



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

#### HB4197

Introduced 10/27/2021, by Rep. Michael J. Zalewski

#### SYNOPSIS AS INTRODUCED:

40 ILCS 5/11-215

from Ch. 108 1/2, par. 11-215

Amends the Chicago Laborers Article of the Illinois Pension Code. In provisions concerning contributions for leaves of absence during which a participant is employed by a local labor organization, provides that for levy year 2017 and until the effective date of the amendatory Act, the participant, or the labor organization on the participant's behalf, shall make employer contributions equal to the contributions the participant would have made if the participant was an active employee. Provides that beginning after the effective date of the amendatory Act, the participant, or the labor organization on the participant's behalf, shall make employer contributions equal to the difference between the amount contributed by the participant as though the participant was an active employee and the normal cost, which shall be calculated by the Fund's actuary on an aggregate basis specific to the participant's Tier based on the Fund's most recent actuarial valuation and shall be effective on each July 1 after the Board certifies the amount of the contribution to the participant. Effective immediately.

LRB102 19594 RPS 28362 b

FISCAL NOTE ACT  
MAY APPLY

PENSION IMPACT  
NOTE ACT MAY  
APPLY

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  
5 changing Section 11-215 as follows:

6 (40 ILCS 5/11-215) (from Ch. 108 1/2, par. 11-215)  
7 Sec. 11-215. Computation of service.

8 (a) In computing the term of service of an employee prior  
9 to the effective date, the entire period beginning on the date  
10 he was first appointed and ending on the day before the  
11 effective date, except any intervening period during which he  
12 was separated by withdrawal from service, shall be counted for  
13 all purposes of this Article. Only the first year of each  
14 period of lay-off or leave of absence without pay, continuing  
15 or extending for a period in excess of one year, shall be  
16 counted as such service.

17 (b) For a person employed by an employer for whom this  
18 Article was in effect prior to August 1, 1949, from whose  
19 salary deductions are first made under this Article after July  
20 31, 1949, any period of service rendered prior to the  
21 effective date, unless he was in service on the day before the  
22 effective date, shall not be counted as service.

23 (c) In computing the term of service of an employee

1 subsequent to the day before the effective date, the following  
2 periods of time shall be counted as periods of service for  
3 annuity purposes:

4 (1) the time during which he performed the duties of  
5 his position;

6 (2) leaves of absence with whole or part pay, and  
7 leaves of absence without pay not longer than 90 days;

8 (3) leaves of absence without pay that begin before  
9 the effective date of this amendatory Act of the 97th  
10 General Assembly and during which a participant is  
11 employed full-time by a local labor organization that  
12 represents municipal employees, provided that:

13 (A) the participant continues to make employee  
14 contributions to the Fund as though he were an active  
15 employee, based on the regular salary rate received by  
16 the participant for his municipal employment  
17 immediately prior to such leave of absence (and in the  
18 case of such employment prior to December 9, 1987,  
19 pays to the Fund an amount equal to the employee  
20 contributions for such employment plus regular  
21 interest thereon as calculated by the board), and  
22 based on his current salary with such labor  
23 organization after the effective date of this  
24 amendatory Act of 1991; τ

25 (B) ~~after January 1, 1989~~ the participant, or the  
26 labor organization on the participant's behalf, makes

1 contributions to the Fund as though it were the  
2 employer, as follows:

3 (i) after January 1, 1989 and prior to levy  
4 year 2017, in the same amount and same manner as  
5 specified under this Article, based on the regular  
6 salary rate received by the participant for his  
7 municipal employment immediately prior to such  
8 leave of absence, and based on his current salary  
9 with such labor organization after the effective  
10 date of this amendatory Act of 1991;

11 (ii) beginning in levy year 2017 and until the  
12 effective date of this amendatory Act of the 102nd  
13 General Assembly, in an amount equal to the  
14 contribution by the participant under subparagraph  
15 (A) of this paragraph; and

16 (iii) on and after the effective date of this  
17 amendatory Act of the 102nd General Assembly, in  
18 an amount equal to the difference between the  
19 contribution by the participant under subparagraph  
20 (A) of this paragraph and the normal cost, which  
21 shall be calculated by the Fund's actuary on an  
22 aggregate basis specific to the participant's Tier  
23 based on the Fund's most recent actuarial  
24 valuation and shall be effective on each July 1  
25 after the Board certifies the amount of the  
26 contribution to the participant; 7 and

1 (C) the participant does not receive credit in any  
2 pension plan established by the local labor  
3 organization based on his employment by the  
4 organization;

5 (4) any period of disability for which he received (i)  
6 a disability benefit under this Article, or (ii) a  
7 temporary total disability benefit under the Workers'  
8 Compensation Act if the disability results from a  
9 condition commonly termed heart attack or stroke or any  
10 other condition falling within the broad field of coronary  
11 involvement or heart disease, or (iii) whole or part pay.

12 (d) For a person employed by an employer, or the  
13 retirement board, in which "The 1935 Act" was in effect prior  
14 to August 1, 1949, from whose salary deductions are first made  
15 under "The 1935 Act" or this Article after July 31, 1949, any  
16 period of service rendered subsequent to the effective date  
17 and prior to August 1, 1949, shall not be counted as a period  
18 of service under this Article, except such period for which he  
19 made payment, as provided in Section 11-221 of this Article,  
20 in which case such period shall be counted as a period of  
21 service for all annuity purposes hereunder.

22 (e) In computing the term of service of an employee  
23 subsequent to the day before the effective date for ordinary  
24 disability benefit purposes, the following periods of time  
25 shall be counted as periods of service:

26 (1) any period during which he performed the duties of

1 his position;

2 (2) leaves of absence with whole or part pay;

3 (3) any period of disability for which he received (i)  
4 a duty disability benefit under this Article, or (ii) a  
5 temporary total disability benefit under the Workers'  
6 Compensation Act if the disability results from a  
7 condition commonly termed heart attack or stroke or any  
8 other condition falling within the broad field of coronary  
9 involvement or heart disease, or (iii) whole or part pay.

10 However, any period of service rendered by an employee  
11 contributor prior to the date he became a contributor to the  
12 fund shall not be counted as a period of service for ordinary  
13 disability purposes, unless the person made payment for the  
14 period as provided in Section 11-221 of this Article, in which  
15 case the period shall be counted as a period of service for  
16 ordinary disability purposes for periods of disability on or  
17 after the effective date of this amendatory Act of 1997.

18 Overtime or extra service shall not be included in  
19 computing any term of service. Not more than 1 year of service  
20 shall be allowed for service rendered during any calendar  
21 year.

22 For the purposes of this Section, the phrase "any pension  
23 plan established by the local labor organization" means any  
24 pension plan in which a participant may receive credit as a  
25 result of his or her membership in the local labor  
26 organization, including, but not limited to, the local labor

1 organization itself and its affiliates at the local,  
2 intrastate, State, multi-state, national, or international  
3 level. The definition of this phrase is a declaration of  
4 existing law and shall not be construed as a new enactment.

5 (Source: P.A. 97-651, eff. 1-5-12.)

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