



Sen. Daniel Biss

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LRB099 17070 EFG 45059 a

1 AMENDMENT TO SENATE BILL 2362

2 AMENDMENT NO. _____. Amend Senate Bill 2362 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Salaries Act is amended by changing
5 Sections 3.2 and 3.3 as follows:

6 (5 ILCS 290/3.2) (from Ch. 53, par. 3.2)

7 Sec. 3.2. Salaries of Judges of the Circuit Court. From
8 July 1, 1982 through June 30, 1983, each judge of the Circuit
9 Court shall receive and be paid out of the State Treasury an
10 annual salary of \$57,500. On and after July 1, 1983, each judge
11 of the Circuit Court shall receive and be paid out of the State
12 Treasury an annual salary of \$65,000, or an amount set by the
13 Compensation Review Board, whichever is greater. ~~The judges of
14 the Circuit Court in the Judicial Court constituted by the
15 First Judicial District and in other Judicial circuits composed
16 of a single county shall each be paid by the county in which~~

1 ~~their circuit lies an additional salary of \$500 per year. Such~~
2 ~~additional salary shall be paid in installments by the County~~
3 ~~Clerk, at the end of each half month, by drawing a warrant~~
4 ~~therefor in favor of each of the judges on the County Treasurer~~
5 ~~who shall pay the same on presentation properly endorsed.~~

6 The judges of Circuit Courts, ~~other than those of the~~
7 ~~Circuit Court in the Judicial Court constituted by the First~~
8 ~~Judicial District and those in any other Judicial circuit~~
9 ~~composed of a single county,~~ shall each be paid out of the
10 State Treasury an additional salary of \$500 per year.

11 The counties in each Judicial circuit, ~~other than the~~
12 ~~Circuit Court in the Judicial Court constituted by the First~~
13 ~~Judicial District and any Judicial circuit composed of a single~~
14 ~~county,~~ shall reimburse the State Treasury for each additional
15 \$500 salary paid to judges of their Circuit Courts. The sums to
16 be paid by the counties in each such circuit shall be computed
17 by the Supreme Court and shall be apportioned among those
18 counties in accordance with their respective populations
19 compared with the total population of all counties within the
20 same circuit. The population of each county shall be determined
21 by the last federal census immediately preceding such
22 reimbursement. Each county shall pay its portion of
23 reimbursement not later than the last day of March in the year
24 immediately following such additional salary payment by the
25 State.

26 (Source: P.A. 86-1028; 86-1447.)

1 (5 ILCS 290/3.3) (from Ch. 53, par. 3.3)

2 Sec. 3.3. Salaries of Associate Judges of the Circuit
3 Court.

4 ~~(a) In Judicial Circuits each associate judge shall be paid~~
5 ~~out of the State Treasury an annual salary as follows: from~~
6 ~~July 1, 1982 through June 30, 1983, \$52,500; on and after July~~
7 ~~1, 1983, \$60,000, or an amount set by the Compensation Review~~
8 ~~Board, whichever is greater. In such judicial circuits which~~
9 ~~are composed of a single county, each associate judge shall be~~
10 ~~paid by the county in which such circuit lies an additional~~
11 ~~salary of \$500 per year. Such additional salary shall be paid~~
12 ~~in installments by the County Clerk, at the end of each half~~
13 ~~month, by drawing a warrant therefor in favor of each of the~~
14 ~~associate judges on the County Treasurer who shall pay the same~~
15 ~~on presentation properly endorsed.~~

16 ~~(b) In the Judicial Circuit constituted by the First~~
17 ~~Judicial District, each associate judge shall be paid out of~~
18 ~~the State Treasury an annual salary as follows: from July 1,~~
19 ~~1982 through June 30, 1983, \$52,500; on and after July 1, 1983,~~
20 ~~\$60,000, or an amount set by the Compensation Review Board,~~
21 ~~whichever is greater. In addition to this annual amount, each~~
22 ~~such associate judge shall be paid by the county in which such~~
23 ~~Circuit lies, an additional salary of \$500 per year. Such~~
24 ~~additional salary shall be paid in installments by the County~~
25 ~~Clerk, at the end of each half month, by drawing a warrant~~

1 ~~therefor in favor of each of the judges on the County Treasurer~~
2 ~~who shall pay the same on presentation properly endorsed.~~

3 Associate judges, ~~other than those of the Circuit Court in~~
4 ~~the Judicial Court constituted by the First Judicial District~~
5 ~~and those in any other Judicial circuit composed of a single~~
6 ~~county,~~ shall each be paid out of the State Treasury an
7 additional salary of \$500 per year.

8 The counties in each Judicial circuit, ~~other than the~~
9 ~~Circuit Court in the Judicial Court constituted by the First~~
10 ~~Judicial District and any Judicial circuit composed of a single~~
11 ~~county,~~ shall reimburse the State Treasury for each additional
12 \$500 salary paid to associate judges of their Circuit Courts.
13 The sums to be paid by the counties in each such circuit shall
14 be computed by the Supreme Court and shall be apportioned among
15 those counties in accordance with their respective populations
16 compared with the total population of all counties within the
17 same circuit. The population of each county shall be determined
18 by the last federal census immediately preceding such
19 reimbursement. Each county shall pay its portion of
20 reimbursement not later than the last day of March in the year
21 immediately following such additional salary payment by the
22 State.

23 (Source: P.A. 86-1028; 86-1447.)

24 Section 10. The Illinois Pension Code is amended by
25 changing Sections 7-139, 7-139.2, 7-142.1, 7-145.1, 7-169,

1 14-123, 14-123.1, 14-124, 14-125, 14-127, 15-158.2, 18-125,
2 18-126.1, 18-128.01, and 18-133 as follows:

3 (40 ILCS 5/7-139) (from Ch. 108 1/2, par. 7-139)

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

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

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

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

19 If the effective date of participation for the
20 participating municipality or participating
21 instrumentality is on or before January 1, 1998, creditable
22 service shall be granted for the entire period of prior
23 service with that employer without any employee
24 contribution.

25 If the effective date of participation for the

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

18 A municipality that (i) has at least 35 employees; (ii)
19 is located in a county with at least 2,000,000 inhabitants;
20 and (iii) maintains an independent defined benefit pension
21 plan for the benefit of its eligible employees may restrict
22 creditable service in whole or in part for periods of prior
23 service with the employer if the governing body of the
24 municipality adopts an irrevocable resolution to restrict
25 that creditable service and files the resolution with the
26 board before the municipality's effective date of

1 participation.

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

17 2. For current service, each participating employee
18 shall be credited with:

19 a. Additional credits of amounts equal to each
20 payment of additional contributions received from him
21 under Section 7-173, as of the date the corresponding
22 payment of earnings is payable to him.

23 b. Normal credits of amounts equal to each payment
24 of normal contributions received from him, as of the
25 date the corresponding payment of earnings is payable
26 to him, and normal contributions made for the purpose

1 of establishing out-of-state service credits as
2 permitted under the conditions set forth in paragraph 6
3 of this subsection (a).

