall be reduced by the amount of primary benefit the member is
14 eligible to receive under the Social Security Act, whether or
15 not such eligibility came about as the result of service as a
16 covered employee under this Article. The Board may make such
17 reduction pending a determination of eligibility if it appears
18 that the employee may be so eligible, and shall make an
19 appropriate adjustment if necessary after such determination
20 has been made. The amount of temporary disability benefit
21 payable under this Article shall not be reduced by reason of
22 any increase in benefits payable under the Social Security Act
23 which occurs after the reduction required by this paragraph has
24 been applied. For purposes of this subsection, "Social Security
25 full retirement age" is the age at which an individual is
26 eligible to receive full Social Security retirement benefits.

1 (d) The temporary disability benefit provided under this
2 Section is intended as a temporary payment of occupational or
3 nonoccupational disability benefit, whichever is appropriate,
4 in cases in which the occupational or nonoccupational character
5 of the disability has not been finally determined.

6 When an employer-paid disability benefit is paid or
7 resumed, the Board shall calculate the benefit that is payable
8 under Section 14-123 and shall deduct from the benefit payable
9 under Section 14-123 the amounts already paid under this
10 Section; those amounts shall then be treated as if they had
11 been paid under Section 14-123.

12 When a final determination of the character of the
13 disability has been made by the Illinois Workers' Compensation
14 Commission, or by settlement between the parties to the
15 disputed claim, the Board shall calculate the benefit that is
16 payable under Section 14-123 or 14-124, whichever is
17 applicable, and shall deduct from such benefit the amounts
18 already paid under this Section; such amounts shall then be
19 treated as if they had been paid under such Section 14-123 or
20 14-124.

21 (e) Any excess benefits paid under this Section shall be
22 subject to recovery by the System from benefits payable under
23 the Workers' Compensation Act or the Workers' Occupational
24 Diseases Act or from third parties as provided in Section
25 14-129, or from any other benefits payable either to the member
26 or on his behalf under this Article. A member who accepts

1 benefits under this Section acknowledges and authorizes these
2 recovery rights of the System.

3 (f) Service credits under the State Universities
4 Retirement System and the Teachers' Retirement System of the
5 State of Illinois shall be considered for the purposes of
6 determining temporary disability benefit eligibility under
7 this Section, and for determining the total period of time for
8 which such benefits are payable.

9 (g) The Board shall prescribe rules and regulations
10 governing the filing of claims for temporary disability
11 benefits, and the investigation, control and supervision of
12 such claims.

13 (h) References in this Section to employer-paid benefits
14 include benefits paid for by the State, either directly or
15 through a program of insurance or self-insurance, whether paid
16 through the member's own department or through some other
17 department or entity; but the term does not include benefits
18 paid by the System under this Article.

19 (Source: P.A. 93-721, eff. 1-1-05.)

20 (40 ILCS 5/14-124) (from Ch. 108 1/2, par. 14-124)

21 Sec. 14-124. Nonoccupational disability benefit. A member
22 with at least 1 1/2 years of creditable service may be granted
23 a nonoccupational disability benefit, if:

24 (1) application for the benefit is made to the system
25 by the member in writing after the commencement of

1 disability;

2 (2) the member is found upon medical examination to be
3 mentally or physically incapacitated to perform the duties
4 of the member's position;

5 (3) the disability resulted from a cause other than an
6 injury or illness sustained in connection with the member's
7 performance of duty as a State employee;

8 (4) the member has been granted a leave of absence for
9 disability at the time of commencement of disability.
10 Renewal of a disability leave of absence shall not be
11 required for the continued payment of benefits; and

12 (5) the member has used all accumulated sick leave
13 available at the beginning of the leave of absence for
14 disability.

