

HB5174



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5174

Introduced 2/9/2024, by Rep. Jackie Haas

SYNOPSIS AS INTRODUCED:

40 ILCS 5/7-144

from Ch. 108 1/2, par. 7-144

Amends the Illinois Municipal Retirement Fund (IMRF) Article of the Illinois Pension Code. In a provision concerning suspensions of retirement annuities during employment with a participating employer, provides that an annuitant receiving a sheriff's law enforcement employee annuity shall be considered a participating employee if the annuitant returns to work as a school security guard employed by a participating employer and works more than 999 hours annually. Effective immediately.

LRB103 38685 RPS 68822 b

A BILL FOR

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 7-144 as follows:

6 (40 ILCS 5/7-144) (from Ch. 108 1/2, par. 7-144)

7 Sec. 7-144. Retirement annuities; suspended during
8 employment.

9 (a) If any person receiving any annuity again becomes an
10 employee and receives earnings from employment in a position
11 requiring him, or entitling him to elect, to become a
12 participating employee, then the annuity payable to such
13 employee shall be suspended as of the first day of the month
14 coincidental with or next following the date upon which such
15 person becomes such an employee, unless the person is
16 authorized under subsection (b) of Section 7-137.1 of this
17 Code to continue receiving a retirement annuity during that
18 period. Upon proper qualification of the participating
19 employee payment of such annuity may be resumed on the first
20 day of the month following such qualification and upon proper
21 application therefor. The participating employee in such case
22 shall be entitled to a supplemental annuity arising from
23 service and credits earned subsequent to such re-entry as a

1 participating employee.

2 Notwithstanding any other provision of this Article, an
3 annuitant shall be considered a participating employee if he
4 or she returns to work as an employee with a participating
5 employer and works more than 599 hours annually (or 999 hours
6 annually with a participating employer that has adopted a
7 resolution pursuant to subsection (e) of Section 7-137 of this
8 Code). Each of these annual periods shall commence on the
9 month and day upon which the annuitant is first employed with
10 the participating employer following the effective date of the
11 annuity.

12 Notwithstanding any other provision of this Article, an
13 annuitant receiving an annuity under Section 7-142.1 shall be
14 considered a participating employee if the annuitant returns
15 to work as a school security guard employed by a participating
16 employer and works more than 999 hours annually.

17 (a-5) If any annuitant under this Article must be
18 considered a participating employee per the provisions of
19 subsection (a) of this Section, and the participating
20 municipality or participating instrumentality that employs or
21 re-employs that annuitant knowingly fails to notify the Board
22 to suspend the annuity, the participating municipality or
23 participating instrumentality may be required to reimburse the
24 Fund for an amount up to one-half of the total of any annuity
25 payments made to the annuitant after the date the annuity
26 should have been suspended, as determined by the Board. In no

1 case shall the total amount repaid by the annuitant plus any
2 amount reimbursed by the employer to the Fund be more than the
3 total of all annuity payments made to the annuitant after the
4 date the annuity should have been suspended. This subsection
5 shall not apply if the annuitant returned to work for the
6 employer for less than 12 months.

7 The Fund shall notify all annuitants that they must notify
8 the Fund immediately if they return to work for any
9 participating employer. The notification by the Fund shall
10 occur upon retirement and no less than annually thereafter in
11 a format determined by the Fund. The Fund shall also develop
12 and maintain a system to track annuitants who have returned to
13 work and notify the participating employer and annuitant at
14 least annually of the limitations on returning to work under
15 this Section.

16 (b) Supplemental annuities to persons who return to
17 service for less than 48 months shall be computed under the
18 provisions of Sections 7-141, 7-142, and 7-143. In determining
19 whether an employee is eligible for an annuity which requires
20 a minimum period of service, his entire period of service
21 shall be taken into consideration but the supplemental annuity
22 shall be based on earnings and service in the supplemental
23 period only. The effective date of the suspended and
24 supplemental annuity for the purpose of increases after
25 retirement shall be considered to be the effective date of the
26 suspended annuity.

1 (c) Supplemental annuities to persons who return to
2 service for 48 months or more shall be a monthly amount
3 determined as follows:

4 (1) An amount shall be computed under subparagraph b
5 of paragraph (1) of subsection (a) of Section 7-142,
6 considering all of the service credits of the employee.

7 (2) The actuarial value in monthly payments for life
8 of the annuity payments made before suspension shall be
9 determined and subtracted from the amount determined in
10 paragraph (1) above.

11 (3) The monthly amount of the suspended annuity, with
12 any applicable increases after retirement computed from
13 the effective date to the date of reinstatement, shall be
14 subtracted from the amount determined in paragraph (2)
15 above and the remainder shall be the amount of the
16 supplemental annuity provided that this amount shall not
17 be less than the amount computed under subsection (b) of
18 this Section.

19 (4) The suspended annuity shall be reinstated at an
20 amount including any increases after retirement from the
21 effective date to date of reinstatement.

22 (5) The effective date of the combined suspended and
23 supplemental annuities for the purposes of increases after
24 retirement shall be considered to be the effective date of
25 the supplemental annuity.

26 (d) If a Tier 2 regular employee becomes a member or

1 participant under any other system or fund created by this
2 Code and is employed on a full-time basis, except for those
3 members or participants exempted from the provisions of
4 subsection (a) of Section 1-160 of this Code (other than a
5 participating employee under this Article), then the person's
6 retirement annuity shall be suspended during that employment.
7 Upon termination of that employment, the person's retirement
8 annuity shall resume and be recalculated as required by this
9 Section.

10 (e) If a Tier 2 regular employee first began participation
11 on or after January 1, 2012 and is receiving a retirement
12 annuity and accepts on a contractual basis a position to
13 provide services to a governmental entity from which he or she
14 has retired, then that person's annuity or retirement pension
15 shall be suspended during that contractual service,
16 notwithstanding the provisions of any other Section in this
17 Article. Such annuitant shall notify the Fund, as well as his
18 or her contractual employer, of his or her retirement status
19 before accepting contractual employment. A person who fails to
20 submit such notification shall be guilty of a Class A
21 misdemeanor and required to pay a fine of \$1,000. Upon
22 termination of that contractual employment, the person's
23 retirement annuity shall resume and be recalculated as
24 required by this Section.

25 (Source: P.A. 102-210, eff. 1-1-22; 103-154, eff. 6-30-23.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.