4 c. Municipality credits in an amount equal to 1.4
5 times the normal credits, except those established by
6 out-of-state service credits, as of the date of
7 computation of any benefit if these credits would
8 increase the benefit.

9 d. Survivor credits equal to each payment of
10 survivor contributions received from the participating
11 employee as of the date the corresponding payment of
12 earnings is payable, and survivor contributions made
13 for the purpose of establishing out-of-state service
14 credits.

15 3. For periods of temporary and total and permanent
16 disability benefits, each employee receiving disability
17 benefits shall be granted creditable service for the period
18 during which disability benefits are payable. Normal and
19 survivor credits, based upon the rate of earnings applied
20 for disability benefits, shall also be granted if such
21 credits would result in a higher benefit to any such
22 employee or his beneficiary.

23 4. For authorized leave of absence without pay: A
24 participating employee shall be granted credits and
25 creditable service for periods of authorized leave of
26 absence without pay under the following conditions:

1 a. An application for credits and creditable
2 service is submitted to the board while the employee is
3 in a status of active employment.

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

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

20 d. Benefits under the provisions of Sections
21 7-141, 7-146, 7-150 and 7-163 shall become payable to
22 employees on authorized leave of absence, or their
23 designated beneficiary, only if such leave of absence
24 is creditable hereunder, and if the employee has at
25 least one year of creditable service other than the
26 service granted for leave of absence. Any employee

1 contributions due may be deducted from any benefits
2 payable.

3 e. No credits or creditable service shall be
4 allowed for leave of absence without pay during any
5 period of prior service.

6 5. For military service: The governing body of a
7 municipality or participating instrumentality may elect to
8 allow creditable service to participating employees who
9 leave their employment to serve in the armed forces of the
10 United States for all periods of such service, provided
11 that the person returns to active employment within 90 days
12 after completion of full time active duty, but no
13 creditable service shall be allowed such person for any
14 period that can be used in the computation of a pension or
15 any other pay or benefit, other than pay for active duty,
16 for service in any branch of the armed forces of the United
17 States. If necessary to the computation of any benefit, the
18 board shall establish municipality credits for
19 participating employees under this paragraph on the
20 assumption that the employee received earnings at the rate
21 received at the time he left the employment to enter the
22 armed forces. A participating employee in the armed forces
23 shall not be considered an employee during such period of
24 service and no additional death and no disability benefits
25 are payable for death or disability during such period.

26 Any participating employee who left his employment

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

16 Notwithstanding the foregoing, any participating
17 employee shall be entitled to creditable service as
18 required by any federal law relating to re-employment
19 rights of persons who served in the United States Armed
20 Services. Such creditable service shall be granted upon
21 payment by the member of an amount equal to the employee
22 contributions which would have been required had the
23 employee continued in service at the same rate of earnings
24 during the military leave period, plus interest at the
25 effective rate.

26 5.1. In addition to any creditable service established

1 under paragraph 5 of this subsection (a), creditable
2 service may be granted for up to 48 months of service in
3 the armed forces of the United States.

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

18 The changes made to this paragraph 5.1 by Public Acts
19 95-483 and 95-486 apply only to participating employees in
20 service on or after August 28, 2007 (the effective date of
21 those Public Acts).

22 6. For out-of-state service: Creditable service shall
23 be granted for service rendered to an out-of-state local
24 governmental body under the following conditions: The
25 employee had participated and has irrevocably forfeited
26 all rights to benefits in the out-of-state public employees

1 pension system; the governing body of his participating
2 municipality or instrumentality authorizes the employee to
3 establish such service; the employee has 2 years current
4 service with this municipality or participating
5 instrumentality; the employee makes a payment of
6 contributions, which shall be computed at 8% (normal) plus
7 2% (survivor) times length of service purchased times the
8 average rate of earnings for the first 2 years of service
9 with the municipality or participating instrumentality
10 whose governing body authorizes the service established
11 plus interest at the effective rate on the date such
12 credits are established, payable from the date the employee
13 completes the required 2 years of current service to date
14 of payment. In no case shall more than 120 months of
15 creditable service be granted under this provision.

16 7. For retroactive service: Any employee who could have
17 but did not elect to become a participating employee, or
18 who should have been a participant in the Municipal Public
19 Utilities Annuity and Benefit Fund before that fund was
20 superseded, may receive creditable service for the period
21 of service not to exceed 50 months; however, a current or
22 former elected or appointed official of a participating
23 municipality may establish credit under this paragraph 7
24 for more than 50 months of service as an official of that
25 municipality, if the excess over 50 months is approved by
26 resolution of the governing body of the affected

1 municipality filed with the Fund before January 1, 2002.

2 Any employee who is a participating employee on or
3 after September 24, 1981 and who was excluded from
4 participation by the age restrictions removed by Public Act
5 82-596 may receive creditable service for the period, on or
6 after January 1, 1979, excluded by the age restriction and,
7 in addition, if the governing body of the participating
8 municipality or participating instrumentality elects to
9 allow creditable service for all employees excluded by the
10 age restriction prior to January 1, 1979, for service
11 during the period prior to that date excluded by the age
12 restriction. Any employee who was excluded from
13 participation by the age restriction removed by Public Act
14 82-596 and who is not a participating employee on or after
15 September 24, 1981 may receive creditable service for
16 service after January 1, 1979. Creditable service under
17 this paragraph shall be granted upon payment of the
18 employee contributions which would have been required had
19 he participated, with interest at the effective rate for
20 each year from the end of the period of service established
21 to date of payment.

22 8. For accumulated unused sick leave: A participating
23 employee who is applying for a retirement annuity shall be
24 entitled to creditable service for that portion of the
25 employee's accumulated unused sick leave for which payment
26 is not received, as follows:

1 a. Sick leave days shall be limited to those
2 accumulated under a sick leave plan established by a
3 participating municipality or participating
4 instrumentality which is available to all employees or
5 a class of employees.

6 b. Except as provided in item b-1, only sick leave
7 days accumulated with a participating municipality or
8 participating instrumentality with which the employee
9 was in service within 60 days of the effective date of
10 his retirement annuity shall be credited; If the
11 employee was in service with more than one employer
12 during this period only the sick leave days with the
13 employer with which the employee has the greatest
14 number of unpaid sick leave days shall be considered.

15 b-1. If the employee was in the service of more
16 than one employer as defined in item (2) of paragraph
17 (a) of subsection (A) of Section 7-132, then the sick
18 leave days from all such employers shall be credited,
19 as long as the creditable service attributed to those
20 sick leave days does not exceed the limitation in item
21 f of this paragraph 8. In calculating the creditable
22 service under this item b-1, the sick leave days from
23 the last employer shall be considered first, then the
24 remaining sick leave days shall be considered until
25 there are no more days or the maximum creditable sick
26 leave threshold under item f of this paragraph 8 has

1 been reached.