15 The benefit shall begin to accrue on the latest of: (i) the
16 31st day of absence from work on account of disability
17 (including any periods of such absence for which sick pay was
18 received); (ii) the day following the day on which the member
19 last receives or has a right to receive any compensation as an
20 employee, including any sick pay; or (iii) if application by
21 the member is delayed more than 90 days after the member's name
22 is removed from the payroll, the benefit shall be payable
23 retroactive to the date that a participant attained the
24 eligibility criteria as provided by this Section ~~the date~~
25 ~~application is received by the system.~~ The benefit shall
26 continue to accrue until the first of the following to occur:

1 (a) the date on which disability ceases;

2 (b) the end of the month in which the member attains
3 age 65 in the case of benefits commencing prior to
4 attainment of age 60;

5 (c) the end of the month following the fifth
6 anniversary of the effective date of the benefit, or of the
7 temporary disability benefit if one was received, in the
8 case of benefits commencing on or after attainment of age
9 60;

10 (d) the end of the month in which the aggregate period
11 for which non-occupational disability and temporary
12 disability benefit payments have been made becomes equal to
13 1/2 of the member's total period of creditable service, not
14 including the time during which he has received a temporary
15 disability benefit or nonoccupational disability benefit;
16 for purposes of this item (d) only, in the case of a member
17 to whom Section 14-108.2a or 14-108.2b applies and who, at
18 the time disability commences, is performing services for
19 the Illinois Department of Public Health or the Department
20 of State Police relating to the transferred functions
21 referred to in that Section and has less than 10 years of
22 creditable service under this Article, the member's "total
23 period of creditable service" shall be augmented by an
24 amount equal to (i) one half of the member's period of
25 creditable service in the Fund established under Article 8
26 (excluding any creditable service over 20 years), minus

1 (ii) the amount of the member's creditable service under
2 this Article;

3 (e) the date on which the member engages in gainful
4 employment;

5 (f) the end of the month in which the death of the
6 member occurs.

7 If disability has ceased and the member again becomes
8 disabled within 60 days from date of resumption of State
9 employment, and if the disability is due to the same cause for
10 which he received nonoccupational disability benefit
11 immediately preceding such reentry into service, the 30 days
12 waiting period prescribed for the receipt of benefits is waived
13 as to such new period of disability.

14 A member shall be considered disabled only when the board
15 has received:

16 (a) a written certificate by one or more licensed
17 healthcare practitioners and ~~practicing physicians~~
18 designated by the board, certifying that the member is
19 disabled and unable properly to perform the duties of his
20 position at the time of disability; and

21 (b) the employee certifies that he is not and has not
22 been engaged in gainful employment.

23 The board shall prescribe rules and regulations governing
24 the filing of claims for nonoccupational disability benefits,
25 and the investigation, control and supervision of such claims.

26 Service credits under the State Universities Retirement

1 System and the Teachers' Retirement System of the State of
2 Illinois shall be considered for the purposes of
3 nonoccupational disability benefit eligibility under this
4 Article and for the total period of time for which such
5 benefits are payable.

6 (Source: P.A. 88-535; 89-246, eff. 8-4-95.)

7 (40 ILCS 5/14-125) (from Ch. 108 1/2, par. 14-125)

8 Sec. 14-125. Nonoccupational disability benefit - Amount
9 of. The nonoccupational disability benefit shall be 50% of the
10 member's final average compensation at the time disability
11 occurred. In the case of a member whose benefit was resumed due
12 to the same disability, the amount of the benefit shall be the
13 same as that last paid before resumption of State employment.
14 In the event that a temporary disability benefit has been
15 received, the nonoccupational disability benefit shall be
16 subject to adjustment by the Board under Section 14-123.1.

17 If a covered employee is eligible for a disability benefit
18 before attaining the Social Security full retirement age ~~65~~ or
19 a retirement benefit on or after attaining the Social Security
20 full retirement age ~~65~~ under the Federal Social Security Act,
21 the amount of the member's nonoccupational disability benefit
22 shall be reduced by the amount of primary benefit the member
23 would be eligible to receive under such Act, whether or not
24 entitlement thereto came about as the result of service as a
25 covered employee under this Article. The Board may make such

1 reduction if it appears that the employee may be so eligible
2 pending determination of eligibility and make an appropriate
3 adjustment if necessary after such determination. The amount of
4 any nonoccupational disability benefit payable under this
5 Article shall not be reduced by reason of any increase under
6 the Federal Social Security Act which occurs after the offset
7 required by this Section is first applied to that benefit.

8 For purposes of this Section, "Social Security full
9 retirement age" is the age at which an individual is eligible
10 to receive full Social Security retirement benefits.

11 (Source: P.A. 84-1028.)

