

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by changing
5 Section 7-114 as follows:

6 (40 ILCS 5/7-114) (from Ch. 108 1/2, par. 7-114)

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

9 Sec. 7-114. Earnings. "Earnings":

10 (a) An amount to be determined by the board, equal to the
11 sum of:

12 1. The total amount of money paid to an employee for
13 personal services or official duties as an employee (except
14 those employed as independent contractors) paid out of the
15 general fund, or out of any special funds controlled by the
16 municipality, or by any instrumentality thereof, or
17 participating instrumentality, including compensation,
18 fees, allowances (but not including amounts associated
19 with a vehicle allowance payable to an employee who first
20 becomes a participating employee on or after the effective
21 date of this amendatory Act of the 100th General Assembly),
22 or other emolument paid for official duties (but not
23 including automobile maintenance, travel expense, or

1 reimbursements for expenditures incurred in the
2 performance of duties) and, for fee offices, the fees or
3 earnings of the offices to the extent such fees are paid
4 out of funds controlled by the municipality, or
5 instrumentality or participating instrumentality; and

6 2. The money value, as determined by rules prescribed
7 by the governing body of the municipality, or
8 instrumentality thereof, of any board, lodging, fuel,
9 laundry, and other allowances provided an employee in lieu
10 of money.

11 (b) For purposes of determining benefits payable under this
12 fund payments to a person who is engaged in an independently
13 established trade, occupation, profession or business and who
14 is paid for his service on a basis other than a monthly or
15 other regular salary, are not earnings.

16 (c) If a disabled participating employee is eligible to
17 receive Workers' Compensation for an accidental injury and the
18 participating municipality or instrumentality which employed
19 the participating employee when injured continues to pay the
20 participating employee regular salary or other compensation or
21 pays the employee an amount in excess of the Workers'
22 Compensation amount, then earnings shall be deemed to be the
23 total payments, including an amount equal to the Workers'
24 Compensation payments. These payments shall be subject to
25 employee contributions and allocated as if paid to the
26 participating employee when the regular payroll amounts would

1 have been paid if the participating employee had continued
2 working, and creditable service shall be awarded for this
3 period.

4 (d) If an elected official who is a participating employee
5 becomes disabled but does not resign and is not removed from
6 office, then earnings shall include all salary payments made
7 for the remainder of that term of office and the official shall
8 be awarded creditable service for the term of office.

9 (e) If a participating employee is paid pursuant to "An Act
10 to provide for the continuation of compensation for law
11 enforcement officers, correctional officers and firemen who
12 suffer disabling injury in the line of duty", approved
13 September 6, 1973, as amended, the payments shall be deemed
14 earnings, and the participating employee shall be awarded
15 creditable service for this period.

16 (f) Additional compensation received by a person while
17 serving as a supervisor of assessments, assessor, deputy
18 assessor or member of a board of review from the State of
19 Illinois pursuant to Section 4-10 or 4-15 of the Property Tax
20 Code shall not be earnings for purposes of this Article and
21 shall not be included in the contribution formula or
22 calculation of benefits for such person pursuant to this
23 Article.

24 (Source: P.A. 87-740; 88-670, eff. 12-2-94.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.