2 c. The creditable service granted shall be
3 considered solely for the purpose of computing the
4 amount of the retirement annuity and shall not be used
5 to establish any minimum service period required by any
6 provision of the Illinois Pension Code, the effective
7 date of the retirement annuity, or the final rate of
8 earnings.

9 d. The creditable service shall be at the rate of
10 1/20 of a month for each full sick day, provided that
11 no more than 12 months may be credited under this
12 subdivision 8.

13 e. Employee contributions shall not be required
14 for creditable service under this subdivision 8.

15 f. Each participating municipality and
16 participating instrumentality with which an employee
17 has service within 60 days of the effective date of his
18 retirement annuity shall certify to the board the
19 number of accumulated unpaid sick leave days credited
20 to the employee at the time of termination of service.

21 9. For service transferred from another system:
22 Credits and creditable service shall be granted for service
23 under Article 4, 5, 8, 14, or 16 of this Act, to any active
24 member of this Fund, and to any inactive member who has
25 been a county sheriff, upon transfer of such credits
26 pursuant to Section 4-108.3, 5-235, 8-226.7, 14-105.6, or

1 16-131.4, and payment by the member of the amount by which
2 (1) the employer and employee contributions that would have
3 been required if he had participated in this Fund as a
4 sheriff's law enforcement employee during the period for
5 which credit is being transferred, plus interest thereon at
6 the effective rate for each year, compounded annually, from
7 the date of termination of the service for which credit is
8 being transferred to the date of payment, exceeds (2) the
9 amount actually transferred to the Fund. Such transferred
10 service shall be deemed to be service as a sheriff's law
11 enforcement employee for the purposes of Section 7-142.1.

12 10. (Blank).

13 11. For service transferred from an Article 3 system
14 under Section 3-110.3: Credits and creditable service
15 shall be granted for service under Article 3 of this Act as
16 provided in Section 3-110.3, to any active member of this
17 Fund, upon transfer of such credits pursuant to Section
18 3-110.3. If the board determines that the amount
19 transferred is less than the true cost to the Fund of
20 allowing that creditable service to be established, then in
21 order to establish that creditable service, the member must
22 pay to the Fund an additional contribution equal to the
23 difference, as determined by the board in accordance with
24 the rules and procedures adopted under this paragraph. If
25 the member does not make the full additional payment as
26 required by this paragraph prior to termination of his

1 participation with that employer, then his or her
2 creditable service shall be reduced by an amount equal to
3 the difference between the amount transferred under
4 Section 3-110.3, including any payments made by the member
5 under this paragraph prior to termination, and the true
6 cost to the Fund of allowing that creditable service to be
7 established, as determined by the board in accordance with
8 the rules and procedures adopted under this paragraph.

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

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

18 a. Application for such credits is received by the
19 Board while the employee is an active participant of
20 the Fund or a reciprocal retirement system.

21 b. Eligibility for participation and earnings are
22 verified by the Authorized Agent of the participating
23 employer for which the service was rendered.

24 Creditable service under this paragraph shall be
25 granted upon payment of the employee contributions that
26 would have been required had he participated, which shall

1 be calculated by the Fund using the member contribution
2 rate in effect during the period that the service was
3 rendered.

4 (b) Creditable service - amount:

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

15 2. A seasonal employee shall be given 12 months of
16 creditable service if he renders the number of months of
17 service normally required by the position in a 12-month
18 period and he remains in service for the entire 12-month
19 period. Otherwise a fractional year of service in the
20 number of months of service rendered shall be credited.

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

24 (c) No application for correction of credits or creditable
25 service shall be considered unless the board receives an
26 application for correction while (1) the applicant is a

1 participating employee and in active employment with a
2 participating municipality or instrumentality, or (2) while
3 the applicant is actively participating in a pension fund or
4 retirement system which is a participating system under the
5 Retirement Systems Reciprocal Act. A participating employee or
6 other applicant shall not be entitled to credits or creditable
7 service unless the required employee contributions are made in
8 a lump sum or in installments made in accordance with board
9 rule. Payments made to establish service credit under paragraph
10 1, 4, 5, 5.1, 6, 7, or 12 of subsection (a) of this Section must
11 be received by the Board while the applicant is an active
12 participant in the Fund or a reciprocal retirement system,
13 except that an applicant may make one payment after termination
14 of active participation in the Fund or a reciprocal retirement
15 system.

16 (d) Upon the granting of a retirement, surviving spouse or
17 child annuity, a death benefit or a separation benefit, on
18 account of any employee, all individual accumulated credits
19 shall thereupon terminate. Upon the withdrawal of additional
20 contributions, the credits applicable thereto shall thereupon
21 terminate. Terminated credits shall not be applied to increase
22 the benefits any remaining employee would otherwise receive
23 under this Article.

24 (Source: P.A. 97-415, eff. 8-16-11; 98-439, eff. 8-16-13;
25 98-932, eff. 8-15-14.)

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

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

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

20 (40 ILCS 5/7-142.1) (from Ch. 108 1/2, par. 7-142.1)

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

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

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

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

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

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

25 If a sheriff's law enforcement employee has service in any
26 other capacity, his retirement annuity for service as a

1 sheriff's law enforcement employee may be computed under this
2 Section and the retirement annuity for his other service under
3 Section 7-142.

4 In no case shall the total monthly retirement annuity for
5 persons who retire before July 1, 2004 exceed 75% of the
6 monthly final rate of earnings. In no case shall the total
7 monthly retirement annuity for persons who retire on or after
8 July 1, 2004 exceed 80% of the monthly final rate of earnings.

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

19 (c) A sheriff's law enforcement employee who began service
20 in that capacity prior to the effective date of this amendatory
21 Act of the 97th General Assembly and who has service in any
22 other capacity may convert up to 10 years of that service into
23 service as a sheriff's law enforcement employee by paying to
24 the Fund an amount equal to (1) the additional employee
25 contribution required under Section 7-173.1, plus (2) the
26 additional employer contribution required under Section 7-172,

1 plus (3) interest on items (1) and (2) at the prescribed rate
2 from the date of the service to the date of payment.
3 Application must be received by the Board while the employee is
4 an active participant in the Fund. Payment must be received
5 while the member is an active participant, except that one
6 payment will be permitted after termination of participation.

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

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

1 actuarially assumed rate.

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

6 A sheriff's law enforcement employee age 55 or more who has
7 10 or more years of service in that capacity shall be entitled
8 at his option to receive a monthly retirement annuity for his
9 or her service as a sheriff's law enforcement employee computed
10 by multiplying 2.5% for each year of such service by his or her
11 final rate of earnings.

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

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

19 For the purposes of this subsection (f), "final rate of
20 earnings" means the average monthly earnings obtained by
21 dividing the total salary of the sheriff's law enforcement
22 employee during the 96 consecutive months of service within the
23 last 120 months of service in which the total earnings was the
24 highest by the number of months of service in that period.