12 (40 ILCS 5/14-127) (from Ch. 108 1/2, par. 14-127)

13 Sec. 14-127. Credit during disability. During any period of
14 disability for which nonoccupational, occupational or
15 temporary disability benefits are paid, there shall be credited
16 to the account of the disabled member amounts representing the
17 contributions the member would have made had he or she remained
18 in active employment in the same position and at the rate of
19 compensation in effect at the time disability occurred. Service
20 credit shall also be granted ~~him~~ during any such periods of
21 disability for all purposes of this Article except for
22 measuring the duration of nonoccupational and temporary
23 disability benefits. The resolution of a temporary disability
24 benefit into an occupational or nonoccupational disability
25 benefit shall not entitle the disabled member to receive

1 duplicate contribution and service credit under this Section
2 for the period during which the temporary disability benefit
3 was paid.

4 (Source: P.A. 84-1028.)

5 (40 ILCS 5/15-158.2)

6 Sec. 15-158.2. Self-managed plan.

7 (a) Purpose. The General Assembly finds that it is
8 important for colleges and universities to be able to attract
9 and retain the most qualified employees and that in order to
10 attract and retain these employees, colleges and universities
11 should have the flexibility to provide a defined contribution
12 plan as an alternative for eligible employees who elect not to
13 participate in a defined benefit retirement program provided
14 under this Article. Accordingly, the State Universities
15 Retirement System is hereby authorized to establish and
16 administer a self-managed plan, which shall offer
17 participating employees the opportunity to accumulate assets
18 for retirement through a combination of employee and employer
19 contributions that may be invested in mutual funds, collective
20 investment funds, or other investment products and used to
21 purchase annuity contracts, either fixed or variable or a
22 combination thereof. The plan must be qualified under the
23 Internal Revenue Code of 1986.

24 (b) Adoption by employers. Each employer subject to this
25 Article may elect to adopt the self-managed plan established

1 under this Section; this election is irrevocable. An employer's
2 election to adopt the self-managed plan makes available to the
3 eligible employees of that employer the elections described in
4 Section 15-134.5.

5 The State Universities Retirement System shall be the plan
6 sponsor for the self-managed plan and shall prepare a plan
7 document and prescribe such rules and procedures as are
8 considered necessary or desirable for the administration of the
9 self-managed plan. Consistent with its fiduciary duty to the
10 participants and beneficiaries of the self-managed plan, the
11 Board of Trustees of the System may delegate aspects of plan
12 administration as it sees fit to companies authorized to do
13 business in this State, to the employers, or to a combination
14 of both.

15 (c) Selection of service providers and funding vehicles.
16 The System, in consultation with the employers, shall solicit
17 proposals to provide administrative services and funding
18 vehicles for the self-managed plan from insurance and annuity
19 companies and mutual fund companies, banks, trust companies, or
20 other financial institutions authorized to do business in this
21 State. In reviewing the proposals received and approving and
22 contracting with no fewer than 2 and no more than 7 companies,
23 the Board of Trustees of the System shall consider, among other
24 things, the following criteria:

25 (1) the nature and extent of the benefits that would be
26 provided to the participants;

1 (2) the reasonableness of the benefits in relation to
2 the premium charged;

3 (3) the suitability of the benefits to the needs and
4 interests of the participating employees and the employer;

5 (4) the ability of the company to provide benefits
6 under the contract and the financial stability of the
7 company; and

8 (5) the efficacy of the contract in the recruitment and
9 retention of employees.

10 The System, in consultation with the employers, shall
11 periodically review each approved company. A company may
12 continue to provide administrative services and funding
13 vehicles for the self-managed plan only so long as it continues
14 to be an approved company under contract with the Board.

15 (d) Employee Direction. Employees who are participating in
16 the program must be allowed to direct the transfer of their
17 account balances among the various investment options offered,
18 subject to applicable contractual provisions. The participant
19 shall not be deemed a fiduciary by reason of providing such
20 investment direction. A person who is a fiduciary shall not be
21 liable for any loss resulting from such investment direction
22 and shall not be deemed to have breached any fiduciary duty by
23 acting in accordance with that direction. The System shall
24 provide advance notice to the participant of the participant's
25 obligation to direct the investment of employee and employer
26 contributions into one or more investment funds selected by the

1 System at the time he or she makes his or her initial
2 retirement plan selection. If a participant fails to direct the
3 investment of employee and employer contributions into the
4 various investment options offered to the participant when
5 making his or her initial retirement election choice, that
6 failure shall require the System to invest the employee and
7 employer contributions in a default investment fund on behalf
8 of the participant, and the investment shall be deemed to have
9 been made at the participant's investment direction. The
10 participant has the right to transfer account balances out of
11 the default investment fund during time periods designated by
12 the System. Neither the System nor the employer guarantees any
13 of the investments in the employee's account balances.