25 Notwithstanding any other provision of this Article,
26 beginning on January 1, 2011, for all purposes under this Code

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

11 (g) Notwithstanding any other provision of this Article,
12 the monthly annuity of a person who first becomes a sheriff's
13 law enforcement employee under this Article on or after January
14 1, 2011 shall be increased on the January 1 occurring either on
15 or after the attainment of age 60 or the first anniversary of
16 the annuity start date, whichever is later. Each annual
17 increase shall be calculated at 3% or one-half the annual
18 unadjusted percentage increase (but not less than zero) in the
19 consumer price index-u for the 12 months ending with the
20 September preceding each November 1, whichever is less, of the
21 originally granted retirement annuity. If the annual
22 unadjusted percentage change in the consumer price index-u for
23 a 12-month period ending in September is zero or, when compared
24 with the preceding period, decreases, then the annuity shall
25 not be increased.

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

1 for a person who first becomes a sheriff's law enforcement
2 employee under this Article on or after January 1, 2011, the
3 annuity to which the surviving spouse, children, or parents are
4 entitled under this subsection (h) shall be in the amount of 66
5 2/3% of the sheriff's law enforcement employee's earned annuity
6 at the date of death.

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

20 (j) For the purposes of this Section, "consumer price
21 index-u" means the index published by the Bureau of Labor
22 Statistics of the United States Department of Labor that
23 measures the average change in prices of goods and services
24 purchased by all urban consumers, United States city average,
25 all items, 1982-84 = 100. The new amount resulting from each
26 annual adjustment shall be determined by the Public Pension

1 Division of the Department of Insurance and made available to
2 the boards of the pension funds.

3 (Source: P.A. 96-961, eff. 7-2-10; 96-1495, eff. 1-1-11;
4 97-272, eff. 8-8-11; 97-609, eff. 8-26-11.)

5 (40 ILCS 5/7-145.1)

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

7 (a) The benefits provided in this Section and Section
8 7-145.2 are available only if, prior to the effective date of
9 this amendatory Act of the 97th General Assembly, the county
10 board has filed with the Board of the Fund a resolution or
11 ordinance expressly consenting to the availability of these
12 benefits for its elected county officers. The county board's
13 consent is irrevocable with respect to persons participating in
14 the program, but may be revoked at any time with respect to
15 persons who have not paid an additional optional contribution
16 under this Section before the date of revocation.

17 An elected county officer may elect to establish
18 alternative credits for an alternative annuity by electing in
19 writing before the effective date of this amendatory Act of the
20 97th General Assembly to make additional optional
21 contributions in accordance with this Section and procedures
22 established by the board. These alternative credits are
23 available only for periods of service as an elected county
24 officer. The elected county officer may discontinue making the
25 additional optional contributions by notifying the Fund in

1 writing in accordance with this Section and procedures
2 established by the board.

3 Additional optional contributions for the alternative
4 annuity shall be as follows:

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

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

20 (3) With respect to service as an elected county
21 officer before the option is elected, if payment is made
22 after the county board has filed with the Board of the Fund
23 a resolution or ordinance requiring an additional
24 contribution under this paragraph, then the contribution
25 required under paragraph (2) shall include an amount to be
26 determined by the Fund, equal to the actuarial present

1 value of the additional employer cost that would otherwise
2 result from the alternative credits being established for
3 that service. A county board's resolution or ordinance
4 requiring additional contributions under this paragraph
5 (3) is irrevocable. Payment must be received by the Board
6 while the member is an active participant, except that one
7 payment will be permitted after termination of
8 participation.

9 No additional optional contributions may be made for any
10 period of service for which credit has been previously
11 forfeited by acceptance of a refund, unless the refund is
12 repaid in full with interest at the effective rate from the
13 date of refund to the date of repayment.

14 (b) In lieu of the retirement annuity otherwise payable
15 under this Article, an elected county officer who (1) has
16 elected to participate in the Fund and make additional optional
17 contributions in accordance with this Section, (2) has held and
18 made additional optional contributions with respect to the same
19 elected county office for at least 8 years, and (3) has
20 attained age 55 with at least 8 years of service credit (or has
21 attained age 50 with at least 20 years of service as a
22 sheriff's law enforcement employee) may elect to have his
23 retirement annuity computed as follows: 3% of the participant's
24 salary for each of the first 8 years of service credit, plus 4%
25 of that salary for each of the next 4 years of service credit,
26 plus 5% of that salary for each year of service credit in

1 excess of 12 years, subject to a maximum of 80% of that salary.

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

12 To the extent that the elected county officer has service
13 credit that does not qualify for this formula, his retirement
14 annuity will first be determined in accordance with this
15 formula with respect to the service to which this formula
16 applies, and then in accordance with the remaining Sections of
17 this Article with respect to the service to which this formula
18 does not apply.

19 (c) In lieu of the disability benefits otherwise payable
20 under this Article, an elected county officer who (1) has
21 elected to participate in the Fund, and (2) has become
22 permanently disabled and as a consequence is unable to perform
23 the duties of his office, and (3) was making optional
24 contributions in accordance with this Section at the time the
25 disability was incurred, may elect to receive a disability
26 annuity calculated in accordance with the formula in subsection

1 (b). For the purposes of this subsection, an elected county
2 officer shall be considered permanently disabled only if: (i)
3 disability occurs while in service as an elected county officer
4 and is of such a nature as to prevent him from reasonably
5 performing the duties of his office at the time; and (ii) the
6 board has received a written certification by at least 2
7 licensed physicians appointed by it stating that the officer is
8 disabled and that the disability is likely to be permanent.

9 (d) Refunds of additional optional contributions shall be
10 made on the same basis and under the same conditions as
11 provided under Section 7-166, 7-167 and 7-168. Interest shall
12 be credited at the effective rate on the same basis and under
13 the same conditions as for other contributions.

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

19 (e) The plan of optional alternative benefits and
20 contributions shall be available to persons who are elected
21 county officers and active contributors to the Fund on or after
22 November 15, 1994 and elected to establish alternative credit
23 before the effective date of this amendatory Act of the 97th
24 General Assembly. A person who was an elected county officer
25 and an active contributor to the Fund on November 15, 1994 but
26 is no longer an active contributor may apply to make additional

1 optional contributions under this Section at any time within 90
2 days after the effective date of this amendatory Act of 1997;
3 if the person is an annuitant, the resulting increase in
4 annuity shall begin to accrue on the first day of the month
5 following the month in which the required payment is received
6 by the Fund.

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

20 (g) For the purposes of this Section and Section 7-145.2,
21 the term "salary" means the final rate of earnings for the
22 elected county office held, calculated in a manner consistent
23 with Section 7-116, but for that office only. If an elected
24 county officer qualifies to have the formula in subsection (b)
25 applied to service in more than one elected county office, a
26 separate salary shall be calculated and applied with respect to

1 each such office.