14 (e) Participation. An employee eligible to participate in
15 the self-managed plan must make a written election in
16 accordance with the provisions of Section 15-134.5 and the
17 procedures established by the System. Participation in the
18 self-managed plan by an electing employee shall begin on the
19 first day of the first pay period following the later of the
20 date the employee's election is filed with the System or the
21 effective date as of which the employee's employer begins to
22 offer participation in the self-managed plan. Employers may not
23 make the self-managed plan available earlier than January 1,
24 1998. An employee's participation in any other retirement
25 program administered by the System under this Article shall
26 terminate on the date that participation in the self-managed

1 plan begins.

2 An employee who has elected to participate in the
3 self-managed plan under this Section must continue
4 participation while employed in an eligible position, and may
5 not participate in any other retirement program administered by
6 the System under this Article while employed by that employer
7 or any other employer that has adopted the self-managed plan,
8 unless the self-managed plan is terminated in accordance with
9 subsection (i).

10 Notwithstanding any other provision of this Article, a Tier
11 2 member shall have the option to enroll in the self-managed
12 plan.

13 Participation in the self-managed plan under this Section
14 shall constitute membership in the State Universities
15 Retirement System.

16 A participant under this Section shall be entitled to the
17 benefits of Article 20 of this Code.

18 (f) Establishment of Initial Account Balance. If at the
19 time an employee elects to participate in the self-managed plan
20 he or she has rights and credits in the System due to previous
21 participation in the traditional benefit package, the System
22 shall establish for the employee an opening account balance in
23 the self-managed plan, equal to the amount of contribution
24 refund that the employee would be eligible to receive under
25 Section 15-154 if the employee terminated employment on that
26 date and elected a refund of contributions, except that this

1 hypothetical refund shall include interest at the effective
2 rate for the respective years. The System shall transfer assets
3 from the defined benefit retirement program to the self-managed
4 plan, as a tax free transfer in accordance with Internal
5 Revenue Service guidelines, for purposes of funding the
6 employee's opening account balance.

7 (g) No Duplication of Service Credit. Notwithstanding any
8 other provision of this Article, an employee may not purchase
9 or receive service or service credit applicable to any other
10 retirement program administered by the System under this
11 Article for any period during which the employee was a
12 participant in the self-managed plan established under this
13 Section.

14 (h) Contributions. The self-managed plan shall be funded by
15 contributions from employees participating in the self-managed
16 plan and employer contributions as provided in this Section.

17 The contribution rate for employees participating in the
18 self-managed plan under this Section shall be equal to the
19 employee contribution rate for other participants in the
20 System, as provided in Section 15-157. This required
21 contribution shall be made as an "employer pick-up" under
22 Section 414(h) of the Internal Revenue Code of 1986 or any
23 successor Section thereof. Any employee participating in the
24 System's traditional benefit package prior to his or her
25 election to participate in the self-managed plan shall continue
26 to have the employer pick up the contributions required under

1 Section 15-157. However, the amounts picked up after the
2 election of the self-managed plan shall be remitted to and
3 treated as assets of the self-managed plan. In no event shall
4 an employee have an option of receiving these amounts in cash.
5 Employees may make additional contributions to the
6 self-managed plan in accordance with procedures prescribed by
7 the System, to the extent permitted under rules prescribed by
8 the System.

9 The program shall provide for employer contributions to be
10 credited to each self-managed plan participant at a rate of
11 7.6% of the participating employee's salary, less the amount
12 used by the System to provide disability benefits for the
13 employee. The amounts so credited shall be paid into the
14 participant's self-managed plan accounts in a manner to be
15 prescribed by the System.

16 An amount of employer contribution, not exceeding 1% of the
17 participating employee's salary, shall be used for the purpose
18 of providing the disability benefits of the System to the
19 employee. Prior to the beginning of each plan year under the
20 self-managed plan, the Board of Trustees shall determine, as a
21 percentage of salary, the amount of employer contributions to
22 be allocated during that plan year for providing disability
23 benefits for employees in the self-managed plan.

24 The State of Illinois shall make contributions by
25 appropriations to the System of the employer contributions
26 required for employees who participate in the self-managed plan

1 under this Section. The amount required shall be certified by
2 the Board of Trustees of the System and paid by the State in
3 accordance with Section 15-165. The System shall not be
4 obligated to remit the required employer contributions to any
5 of the insurance and annuity companies, mutual fund companies,
6 banks, trust companies, financial institutions, or other
7 sponsors of any of the funding vehicles offered under the
8 self-managed plan until it has received the required employer
9 contributions from the State. In the event of a deficiency in
10 the amount of State contributions, the System shall implement
11 those procedures described in subsection (c) of Section 15-165
12 to obtain the required funding from the General Revenue Fund.

13 (i) Termination. The self-managed plan authorized under
14 this Section may be terminated by the System, subject to the
15 terms of any relevant contracts, and the System shall have no
16 obligation to reestablish the self-managed plan under this
17 Section. This Section does not create a right to continued
18 participation in any self-managed plan set up by the System
19 under this Section. If the self-managed plan is terminated, the
20 participants shall have the right to participate in one of the
21 other retirement programs offered by the System and receive
22 service credit in such other retirement program for any years
23 of employment following the termination.

24 (j) Vesting; Withdrawal; Return to Service. A participant
25 in the self-managed plan becomes vested in the employer
26 contributions credited to his or her accounts in the

1 self-managed plan on the earliest to occur of the following:
2 (1) completion of 5 years of service with an employer described
3 in Section 15-106; (2) the death of the participating employee
4 while employed by an employer described in Section 15-106, if
5 the participant has completed at least 1 1/2 years of service;
6 or (3) the participant's election to retire and apply the
7 reciprocal provisions of Article 20 of this Code.

8 A participant in the self-managed plan who receives a
9 distribution of his or her vested amounts from the self-managed
10 plan while not yet eligible for retirement under this Article
11 (and Article 20, if applicable) shall forfeit all service
12 credit and accrued rights in the System; if subsequently
13 re-employed, the participant shall be considered a new
14 employee. If a former participant again becomes a participating
15 employee (or becomes employed by a participating system under
16 Article 20 of this Code) and continues as such for at least 2
17 years, all such rights, service credits, and previous status as
18 a participant shall be restored upon repayment of the amount of
19 the distribution, without interest.

20 (k) Benefit amounts. If an employee who is vested in
21 employer contributions terminates employment, the employee
22 shall be entitled to a benefit which is based on the account
23 values attributable to both employer and employee
24 contributions and any investment return thereon.

25 If an employee who is not vested in employer contributions
26 terminates employment, the employee shall be entitled to a

1 benefit based solely on the account values attributable to the
2 employee's contributions and any investment return thereon,
3 and the employer contributions and any investment return
4 thereon shall be forfeited. Any employer contributions which
5 are forfeited shall be held in escrow by the company investing
6 those contributions and shall be used as directed by the System
7 for future allocations of employer contributions or for the
8 restoration of amounts previously forfeited by former
9 participants who again become participating employees.

10 (Source: P.A. 98-92, eff. 7-16-13.)

11 (40 ILCS 5/18-125) (from Ch. 108 1/2, par. 18-125)

12 Sec. 18-125. Retirement annuity amount.

13 (a) The annual retirement annuity for a participant who
14 terminated service as a judge prior to July 1, 1971 shall be
15 based on the law in effect at the time of termination of
16 service.

17 (b) Except as provided in subsection (b-5), effective July
18 1, 1971, the retirement annuity for any participant in service
19 on or after such date shall be 3 1/2% of final average salary,
20 as defined in this Section, for each of the first 10 years of
21 service, and 5% of such final average salary for each year of
22 service on excess of 10.

23 For purposes of this Section, final average salary for a
24 participant who first serves as a judge before August 10, 2009
25 (the effective date of Public Act 96-207) shall be:

1 (1) the average salary for the last 4 years of credited
2 service as a judge for a participant who terminates service
3 before July 1, 1975.

4 (2) for a participant who terminates service after June
5 30, 1975 and before July 1, 1982, the salary on the last
6 day of employment as a judge.