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

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

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

20 (40 ILCS 5/7-169) (from Ch. 108 1/2, par. 7-169)

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

22 (a) If an employee who has received a separation benefit
23 subsequently becomes a participating employee, and renders at
24 least 2 years of contributing service from the date of such
25 re-entry, he may pay to the fund the amount of the separation

1 benefit, plus interest at the effective rate for each year from
2 the date of payment of the separation benefit to the date of
3 repayment. Upon payment his creditable service shall be
4 reinstated and the payment shall be credited to his account as
5 normal contributions. Application must be received by the Board
6 while the employee is an active participant in the Fund or a
7 reciprocal retirement system. Payment must be received while
8 the member is an active participant, except that one payment
9 will be permitted after termination of participation in the
10 Fund or a reciprocal retirement system.

11 (b) Beginning July 1, 2004, the requirement of returning
12 to service for at least 2 years does not apply to persons who
13 return to service as a sheriff's law enforcement employee. This
14 subsection applies only to persons in service on or after July
15 1, 2004. In the case of such a person who begins to receive a
16 retirement annuity before the effective date of this amendatory
17 Act of the 94th General Assembly, the annuity shall be
18 recalculated prospectively to reflect any credits reinstated
19 as a result of this subsection, with the resulting increase in
20 annuity beginning to accrue on the first annuity payment date
21 following the effective date of this amendatory Act, but not
22 earlier than the date the repayment is received by the Fund.

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

24 (40 ILCS 5/14-123) (from Ch. 108 1/2, par. 14-123)

25 Sec. 14-123. Occupational disability benefits. A member

1 who becomes incapacitated to perform the duties of his position
2 as the proximate result of bodily injuries sustained or a
3 hazard undergone while in the performance and within the scope
4 of the member's duties, shall receive an occupational
5 disability benefit; provided:

6 (a) application is made within 12 months after the date
7 that such disability results in the loss of pay, or 12
8 months after the date that the Illinois Workers'
9 Compensation Commission rules on the application for an
10 occupational disability, or 12 months after the occurrence
11 of disablement if an occupational disease; ~~and~~

12 (b) proper proof is received from one or more licensed
13 healthcare practitioners ~~physicians~~ designated by the
14 Board certifying that the member is mentally or physically
15 incapacitated; ~~and.~~

16 (c) the Board may waive the application deadline
17 requirement as prescribed under item (a) of this Section
18 and the benefit shall be payable retroactive to the date
19 that the participant attained the eligibility criteria for
20 the benefit provided by this Section.

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

24 (1) the date on which disability ceases;

25 (2) the date on which the member engages in gainful
26 employment;

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

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

9 (5) the end of the month in which the death of the
10 member occurs.

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

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

19 The Board shall prescribe rules and regulations governing
20 the filing of claims for occupational disability benefits, and
21 the investigation, control and supervision of such claims.

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

23 (40 ILCS 5/14-123.1) (from Ch. 108 1/2, par. 14-123.1)

24 Sec. 14-123.1. Temporary disability benefit.

25 (a) A member who has at least 18 months of creditable

1 service and who becomes physically or mentally incapacitated to
2 perform the duties of his position shall receive a temporary
3 disability benefit, provided that:

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

16 (2) application is made not later than (i) 12 months
17 after the date that the disability results in loss of pay,
18 (ii) 12 months after the date the agency responsible for
19 determining the liability of the State under the Workers'
20 Compensation Act or Workers' Occupational Diseases Act has
21 formally denied or terminated the employer-paid temporary
22 total disability benefit, or (iii) in the case of
23 termination of an employer-paid temporary total disability
24 benefit, 12 months after the effective date of this
25 amendatory Act of 1995, whichever occurs last; ~~and~~

26 (3) proper proof is received from one or more licensed

1 healthcare practitioners ~~physicians~~ designated by the
2 Board certifying that the member is mentally or physically
3 incapacitated; and—

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

9 (b) In the case of a denial of benefits, the temporary
10 disability benefit shall begin to accrue on the 31st day of
11 absence from work on account of disability, but the benefit
12 shall not become actually payable to the member until the
13 expiration of 31 days from the day upon which the member last
14 received or had a right to receive any compensation.

15 In the case of termination of an employer-paid temporary
16 total disability benefit, the temporary disability benefit
17 under this Section shall be calculated from the day following
18 the date of termination of the employer-paid benefit or the
19 31st day of absence from work on account of disability,
20 whichever is later, but shall not become payable to the member
21 until (i) the member's right to an employer-paid temporary
22 total disability benefit is denied as a result of the ~~emergency~~
23 hearing held under Section 19(b) or Section 19(b-1) of the
24 Workers' Compensation Act or Section 19(b) or Section 19(b-1)
25 of the Workers' Occupational Diseases Act or (ii) the
26 expiration of 150 days from the date of termination of the

1 employer-paid benefit, whichever occurs first. If a terminated
2 employer-paid temporary total disability benefit is resumed or
3 replaced with another employer-paid disability benefit and the
4 resumed or replacement benefit is later terminated and the
5 member again files a petition for a emergency hearing under
6 Section 19(b) or Section 19(b-1) of the Workers' Compensation
7 Act or Section 19(b) or Section 19(b-1) of the Workers'
8 Occupational Diseases Act, the member may again become eligible
9 to receive a temporary disability benefit under this Section.
10 The waiting period before the temporary disability benefit
11 under this Section becomes payable applies each time that the
12 benefit is reinstated.

13 The benefit shall continue to accrue until the first of the
14 following events occurs:

15 (1) the disability ceases;

16 (2) the member engages in gainful employment;

17 (3) the end of the month in which the member attains
18 age 65, in the case of benefits commencing prior to
19 attainment of age 60;

20 (4) the end of the month following the fifth
21 anniversary of the effective date of the benefit in the
22 case of benefits commencing on or after attainment of age
23 60;

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

26 (6) the end of the month in which the aggregate period

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

18 (7) a payment is made on the member's claim pursuant to
19 a determination made by the agency responsible for
20 determining the liability of the State under the Workers'
21 Compensation Act or the Workers' Occupational Diseases
22 Act;

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

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

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

20 (d) The temporary disability benefit provided under this
21 Section is intended as a temporary payment of occupational or
22 nonoccupational disability benefit, whichever is appropriate,
23 in cases in which the occupational or nonoccupational character
24 of the disability has not been finally determined.

25 When an employer-paid disability benefit is paid or
26 resumed, the Board shall calculate the benefit that is payable

1 under Section 14-123 and shall deduct from the benefit payable
2 under Section 14-123 the amounts already paid under this
3 Section; those amounts shall then be treated as if they had
4 been paid under Section 14-123.

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

14 (e) Any excess benefits paid under this Section shall be
15 subject to recovery by the System from benefits payable under
16 the Workers' Compensation Act or the Workers' Occupational
17 Diseases Act or from third parties as provided in Section
18 14-129, or from any other benefits payable either to the member
19 or on his behalf under this Article. A member who accepts
20 benefits under this Section acknowledges and authorizes these
21 recovery rights of the System.