7 (3) for any participant who terminates service after
8 June 30, 1982 and before January 1, 1990, the average
9 salary for the final year of service as a judge.

10 (4) for a participant who terminates service on or
11 after January 1, 1990 but before the effective date of this
12 amendatory Act of 1995, the salary on the last day of
13 employment as a judge.

14 (5) for a participant who terminates service on or
15 after the effective date of this amendatory Act of 1995,
16 the salary on the last day of employment as a judge, or the
17 highest salary received by the participant for employment
18 as a judge in a position held by the participant for at
19 least 4 consecutive years, whichever is greater.

20 However, in the case of a participant who elects to
21 discontinue contributions as provided in subdivision (a) (2) of
22 Section 18-133, the time of such election shall be considered
23 the last day of employment in the determination of final
24 average salary under this subsection.

25 For a participant who first serves as a judge on or after
26 August 10, 2009 (the effective date of Public Act 96-207) and

1 before January 1, 2011 (the effective date of Public Act
2 96-889), final average salary shall be the average monthly
3 salary obtained by dividing the total salary of the participant
4 during the period of: (1) the 48 consecutive months of service
5 within the last 120 months of service in which the total
6 compensation was the highest, or (2) the total period of
7 service, if less than 48 months, by the number of months of
8 service in that period.

9 The maximum retirement annuity for any participant shall be
10 85% of final average salary.

11 (b-5) Notwithstanding any other provision of this Article,
12 for a participant who first serves as a judge on or after
13 January 1, 2011 (the effective date of Public Act 96-889), the
14 annual retirement annuity is 3% of the participant's final
15 average salary for each year of service. The maximum retirement
16 annuity payable shall be 60% of the participant's final average
17 salary.

18 For a participant who first serves as a judge on or after
19 January 1, 2011 (the effective date of Public Act 96-889),
20 final average salary shall be the average monthly salary
21 obtained by dividing the total salary of the judge during the
22 96 consecutive months of service within the last 120 months of
23 service in which the total salary was the highest by the number
24 of months of service in that period; however, beginning January
25 1, 2011, the annual salary for all purposes under this Article
26 may not exceed \$106,800, except that that amount shall annually

1 thereafter be increased by the lesser of (i) 3% of that amount,
2 including all previous adjustments, or (ii) the annual
3 unadjusted percentage increase (but not less than zero) in the
4 consumer price index-u for the 12 months ending with the
5 September preceding each November 1. "Consumer price index-u"
6 means the index published by the Bureau of Labor Statistics of
7 the United States Department of Labor that measures the average
8 change in prices of goods and services purchased by all urban
9 consumers, United States city average, all items, 1982-84 =
10 100. The new amount resulting from each annual adjustment shall
11 be determined by the Public Pension Division of the Department
12 of Insurance and made available to the Board by November 1st of
13 each year.

14 (c) The retirement annuity for a participant who retires
15 prior to age 60 with less than 28 years of service in the
16 System shall be reduced $1/2$ of 1% for each month that the
17 participant's age is under 60 years at the time the annuity
18 commences. However, for a participant who retires on or after
19 the effective date of this amendatory Act of the 91st General
20 Assembly, the percentage reduction in retirement annuity
21 imposed under this subsection shall be reduced by $5/12$ of 1%
22 for every month of service in this System in excess of 20
23 years, and therefore a participant with at least 26 years of
24 service in this System may retire at age 55 without any
25 reduction in annuity.

26 The reduction in retirement annuity imposed by this

1 subsection shall not apply in the case of retirement on account
2 of disability.

3 (d) Notwithstanding any other provision of this Article,
4 for a participant who first serves as a judge on or after
5 January 1, 2011 (the effective date of Public Act 96-889) and
6 who is retiring after attaining age 62, the retirement annuity
7 shall be reduced by 1/2 of 1% for each month that the
8 participant's age is under age 67 at the time the annuity
9 commences.

10 (Source: P.A. 96-207, eff. 8-10-09; 96-889, eff. 1-1-11;
11 96-1000, eff. 7-2-10; 96-1490, eff. 1-1-11.)