22 (f) Service credits under the State Universities
23 Retirement System and the Teachers' Retirement System of the
24 State of Illinois shall be considered for the purposes of
25 determining temporary disability benefit eligibility under
26 this Section, and for determining the total period of time for

1 which such benefits are payable.

2 (g) The Board shall prescribe rules and regulations
3 governing the filing of claims for temporary disability
4 benefits, and the investigation, control and supervision of
5 such claims.

6 (h) References in this Section to employer-paid benefits
7 include benefits paid for by the State, either directly or
8 through a program of insurance or self-insurance, whether paid
9 through the member's own department or through some other
10 department or entity; but the term does not include benefits
11 paid by the System under this Article.

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

13 (40 ILCS 5/14-124) (from Ch. 108 1/2, par. 14-124)

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

17 (1) application for the benefit is made to the system
18 by the member in writing after the commencement of
19 disability;

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

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

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

5 (5) the member has used all accumulated sick leave
6 available at the beginning of the leave of absence for
7 disability.

8 The benefit shall begin to accrue on the latest of: (i) the
9 31st day of absence from work on account of disability
10 (including any periods of such absence for which sick pay was
11 received); (ii) the day following the day on which the member
12 last receives or has a right to receive any compensation as an
13 employee, including any sick pay; or (iii) if application by
14 the member is delayed more than 90 days after the member's name
15 is removed from the payroll, the benefit shall be payable
16 retroactive to the date that a participant attained the
17 eligibility criteria as provided by this Section ~~the date~~
18 ~~application is received by the system.~~ The benefit shall
19 continue to accrue until the first of the following to occur:

20 (a) the date on which disability ceases;

21 (b) the end of the month in which the member attains
22 age 65 in the case of benefits commencing prior to
23 attainment of age 60;

24 (c) the end of the month following the fifth
25 anniversary of the effective date of the benefit, or of the
26 temporary disability benefit if one was received, in the

1 case of benefits commencing on or after attainment of age
2 60;

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

22 (e) the date on which the member engages in gainful
23 employment;

24 (f) the end of the month in which the death of the
25 member occurs.

26 If disability has ceased and the member again becomes

1 disabled within 60 days from date of resumption of State
2 employment, and if the disability is due to the same cause for
3 which he received nonoccupational disability benefit
4 immediately preceding such reentry into service, the 30 days
5 waiting period prescribed for the receipt of benefits is waived
6 as to such new period of disability.

7 A member shall be considered disabled only when the board
8 has received:

9 (a) a written certificate by one or more licensed
10 healthcare practitioners ~~and practicing physicians~~
11 designated by the board, certifying that the member is
12 disabled and unable properly to perform the duties of his
13 position at the time of disability; and

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

16 The board shall prescribe rules and regulations governing
17 the filing of claims for nonoccupational disability benefits,
18 and the investigation, control and supervision of such claims.

19 Service credits under the State Universities Retirement
20 System and the Teachers' Retirement System of the State of
21 Illinois shall be considered for the purposes of
22 nonoccupational disability benefit eligibility under this
23 Article and for the total period of time for which such
24 benefits are payable.

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

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

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

11 If a covered employee is eligible for a disability benefit
12 before attaining the Social Security full retirement age ~~65~~ or
13 a retirement benefit on or after attaining the Social Security
14 full retirement age ~~65~~ under the Federal Social Security Act,
15 the amount of the member's nonoccupational disability benefit
16 shall be reduced by the amount of primary benefit the member
17 would be eligible to receive under such Act, whether or not
18 entitlement thereto came about as the result of service as a
19 covered employee under this Article. The Board may make such
20 reduction if it appears that the employee may be so eligible
21 pending determination of eligibility and make an appropriate
22 adjustment if necessary after such determination. The amount of
23 any nonoccupational disability benefit payable under this
24 Article shall not be reduced by reason of any increase under
25 the Federal Social Security Act which occurs after the offset
26 required by this Section is first applied to that benefit.

1 For purposes of this Section, "Social Security full
2 retirement age" is the age at which an individual is eligible
3 to receive full Social Security retirement benefits.

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

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

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

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

23 (40 ILCS 5/15-158.2)

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

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

18 (b) Adoption by employers. Each employer subject to this
19 Article may elect to adopt the self-managed plan established
20 under this Section; this election is irrevocable. An employer's
21 election to adopt the self-managed plan makes available to the
22 eligible employees of that employer the elections described in
23 Section 15-134.5.

24 The State Universities Retirement System shall be the plan
25 sponsor for the self-managed plan and shall prepare a plan
26 document and prescribe such rules and procedures as are

1 considered necessary or desirable for the administration of the
2 self-managed plan. Consistent with its fiduciary duty to the
3 participants and beneficiaries of the self-managed plan, the
4 Board of Trustees of the System may delegate aspects of plan
5 administration as it sees fit to companies authorized to do
6 business in this State, to the employers, or to a combination
7 of both.

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

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

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

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

24 (4) the ability of the company to provide benefits
25 under the contract and the financial stability of the
26 company; and

1 (5) the efficacy of the contract in the recruitment and
2 retention of employees.

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

8 (d) Employee Direction. Employees who are participating in
9 the program must be allowed to direct the transfer of their
10 account balances among the various investment options offered,
11 subject to applicable contractual provisions. The participant
12 shall not be deemed a fiduciary by reason of providing such
13 investment direction. A person who is a fiduciary shall not be
14 liable for any loss resulting from such investment direction
15 and shall not be deemed to have breached any fiduciary duty by
16 acting in accordance with that direction. The System shall
17 provide advance notice to the participant of the participant's
18 obligation to direct the investment of employee and employer
19 contributions into one or more investment funds selected by the
20 System at the time he or she makes his or her initial
21 retirement plan selection. If a participant fails to direct the
22 investment of employee and employer contributions into the
23 various investment options offered to the participant when
24 making his or her initial retirement election choice, that
25 failure shall require the System to invest the employee and
26 employer contributions in a default investment fund on behalf

1 of the participant, and the investment shall be deemed to have
2 been made at the participant's investment direction. The
3 participant has the right to transfer account balances out of
4 the default investment fund during time periods designated by
5 the System. Neither the System nor the employer guarantees any
6 of the investments in the employee's account balances.

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

21 An employee who has elected to participate in the
22 self-managed plan under this Section must continue
23 participation while employed in an eligible position, and may
24 not participate in any other retirement program administered by
25 the System under this Article while employed by that employer
26 or any other employer that has adopted the self-managed plan,

1 unless the self-managed plan is terminated in accordance with
2 subsection (i).

3 Notwithstanding any other provision of this Article, a Tier
4 2 member shall have the option to enroll in the self-managed
5 plan.

6 Participation in the self-managed plan under this Section
7 shall constitute membership in the State Universities
8 Retirement System.