12 (40 ILCS 5/18-126.1) (from Ch. 108 1/2, par. 18-126.1)

13 Sec. 18-126.1. Temporary total disability. A participant
14 who has served for at least 2 years as a judge and has at least
15 2 years of service credit shall be entitled to a temporary
16 total disability benefit provided:

17 (1) While in employment as a judge, the participant is
18 found by medical examination to be mentally or physically
19 incompetent to perform his or her duties;

20 (2) The participant does not receive or have a right to
21 receive any salary as a judge;

22 (3) The board has received written certifications by at
23 least 2 licensed and practicing physicians designated by it
24 certifying that the participant is totally disabled and unable
25 to perform the duties of his or her office as a consequence

1 thereof; and

2 (4) The participant is not engaged in any form of gainful
3 occupation during his or her disability.

4 The benefit shall begin as of the day following the
5 removal of the judge from the payroll on account of the
6 disability and be payable during the period of disability but
7 not beyond the term of office for which the participant was
8 last elected or appointed.

9 The benefit shall be 50% of the participant's rate of
10 salary in effect at the date of removal from the payroll and
11 shall be payable monthly. The rate of salary to determine the
12 benefit under this Section payable to a participant who first
13 serves as a judge on or after January 1, 2011 shall be subject
14 to the annual salary limitation prescribed by subsection (b-5)
15 of Section 18-125.

16 A participant shall receive service credit for retirement
17 and survivor's annuity purposes for the period that temporary
18 disability benefits are paid.

19 The board shall prescribe rules and regulations necessary
20 for the administration of this benefit.

21 (Source: P.A. 83-1440.)

22 (40 ILCS 5/18-128.01) (from Ch. 108 1/2, par. 18-128.01)
23 Sec. 18-128.01. Amount of survivor's annuity.

24 (a) Upon the death of an annuitant, his or her surviving
25 spouse shall be entitled to a survivor's annuity of 66 2/3% of

1 the annuity the annuitant was receiving immediately prior to
2 his or her death, inclusive of annual increases in the
3 retirement annuity to the date of death.

4 (b) Upon the death of an active participant, his or her
5 surviving spouse shall receive a survivor's annuity of 66 2/3%
6 of the annuity earned by the participant as of the date of his
7 or her death, determined without regard to whether the
8 participant had attained age 60 as of that time, or 7 1/2% of
9 the last salary of the decedent, whichever is greater.

10 (c) Upon the death of a participant who had terminated
11 service with at least 10 years of service, his or her surviving
12 spouse shall be entitled to a survivor's annuity of 66 2/3% of
13 the annuity earned by the deceased participant at the date of
14 death.

15 (d) Upon the death of an annuitant, active participant, or
16 participant who had terminated service with at least 10 years
17 of service, each surviving child under the age of 18 or
18 disabled as defined in Section 18-128 shall be entitled to a
19 child's annuity in an amount equal to 5% of the decedent's
20 final salary, not to exceed in total for all such children the
21 greater of 20% of the decedent's last salary or 66 2/3% of the
22 annuity received or earned by the decedent as provided under
23 subsections (a) and (b) of this Section. This child's annuity
24 shall be paid whether or not a survivor's annuity was elected
25 under Section 18-123.

26 (e) The changes made in the survivor's annuity provisions

1 by Public Act 82-306 shall apply to the survivors of a deceased
2 participant or annuitant whose death occurs on or after August
3 21, 1981.

4 (f) Beginning January 1, 1990, every survivor's annuity
5 shall be increased (1) on each January 1 occurring on or after
6 the commencement of the annuity if the deceased member died
7 while receiving a retirement annuity, or (2) in other cases, on
8 each January 1 occurring on or after the first anniversary of
9 the commencement of the annuity, by an amount equal to 3% of
10 the current amount of the annuity, including any previous
11 increases under this Article. Such increases shall apply
12 without regard to whether the deceased member was in service on
13 or after the effective date of this amendatory Act of 1991, but
14 shall not accrue for any period prior to January 1, 1990.

15 (g) Notwithstanding any other provision of this Article,
16 the initial survivor's annuity for a survivor of a participant
17 who first serves as a judge after January 1, 2011 (the
18 effective date of Public Act 96-889) shall be in the amount of
19 $66 \frac{2}{3}\%$ of the annuity received or earned by the decedent, and
20 shall be increased (1) on each January 1 occurring on or after
21 the commencement of the annuity if the deceased participant
22 died while receiving a retirement annuity, or (2) in other
23 cases, on each January 1 occurring on or after the first
24 anniversary of the commencement of the annuity, but in no event
25 prior to age 67, by an amount equal to 3% or the annual
26 unadjusted percentage increase in the consumer price index-u as

1 determined by the Public Pension Division of the Department of
2 Insurance under subsection (b-5) of Section 18-125, whichever
3 is less, of the survivor's annuity then being paid. If 2 or
4 more persons are eligible to receive survivor's annuities as
5 provided under this Section based on the same deceased
6 participant that first serves as a judge after January 1, 2011,
7 the calculation of the survivor's annuities shall be based on
8 the total calculation of the survivor's annuity and divided pro
9 rata.

10 (Source: P.A. 96-889, eff. 1-1-11; 96-1490, eff. 1-1-11.)

11 (40 ILCS 5/18-133) (from Ch. 108 1/2, par. 18-133)

12 Sec. 18-133. Financing; employee contributions.

13 (a) Effective July 1, 1967, each participant is required to
14 contribute 7 1/2% of each payment of salary toward the
15 retirement annuity. Such contributions shall continue during
16 the entire time the participant is in service, with the
17 following exceptions:

18 (1) Contributions for the retirement annuity are not
19 required on salary received after 18 years of service by
20 persons who were participants before January 2, 1954.

21 (2) A participant who continues to serve as a judge
22 after becoming eligible to receive the maximum rate of
23 annuity may elect, through a written direction filed with
24 the Board, to discontinue contributing to the System. Any
25 such option elected by a judge shall be irrevocable unless

1 prior to January 1, 2000, and while continuing to serve as
2 judge, the judge (A) files with the Board a letter
3 cancelling the direction to discontinue contributing to
4 the System and requesting that such contributing resume,
5 and (B) pays into the System an amount equal to the total
6 of the discontinued contributions plus interest thereon at
7 5% per annum. Service credits earned in any other
8 "participating system" as defined in Article 20 of this
9 Code shall be considered for purposes of determining a
10 judge's eligibility to discontinue contributions under
11 this subdivision (a) (2).

12 (3) A participant who (i) first serves as a judge
13 before January 1, 2011 and has attained age 60, or first
14 serves as a judge on or after January 1, 2011 and has
15 attained age 67, (ii) continues to serve as a judge after
16 becoming eligible to receive the maximum rate of annuity,
17 and (iii) has not elected to discontinue contributing to
18 the System under subdivision (a) (2) of this Section (or has
19 revoked any such election) may elect, through a written
20 direction filed with the Board, to make contributions to
21 the System based only on the amount of the increases in
22 salary received by the judge on or after the date of the
23 election, rather than the total salary received. If a judge
24 who is making contributions to the System on the effective
25 date of this amendatory Act of the 91st General Assembly
26 makes an election to limit contributions under this

1 subdivision (a) (3) within 90 days after that effective
2 date, the election shall be deemed to become effective on
3 that effective date and the judge shall be entitled to
4 receive a refund of any excess contributions paid to the
5 System during that 90-day period; any other election under
6 this subdivision (a) (3) becomes effective on the first of
7 the month following the date of the election. An election
8 to limit contributions under this subdivision (a) (3) is
9 irrevocable. Service credits earned in any other
10 participating system as defined in Article 20 of this Code
11 shall be considered for purposes of determining a judge's
12 eligibility to make an election under this subdivision
13 (a) (3).

14 (b) Beginning July 1, 1969, each participant is required to
15 contribute 1% of each payment of salary towards the automatic
16 increase in annuity provided in Section 18-125.1. However, such
17 contributions need not be made by any participant who has
18 elected prior to September 15, 1969, not to be subject to the
19 automatic increase in annuity provisions.

20 (c) Effective July 13, 1953, each married participant
21 subject to the survivor's annuity provisions is required to
22 contribute 2 1/2% of each payment of salary, whether or not he
23 or she is required to make any other contributions under this
24 Section. Such contributions shall be made concurrently with the
25 contributions made for annuity purposes.

26 (d) Notwithstanding any other provision of this Article,

1 the required contributions for a participant who first becomes
2 a participant on or after January 1, 2011 shall not exceed the
3 contributions that would be due under this Article if that
4 participant's highest salary for annuity purposes were
5 \$106,800, plus any increase in that amount under Section
6 18-125.

7 (Source: P.A. 96-1490, eff. 1-1-11.)

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