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

11 (f) Establishment of Initial Account Balance. If at the
12 time an employee elects to participate in the self-managed plan
13 he or she has rights and credits in the System due to previous
14 participation in the traditional benefit package, the System
15 shall establish for the employee an opening account balance in
16 the self-managed plan, equal to the amount of contribution
17 refund that the employee would be eligible to receive under
18 Section 15-154 if the employee terminated employment on that
19 date and elected a refund of contributions, except that this
20 hypothetical refund shall include interest at the effective
21 rate for the respective years. The System shall transfer assets
22 from the defined benefit retirement program to the self-managed
23 plan, as a tax free transfer in accordance with Internal
24 Revenue Service guidelines, for purposes of funding the
25 employee's opening account balance.

26 (g) No Duplication of Service Credit. Notwithstanding any

1 other provision of this Article, an employee may not purchase
2 or receive service or service credit applicable to any other
3 retirement program administered by the System under this
4 Article for any period during which the employee was a
5 participant in the self-managed plan established under this
6 Section.

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

10 The contribution rate for employees participating in the
11 self-managed plan under this Section shall be equal to the
12 employee contribution rate for other participants in the
13 System, as provided in Section 15-157. This required
14 contribution shall be made as an "employer pick-up" under
15 Section 414(h) of the Internal Revenue Code of 1986 or any
16 successor Section thereof. Any employee participating in the
17 System's traditional benefit package prior to his or her
18 election to participate in the self-managed plan shall continue
19 to have the employer pick up the contributions required under
20 Section 15-157. However, the amounts picked up after the
21 election of the self-managed plan shall be remitted to and
22 treated as assets of the self-managed plan. In no event shall
23 an employee have an option of receiving these amounts in cash.
24 Employees may make additional contributions to the
25 self-managed plan in accordance with procedures prescribed by
26 the System, to the extent permitted under rules prescribed by

1 the System.

2 The program shall provide for employer contributions to be
3 credited to each self-managed plan participant at a rate of
4 7.6% of the participating employee's salary, less the amount
5 used by the System to provide disability benefits for the
6 employee. The amounts so credited shall be paid into the
7 participant's self-managed plan accounts in a manner to be
8 prescribed by the System.

9 An amount of employer contribution, not exceeding 1% of the
10 participating employee's salary, shall be used for the purpose
11 of providing the disability benefits of the System to the
12 employee. Prior to the beginning of each plan year under the
13 self-managed plan, the Board of Trustees shall determine, as a
14 percentage of salary, the amount of employer contributions to
15 be allocated during that plan year for providing disability
16 benefits for employees in the self-managed plan.

17 The State of Illinois shall make contributions by
18 appropriations to the System of the employer contributions
19 required for employees who participate in the self-managed plan
20 under this Section. The amount required shall be certified by
21 the Board of Trustees of the System and paid by the State in
22 accordance with Section 15-165. The System shall not be
23 obligated to remit the required employer contributions to any
24 of the insurance and annuity companies, mutual fund companies,
25 banks, trust companies, financial institutions, or other
26 sponsors of any of the funding vehicles offered under the

1 self-managed plan until it has received the required employer
2 contributions from the State. In the event of a deficiency in
3 the amount of State contributions, the System shall implement
4 those procedures described in subsection (c) of Section 15-165
5 to obtain the required funding from the General Revenue Fund.

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

17 (j) Vesting; Withdrawal; Return to Service. A participant
18 in the self-managed plan becomes vested in the employer
19 contributions credited to his or her accounts in the
20 self-managed plan on the earliest to occur of the following:
21 (1) completion of 5 years of service with an employer described
22 in Section 15-106; (2) the death of the participating employee
23 while employed by an employer described in Section 15-106, if
24 the participant has completed at least 1 1/2 years of service;
25 or (3) the participant's election to retire and apply the
26 reciprocal provisions of Article 20 of this Code.

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

13 (k) Benefit amounts. If an employee who is vested in
14 employer contributions terminates employment, the employee
15 shall be entitled to a benefit which is based on the account
16 values attributable to both employer and employee
17 contributions and any investment return thereon.

18 If an employee who is not vested in employer contributions
19 terminates employment, the employee shall be entitled to a
20 benefit based solely on the account values attributable to the
21 employee's contributions and any investment return thereon,
22 and the employer contributions and any investment return
23 thereon shall be forfeited. Any employer contributions which
24 are forfeited shall be held in escrow by the company investing
25 those contributions and shall be used as directed by the System
26 for future allocations of employer contributions or for the

1 restoration of amounts previously forfeited by former
2 participants who again become participating employees.

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

4 (40 ILCS 5/18-125) (from Ch. 108 1/2, par. 18-125)
5 Sec. 18-125. Retirement annuity amount.

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

10 (b) Except as provided in subsection (b-5), effective July
11 1, 1971, the retirement annuity for any participant in service
12 on or after such date shall be 3 1/2% of final average salary,
13 as defined in this Section, for each of the first 10 years of
14 service, and 5% of such final average salary for each year of
15 service on excess of 10.

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

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

22 (2) for a participant who terminates service after June
23 30, 1975 and before July 1, 1982, the salary on the last
24 day of employment as a judge.

25 (3) for any participant who terminates service after

1 June 30, 1982 and before January 1, 1990, the average
2 salary for the final year of service as a judge.

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

7 (5) for a participant who terminates service on or
8 after the effective date of this amendatory Act of 1995,
9 the salary on the last day of employment as a judge, or the
10 highest salary received by the participant for employment
11 as a judge in a position held by the participant for at
12 least 4 consecutive years, whichever is greater.

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

18 For a participant who first serves as a judge on or after
19 August 10, 2009 (the effective date of Public Act 96-207) and
20 before January 1, 2011 (the effective date of Public Act
21 96-889), final average salary shall be the average monthly
22 salary obtained by dividing the total salary of the participant
23 during the period of: (1) the 48 consecutive months of service
24 within the last 120 months of service in which the total
25 compensation was the highest, or (2) the total period of
26 service, if less than 48 months, by the number of months of

1 service in that period.

2 The maximum retirement annuity for any participant shall be
3 85% of final average salary.

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

11 For a participant who first serves as a judge on or after
12 January 1, 2011 (the effective date of Public Act 96-889),
13 final average salary shall be the average monthly salary
14 obtained by dividing the total salary of the judge during the
15 96 consecutive months of service within the last 120 months of
16 service in which the total salary was the highest by the number
17 of months of service in that period; however, beginning January
18 1, 2011, the annual salary for all purposes under this Article
19 may not exceed \$106,800, except that that amount shall annually
20 thereafter be increased by the lesser of (i) 3% of that amount,
21 including all previous adjustments, or (ii) the annual
22 unadjusted percentage increase (but not less than zero) in the
23 consumer price index-u for the 12 months ending with the
24 September preceding each November 1. "Consumer price index-u"
25 means the index published by the Bureau of Labor Statistics of
26 the United States Department of Labor that measures the average

1 change in prices of goods and services purchased by all urban
2 consumers, United States city average, all items, 1982-84 =
3 100. The new amount resulting from each annual adjustment shall
4 be determined by the Public Pension Division of the Department
5 of Insurance and made available to the Board by November 1st of
6 each year.

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

19 The reduction in retirement annuity imposed by this
20 subsection shall not apply in the case of retirement on account
21 of disability.

22 (d) Notwithstanding any other provision of this Article,
23 for a participant who first serves as a judge on or after
24 January 1, 2011 (the effective date of Public Act 96-889) and
25 who is retiring after attaining age 62, the retirement annuity
26 shall be reduced by $1/2$ of 1% for each month that the

1 participant's age is under age 67 at the time the annuity
2 commences.

3 (Source: P.A. 96-207, eff. 8-10-09; 96-889, eff. 1-1-11;
4 96-1000, eff. 7-2-10; 96-1490, eff. 1-1-11.)

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

6 Sec. 18-126.1. Temporary total disability. A participant
7 who has served for at least 2 years as a judge and has at least
8 2 years of service credit shall be entitled to a temporary
9 total disability benefit provided:

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

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

15 (3) The board has received written certifications by at
16 least 2 licensed and practicing physicians designated by it
17 certifying that the participant is totally disabled and unable
18 to perform the duties of his or her office as a consequence
19 thereof; and

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

22 The benefit shall begin as of the day following the
23 removal of the judge from the payroll on account of the
24 disability and be payable during the period of disability but
25 not beyond the term of office for which the participant was

1 last elected or appointed.

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

9 A participant shall receive service credit for retirement
10 and survivor's annuity purposes for the period that temporary
11 disability benefits are paid.

12 The board shall prescribe rules and regulations necessary
13 for the administration of this benefit.

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

15 (40 ILCS 5/18-128.01) (from Ch. 108 1/2, par. 18-128.01)
16 Sec. 18-128.01. Amount of survivor's annuity.

17 (a) Upon the death of an annuitant, his or her surviving
18 spouse shall be entitled to a survivor's annuity of 66 2/3% of
19 the annuity the annuitant was receiving immediately prior to
20 his or her death, inclusive of annual increases in the
21 retirement annuity to the date of death.

22 (b) Upon the death of an active participant, his or her
23 surviving spouse shall receive a survivor's annuity of 66 2/3%
24 of the annuity earned by the participant as of the date of his
25 or her death, determined without regard to whether the

1 participant had attained age 60 as of that time, or 7 1/2% of
2 the last salary of the decedent, whichever is greater.

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

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

19 (e) The changes made in the survivor's annuity provisions
20 by Public Act 82-306 shall apply to the survivors of a deceased
21 participant or annuitant whose death occurs on or after August
22 21, 1981.

23 (f) Beginning January 1, 1990, every survivor's annuity
24 shall be increased (1) on each January 1 occurring on or after
25 the commencement of the annuity if the deceased member died
26 while receiving a retirement annuity, or (2) in other cases, on

1 each January 1 occurring on or after the first anniversary of
2 the commencement of the annuity, by an amount equal to 3% of
3 the current amount of the annuity, including any previous
4 increases under this Article. Such increases shall apply
5 without regard to whether the deceased member was in service on
6 or after the effective date of this amendatory Act of 1991, but
7 shall not accrue for any period prior to January 1, 1990.

8 (g) Notwithstanding any other provision of this Article,
9 the initial survivor's annuity for a survivor of a participant
10 who first serves as a judge after January 1, 2011 (the
11 effective date of Public Act 96-889) shall be in the amount of
12 $66 \frac{2}{3}\%$ of the annuity received or earned by the decedent, and
13 shall be increased (1) on each January 1 occurring on or after
14 the commencement of the annuity if the deceased participant
15 died while receiving a retirement annuity, or (2) in other
16 cases, on each January 1 occurring on or after the first
17 anniversary of the commencement of the annuity, but in no event
18 prior to age 67, by an amount equal to 3% or the annual
19 unadjusted percentage increase in the consumer price index-u as
20 determined by the Public Pension Division of the Department of
21 Insurance under subsection (b-5) of Section 18-125, whichever
22 is less, of the survivor's annuity then being paid. If 2 or
23 more persons are eligible to receive survivor's annuities as
24 provided under this Section based on the same deceased
25 participant that first serves as a judge after January 1, 2011,
26 the calculation of the survivor's annuities shall be based on

1 the total calculation of the survivor's annuity and divided pro
2 rata.

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

4 (40 ILCS 5/18-133) (from Ch. 108 1/2, par. 18-133)

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

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

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

14 (2) A participant who continues to serve as a judge
15 after becoming eligible to receive the maximum rate of
16 annuity may elect, through a written direction filed with
17 the Board, to discontinue contributing to the System. Any
18 such option elected by a judge shall be irrevocable unless
19 prior to January 1, 2000, and while continuing to serve as
20 judge, the judge (A) files with the Board a letter
21 cancelling the direction to discontinue contributing to
22 the System and requesting that such contributing resume,
23 and (B) pays into the System an amount equal to the total
24 of the discontinued contributions plus interest thereon at
25 5% per annum. Service credits earned in any other

1 "participating system" as defined in Article 20 of this
2 Code shall be considered for purposes of determining a
3 judge's eligibility to discontinue contributions under
4 this subdivision (a)(2).

5 (3) A participant who (i) first serves as a judge
6 before January 1, 2011 and has attained age 60, or first
7 serves as a judge on or after January 1, 2011 and has
8 attained age 67, (ii) continues to serve as a judge after
9 becoming eligible to receive the maximum rate of annuity,
10 and (iii) has not elected to discontinue contributing to
11 the System under subdivision (a)(2) of this Section (or has
12 revoked any such election) may elect, through a written
13 direction filed with the Board, to make contributions to
14 the System based only on the amount of the increases in
15 salary received by the judge on or after the date of the
16 election, rather than the total salary received. If a judge
17 who is making contributions to the System on the effective
18 date of this amendatory Act of the 91st General Assembly
19 makes an election to limit contributions under this
20 subdivision (a)(3) within 90 days after that effective
21 date, the election shall be deemed to become effective on
22 that effective date and the judge shall be entitled to
23 receive a refund of any excess contributions paid to the
24 System during that 90-day period; any other election under
25 this subdivision (a)(3) becomes effective on the first of
26 the month following the date of the election. An election

1 to limit contributions under this subdivision (a) (3) is
2 irrevocable. Service credits earned in any other
3 participating system as defined in Article 20 of this Code
4 shall be considered for purposes of determining a judge's
5 eligibility to make an election under this subdivision
6 (a) (3).

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

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

19 (d) Notwithstanding any other provision of this Article,
20 the required contributions for a participant who first becomes
21 a participant on or after January 1, 2011 shall not exceed the
22 contributions that would be due under this Article if that
23 participant's highest salary for annuity purposes were
24 \$106,800, plus any increase in that amount under Section
25 18-125.

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".